

PERSONNEL SUB-COMMITTEE AGENDA



Wednesday 12 February 2014

at 9.30 am

**in Committee Room A.
Civic Centre, Hartlepool.**

MEMBERS: PERSONNEL SUB-COMMITTEE

Councillors Fisher, Loynes and Robinson.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

To confirm the minutes of the meeting held on 4 February 2014 (to follow).

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

5. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

6. ITEMS FOR DECISION

- 6.1 Discipline Dismissal Appeal – NC – *Assistant Director of Community Services / HR Business Partner* (Para 1)

Dismissal Appeal Hearing – Meeting Procedure

Management Case

1. The management representative and/or Workforce Services representative shall state the case.
2. The management representative and/or Workforce Services representative may call witnesses and the procedure for questioning each witness shall be:
 - Management and/or Workforce Services representative to question
 - Employee and/or representative to question
 - Each Member of the Committee and the Assistant Chief Executive or representative to be invited to ask any questions
 - Management and/or Workforce Services representative to re-examine
 - Witness to retire
3. The employee or representative may ask questions of the management representative and/or Workforce Services representative.
4. The Committee Members and the Assistant Chief Executive or representative may ask questions of the management representatives and/or Workforce Services representative.

Employee Case / Response

5. The employee or representative shall state the case.
6. The employee or representative may call witnesses and the procedure for questioning each witness shall be:
 - Employee and/or representative to question.
 - Management representative and/or Workforce Services representative to question.
 - Each Member of the Committee and the Assistant Chief Executive or representative to be invited to ask any questions.
 - Employee and/or representative to re-examine.
 - Witness to retire
7. The management representative and/or Workforce Services representative may ask questions of the employee.
8. The Committee Members and the Assistant Chief Executive or representative may ask questions of the employee and/or representative.

Summing Up

9. The management representative and/or Workforce Services representative to have the opportunity to sum up the case, if they choose to.
10. The employee and/or representative to have the opportunity to sum up the case, if they choose to.
11. The management representative and Workforce Services representative, the employee and representative to withdraw.
12. The Committee to deliberate in private with only the Assistant Chief Executive or representative and Democratic Services Officer in attendance, recalling the management representative, Workforce Services representative, the employee and representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.

Decision

13. The Committee shall announce its decision to both parties unless further time for deliberation is needed; in which case both parties will be advised of this.
14. The decision of the Committee and the terms of this will be notified to both parties in writing within 7 calendar days of the hearing.

General Notes

1. The provision for summing up at (9) and (10) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other party should be given the right of reply.
2. Any matters not covered by the above procedure will be for the Committee to determine.
3. The employee representative must be a Trade Union representative or colleague from work
4. When advising the Committee, the Assistant Chief Executive or representative shall not have had any involvement in the original decision to dismiss.
5. Where a decision has been taken not to allow the appeal and this has been communicated to the member of staff as in (13) above and the Committee wish to make an offer of re-engagement, such an offer would be made after stage (13) of the procedure as a distinctly separate matter from the appeal.

September 2010