

PERSONNEL SUB-COMMITTEE AGENDA



Tuesday 3 October 2017

at 9.30 am,

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

MEMBERS: PERSONNEL SUB-COMMITTEE

Councillors Belcher, Martin-Wells and Tennant.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **MINUTES**
 - 3.1 To confirm the minutes of the meeting held on 20 September, 2017 (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 Redundancy Appeal Hearing – NJ – *Assistant Director, Environment and Neighbourhoods* (para 1)
7. **ANY OTHER CONFIDENTIAL BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

PERSONNEL SUB COMMITTEE
MINUTES AND DECISION RECORD
20 September 2017

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool

Present:

Councillor: Ray Martin-Wells (in the Chair)

Councillor: Rob Cook and Lesley Hamilton

Also present:

Appellant

Officers: Denise Ogden, Director of Regeneration and Neighbourhoods
Tony Hanson, Assistant Director, Environment and Neighbourhood Services
Gillian Laight, HR Business Partner (Committee HR Advisor)
Jaysen Gray, Senior HR Business Officer (Management HR Advisor)
Jeff Mason, Investigating Officer
Denise Wimpenny, Principal Democratic Services Officer

13. Apologies for Absence

None.

14. Declarations of interest by members

None.

15. Confirmation of the minutes of the meeting held on 15 August 2017

Confirmed.

16. 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 they involved the likely disclosure of exempt information as defined in paragraph 1 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 17 – Verbal Update - Grievance Hearing – 26 June 2017 – Director of Regeneration and Neighbourhoods - 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 any individual (para 1).

Minute 18 – Grievance Hearing (AB) – Assistant Director, Environment and Neighbourhood Services - 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 any individual (para 1).

17. **Verbal Update - Grievance Hearing – 26 June 2017**

(Director of Regeneration and Neighbourhoods) (This item contains exempt information under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual (para 1)

The Director of Regeneration and Neighbourhoods updated Members on the actions that had been taken, as set out in an action plan, a copy of which was tabled at the meeting, following a request for an update by the Sub-Committee at the meeting held on 26 June 2017. Further details were set out in the exempt section of the minutes.

Decision

That the information given, be noted.

18. **Grievance Hearing** *(Assistant Director, Environment and Neighbourhood Services)* (This item contains exempt information under Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information relating to any individual (para 1)

The Sub-Committee considered a grievance submitted in accordance with the Council's staffing policies. Details were set out in the exempt section of the minutes.

Decision

The decision was set out in the exempt section of the minutes.

19. Any Other Items which the Chairman Considers are Urgent

None.

The meeting concluded at 5.10 pm.

CHAIR

EXTRACT FROM THE POLICY ON REORGANISATION, REDUNDANCY AND REDEPLOYMENT (updated March 2015 for titles only)

Appeals against Redundancy Dismissal

Constitution of Appeals Committee

Appeals against redundancy dismissal are heard by a duly convened and quorate Personnel Sub-Committee of the Council. The Constitution defines the make up of the Committee and how many Members constitute a quorum.

Members who have had any direct prior involvement in the case will be excluded from sitting. The HR Business Partner or representative will attend appeals against redundancy dismissal to provide advice (including procedural and employment law advice) to the Committee and to assist Members generally in establishing the arguments and facts being presented to them.

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.

Written Statements

Both management and the employee will be invited to submit written statements of case which will be forwarded to Committee Members by the notified report deadline. Where both parties have provided statements these will also be exchanged at the same time. If one party does not produce a statement, they will receive the other party's statement as early as practicable or on the day of the hearing.

Within 3 days of the hearing both the management representative and the employee must notify the HR Business Partner or representative of the names of any witnesses that will be called to support their case. The names of these individuals will be notified to both parties in advance of the hearing.

Representation and Attendance

The normal procedure will be for the employee plus one representative, and the dismissing manager, the relevant service manager, plus a HR representative, to attend the hearing and present their cases. Witnesses will be called in turn, to give evidence and will then leave the hearing. It is at the discretion of the Committee to permit either party to bring additional representatives/managers and to decide whether they may attend in an observer or participant capacity.

Decisions

Decisions generally will fall into two categories, namely:

- (a) not allowing the appeal in which case the employees redundancy dismissal is confirmed.
- (b) confirming the process needs to be reviewed. In which case the meeting will be adjourned and the following options can be considered:

- (i) the decision to select the post/person needs to be reviewed. If necessary this may need to be referred back to Council or Cabinet who were involved in the original decision
- (ii) the procedure followed needs to be reviewed.

If the appellant is still employed then during this time, the redundancy notice period will be extended until the outcome of the review is confirmed. The person will remain an employee of the Council with no loss of pay or benefits. Where possible the employee will remain in the post. However, this cannot always be guaranteed and in this instance alternative work will be offered suitable to the grade/position for this period. The employee will remain on the redeployment register during this time.

Following any review the Personnel Sub-Committee and all parties should reconvene to make a final decision. In the event there has been an election then as many of the original members of the panel should reconvene. If no original members are available then the appeal will need to be reheard with a new panel of Members.

The Personnel Sub-Committee shall give its decision in full detail in the presence of both parties and the HR Business Partner or representative, and clarification may be sought by any party.

Guide to the format of the Hearing

The procedure will be as follows: -

Management Case

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

Summing Up

9. The management representative and/or HR 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 HR representative, the employee and representative to withdraw.

12. The Committee to deliberate in private with only the HR Business Partner or representative and Democratic Services Officer 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.

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.

In the event of a Review at a Reconvened Meeting

15. Members may ask further questions in relation to the review
16. Management and/or representatives can seek clarification on the review findings and submit any statements in response (either prior to the reconvened meeting or verbally on the day)
17. Employee and/or representatives can seek clarification on the review findings and submit any statements in response (either prior to the reconvened meeting or verbally on the day)

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 HR Business Partner or representative shall not have had any involvement in the original decision to dismiss.