

PERSONNEL SUB-COMMITTEE AGENDA



Monday 26 June 2017

at 10.00 am

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

MEMBERS: PERSONNEL SUB-COMMITTEE

Councillors Martin-Wells, Cook and Hamilton.

- 1. APOLOGIES FOR ABSENCE**
- 2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
- 3. MINUTES**

To confirm the minutes of the meeting held on 17 October, 2016.

- 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 Grievance Hearing – EB – *Director of Finance and Policy* (para. 1)

- 7. ANY OTHER CONFIDENTIAL BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

PERSONNEL SUB COMMITTEE

MINUTES AND DECISION RECORD

17 October 2016

The meeting commenced at 9.30 am in the Civic Centre, Hartlepool

Present:

Councillor: Ray Martin-Wells

Councillor: Stephen Akers-Belcher and Lesley Hamilton

Also present:

The Appellant (JE)

Officers: Andrew Atkin, Assistant Chief Executive
Gillian Laight, HR Business Partner (Committee Advisor)
Chris Pendlington, Senior HR Business Officer (Management Advisor)
Angela Armstrong, Principal Democratic Services Officer

35. Apologies for Absence

None.

36. Declarations of interest by Members

None.

37. Confirmation of the minutes of the meeting held on 20 September 2016

Confirmed.

38. Local Government (Access to Information) (Variation) Order 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 39 – Discipline Dismissal Appeal (JE) (Assistant Chief Executive) -

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).

- 39. Discipline Dismissal Appeal (Assistant Chief Executive)** (This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1)

The Committee was convened to consider an appeal against a discipline dismissal received from a former employee of the Council (JE). Further details can be found in the exempt section of the minutes.

Decision

The Committee stood adjourned to be reconvened on Thursday 27 October 2016 at 12 noon.

- 40. Any Other Items which the Chairman Considers are Urgent**

None.

The meeting stood adjourned at 12.05 pm

The meeting reconvened on Thursday 27 October 2016

at 12.35 pm

in the Civic Centre, Hartlepool

Present:

Councillor: Ray Martin-Wells

Councillor: Stephen Akers-Belcher and Lesley Hamilton

Also present:

The Appellant (JE)

Officers: Andrew Atkin, Assistant Chief Executive
Gillian Laight, HR Business Partner (Committee Advisor)
Chris Pendlington, Senior HR Business Officer (Management Advisor)
Angela Armstrong, Principal Democratic Services Officer

41. Local Government (Access to Information) (Variation) Order 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 42 – Discipline Dismissal Appeal (JE) (*Assistant Chief Executive*) - This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1).

42. Discipline Dismissal Appeal (*Assistant Chief Executive*) (This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to a particular employee, former employee or applicant to become an employee of the Council (para 1)

The Committee was convened to consider an appeal against a discipline dismissal received from a former employee of the Council (JE). Further details can be found in the exempt section of the minutes.

Decision

The decision was included within the exempt section of the minutes and decision record.

Meeting concluded at 12:40 pm

CHAIR

Grievance Policy and Procedure

Appendix A

1 Constitution of the Committee

- 1.1 A Stage 3 Grievance will be heard by a duly convened and quorate Personnel Sub Committee of the Council. The Constitution defines the makeup of the Committee and how many Members constitute a quorum.
- 1.2 Members who have had any direct prior involvement in the case or where they have a prejudicial or pecuniary interest in the case will be excluded from sitting. The Human Resources Adviser to the Committee will attend the appeal to provide advice (including procedural and employment law advice) and will assist Members in establishing the facts being presented to them.
- 1.3 Normal Council Democratic Services support will be provided to the Committee. The Democratic Services Officer shall record the decision of the Committee but is not present to provide any form of advice other than on administrative matters.

2 Written Statements

- 2.1 Both Management and the Employee will be invited to submit a written statement of case.
- 2.2 Members of the committee will receive these statements (where submitted) 7 days before the hearing.
- 2.3 Where both parties have submitted statements these will be exchanged at least 3 days before the date of the hearing or as soon as possible if received after 3 days.
- 2.4 If one party does not produce a statement then they will receive the other party's statement as early as practicable on the day of the hearing.
- 2.5 Notice of a hearing will normally be 7 days unless it is agreed by both sides that a shorter notice period is acceptable.

3 Representation and Attendance

- 3.1 The Employee bringing the grievance appeal may attend with one Representative.
- 3.2 The Manager attending the appeal will attend with one HR Representative.
- 3.3 Witnesses, if any, will be called in to give evidence and will then leave the hearing.
- 3.4 It is at the discretion of the Panel to permit either side to bring additional Representatives/Managers, and to decide whether they may attend in an observer or participant capacity.

4 Procedure

The procedure will be as follows:

- (a) The aggrieved Employee and/or Representative shall state their grievance.
- (b) Whilst stating the grievance, if appropriate the Employee or their Representative may call Witnesses. The procedure for each Witness shall be:
 - Employee and/or Representative to question.
 - Management and/or HR Business Representative to question.
 - Employee or Representative to re-examine.
 - Chair to invite each member of the Committee and the HR Adviser to ask any questions.
 - Witness to leave the room.
- (c) The Management and/or HR Representative may ask questions of the Employee or Representative.
- (d) The Committee Members and the HR Adviser may ask questions of the Employee or Representative.
- (e) The Management and/or HR Representative to state the response to the grievance.
- (f) Whilst responding the Management and/or HR Representative may call Witnesses and the procedure for each Witness shall be:
 - Management and/or HR Representative to question.
 - Employee and/or Representative to question.
 - Management and/or HR Representative to re-examine.
 - Chair to invite each member of the Committee and the HR Adviser to ask any questions
 - Witness to leave the room.
- (g) The Employee/Representative may ask questions of the Manager and/or HR Representative.
- (h) The Committee members and the HR Adviser may ask questions of the Management and/or HR Representative.
- (i) The Management and/or HR Representative to have the opportunity to sum up his/her case if he/she wishes.
- (j) The Appellant or Representative to have the opportunity to sum up his/her case if he/she wishes.

- (k) The Management and HR Representative and the Appellant and Representative to withdraw.
 - (l) The Committee to deliberate in private with only the HR Adviser and Secretary in attendance recalling the Management Representative, HR 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.
 - (m) The Committee shall announce its decision to both sides unless further time for deliberation is needed, in which case both sides will be advised of this.
 - (n) The decision of the Committee will be notified to both sides in writing within 7 days of the hearing.
- 4.1 The provision for summing up at (i) and (j) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other side should be given the right of reply.
- 4.2 Any matters of procedure not covered above will be for the Committee to decide.