

Personnel Committee

Proposed Revised Terms of Reference for Personnel Committee and Appeals Committee 30th May 2006

Report of Chief Executive

PURPOSE OF REPORT

To seek Members' views on proposed changes to the Terms of Reference for Personnel Committee and Appeals Committee to be recommended to the Audit Committee with a view to amending the Council's Constitution.

This report is public

RECOMMENDATIONS

- (1) That the Committee request Audit Committee to recommend for approval by Council the proposed changes contained in Appendices C and D to the Terms of Reference for Personnel Committee and Appeals Committee and the delegations to officers.**

1.0 Introduction

- 1.1 It is some time since the Terms of Reference of the Personnel Committee and the delegations to officers in respect of staffing issues were reviewed.
- 1.2 The proposed changes are intended to give the Committee a more strategic role in terms of policy development with more day-to-day decisions delegated to the Chief Executive (Head of the Paid Service), and, where appropriate to Corporate Directors and Service Heads.
- 1.3 Any amendments to the Constitution in respect of such matters must be made by full Council on the recommendation of the Audit Committee. However, since the report contains recommendations about the delegation of certain human resources matters to officers, it was felt appropriate that the proposals should be reported in the first instance to this Committee, so that this Committee's views may be reported to Audit Committee on the 28th June 2006.

2.0 Proposal Details

- 2.1 As Members will be aware, the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out various functions which are not to be the responsibility of a Council's executive. These include the power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal). The Personnel Committee was established to deal with these staffing issues, which would otherwise be the responsibility of full Council.
- 2.2 The current Terms of Reference of the Personnel Committee and delegations to officers are attached as **Appendix A** to this report. It is proposed to amend these Terms of Reference to emphasise that the work of the Committee will relate to more strategic staffing policy issues as follows:
1. Develop and review Council policy in respect of the Council's Human Resources. This will include:
 - Recruitment and retention
 - Disciplinary, grievance and harassment
 - Redeployment, redundancy and early retirement
 - Sickness absence
 - Employee developmentand other conditions of service policies
 2. Health and Safety policy
 3. To consider appeals against dismissal (other than Chief Officers), and appeals against grading and grievances by employees.
 4. To consider requests for voluntary early retirement and/or voluntary early redundancy where such requests are within Council policy.
 5. To make decisions in respect of redundancy and redeployment for JNC Chief Officer posts.
 6. To appoint to JNC Chief Officer posts
 7. To act as the "Investigating Committee" referred to in the JNC Conditions of Service for Chief Officers
 8. To determine applications by JNC Chief Officers in accordance with the provision of the Council's Parental Leave Scheme and Flexible Working Scheme.
 9. To consult with the workforce as employer representative on the Joint Consultative Committee.
 10. To consider and respond to consultation requests in respect of national pay negotiations.
- 2.3 It is proposed to delegate the following to the Chief Executive:
1. Control of the Council's Establishment – to establish new posts and approve minor structural reorganisations, and to assimilate members of staff on fixed

term or temporary contracts or in casual work situations into the permanent establishment

2. Determining the terms and conditions of service of Council employees within the policy set by the Personnel Committee
3. Determining regrading applications. (Appeals would be heard by the Personnel Committee.)
4. Applying the Council's Redeployment Policy including declaration of a redundancy situation and redeployment of staff (excluding JNC Chief Officer posts)
5. Determining Essential Car User Status
6. Payment of Honoraria
7. Extension to full or half sick pay
8. Release of preserved pension benefits in accordance with appropriate pension legislation, including Certificates of Material Change
9. Consideration of late transfers into the Local Government Pension Scheme

2.4 It is proposed to delegate the following to Service Heads (and Chief Executive and Corporate Directors as appropriate):

1. To extend the term of any fixed term or temporary contract
2. To change the designation of a post
3. To recruit to established permanent and temporary posts (below JNC Chief Officer level), and determine commencing salary and subsequent granting or withholding of incremental progression.
4. To determine applications in accordance with the provision of the Council's Attendance Management policies and Family Leave Schemes
5. To approve arrangements in accordance with the Parental Leave Scheme, Flexible Working Scheme and Family Leave Scheme.
6. To determine applications for car loans
7. Determination of ex gratia payments
8. To terminate employment in accordance with Council policy, and on grounds of permanent ill health
9. To determine action in sickness absence cases lasting six months or more
10. To take disciplinary action in accordance with Council policy (except JNC Chief Officers)

The above delegations to officers in paragraphs 2.3 and 2.4 would be subject to any decisions or actions being within the budget framework. Any financial considerations outside this would first need to be considered by Cabinet, and referred on to Council if necessary.

2.5 Proposed revised Terms of Reference for Personnel Committee and officer delegations, incorporating these changes, are attached at **Appendix C**.

2.6 Members will note that it is proposed that Personnel Committee, as the Committee responsible for staffing issues, should deal with appeals against dismissal (other than Chief Officers), and appeals against grading and grievances by employees. These are currently within the Terms of Reference of the Appeals Committee, and as a consequence it is proposed to amend the Terms of Reference of the Appeals Committee so as to delete those items. Revised Terms of Reference are attached at **Appendix D**.

3.0 Details of Consultation

3.1 This report is to seek the views of the Committee prior to a further report to Audit Committee, which is the body responsible for recommending such constitutional changes to full Council.

4.0 Options and Options Analysis (including risk assessment)

4.1 Option 1 is no change from the status quo. This would be an opportunity missed to clarify Member responsibility, to better allocate Terms of Reference between Personnel Committee and the Appeals Committee, and to delegate more routine staffing issues to Officers.

4.2 Option 2 would be to take some, but not all of the changes proposed.

4.3 Option 3 is to approve the Terms of Reference as set out in Appendices C and D.

4.4 Option 4 would be as Option 3, but with appeals to be heard by a new sub-committee of three Members of Personnel Committee rather than the full seven Member Committee. This is common practice in other Councils and would be less overwhelming for the staff bringing an appeal. Such a sub-committee would need to be appointed on a PR basis.

5.0 Conclusion

5.1 The Committee is recommended to request the Audit Committee to recommend to full Council the Terms of Reference as set out in Appendices C and D

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

There are no direct implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no direct implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

The Head of Legal and Human Resources has been involved in the preparation of the report.

MONITORING OFFICER'S COMMENTS

The Deputy Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Part 3, Responsibility for Functions, Section 6 (Constitution)

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