

**Bolsover District Council**

**Council**

**3<sup>rd</sup> April 2019**

**Joint Employment Committee and Joint Appeals Committee**

**Report of the Joint Head of Corporate Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To set out proposals for revised arrangements for the Joint Employment Committee (JEC) and the Joint Appeals Committee (JAC) in relation to members of the Strategic Alliance Management Team (SAMT).
- To set out the views of Standards Committee and UECC on the proposals.

**1 Report Details**

- 1.1 The attached Council report (Appendix 1) was considered by Standards Committee on the 11<sup>th</sup> March. The Standards Committee recommended that its comments on the report be referred to the Union Employee Consultation Committee in order that these could be considered prior to the report being referred to Council at the meeting scheduled for 3<sup>rd</sup> April 2019. The UECC considered the report on the 25<sup>th</sup> March 2019.
- 1.2 As set out in the attached report the two Councils' Constitutions contain different terms of reference for the JEC and therefore the purpose and role of the Joint Committee is not clear and not consistent. Therefore revised arrangements are required. The attached report proposes that a Joint Employment and Appeals Committee be established. It also sets out the mechanism for making appointments to the roles with the Strategic Alliance Management team and the process for dealing with appeals on issues relating to capability, performance, sickness absence and conduct, in line with the established arrangements for all other Bolsover staff who have a right of appeal to the Employee Appeals Committee in such cases. The attached report sets out the need to have revised arrangements in place in order to have a clear and consistent approach and procedure across both Councils for members of the Strategic Alliance Management team which reflects ACAS guidance and the relevant statutory regulations

1.3 At Standards Committee on the 11<sup>th</sup> March, Members considered the procedure proposed in Appendix 1. The Committee recommended putting in place these arrangements pending the planned formal Constitutional review. Consequently the Standards Committee made a recommendation to that effect to ensure a fair and workable arrangement was in put place. The Standards Committee will then reconsider the arrangements at the start of the new corporate year as part of the planned formal Constitution review in 2019/20.

1.4 UECC considered the proposals on the 25<sup>th</sup> March. Their draft resolution is:-

**RESOLVED** that

1. the views expressed at the meeting on the proposals put forward be incorporated into the recommendations made to Council for consideration of this matter on the 3<sup>rd</sup> April 2019;
2. recommendations made in the original report to Council on 6<sup>th</sup> March be made to Council on 3<sup>rd</sup> April 2019; and
3. it be noted that the arrangements agreed would be reviewed and comments incorporated as part of the Review of the Constitution 19/20 by Standards Committee.

The Committee was supportive of the temporary arrangements and the intended review and as can be seen agreed that the matter should be put to Council on 3<sup>rd</sup> April for approval of the temporary arrangements. The Committee's view is that there will be issues to consider as part of the review but that they can raise these at the time of the review.

1.5 As set out in the attached report the proposal includes an increase in the Joint Employment and Appeals Committee membership from each Council to 4 Members. This is to assist with the formation of the necessary Sub-Committees and making sure the number of Members from each Council is the same. The extra Member proposed is a Cabinet Member. This also adds more Executive Members to the appointments process for roles with the Strategic Alliance Management Team.

1.6 Given the revised arrangements need to be in place for both Councils, North East Derbyshire District Council approved the revised arrangements at their meeting on 4<sup>th</sup> March. This means that should this Council want to consider further alternative arrangements to these proposals, more time would be needed in order for the two Councils to agree and adopt a process.

1.7 As a reminder to Members, this report has no effect on appeals. These will still be heard before Members for all employees.

## **2 Conclusions and Reasons for Recommendation**

2.1 The process for dealing with disciplinary/capability hearings for Joint Heads of Service and above relies on the consistency of the terms of reference of the JEC across the two Councils. Currently they are not the same and so it is not possible to keep existing arrangements.

- 2.2 Therefore there is a need for the arrangement to be revised and agreed across the Strategic Alliance so that there is in place a fair and workable process.
- 2.3 As set out in the this report the Standards Committee has already placed this issue at the top of its work plan as part of the planned Constitution review for the forthcoming corporate year which will enable further consideration of the matter.

### **3 Consultation and Equality Impact**

- 3.1 Discussion has taken place with the relevant Union representatives as part of ongoing dialogue. Consideration by the UECC has also taken place enabling formal engagement and consultation on the proposals in order that UECC's comments are reported to Council. These comments are reported above.
- 3.2 There are no direct equality issues arising from the report. However failure to have consistency and a fair process in the two Councils needs to be addressed.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 To do nothing is not an option as that leaves the Strategic Alliance without joint arrangements for dealing with disciplinary/capability hearings for Joint Heads of Service level and above.
- 4.2 This process will be reviewed as part of the Standards Committee's planned annual review of the Constitution which will be undertaken in the new municipal year.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

- 5.1.1 There are no direct financial implications.
- 5.1.2 Risks relate to not having a suitable, satisfactory and consistent arrangement in place that is agreed across both Councils.

#### **5.2 Legal Implications including Data Protection**

- 5.2.1 As set out directly in the report and the risk section.
- 5.2.2 The Regulations to be complied with in respect of this subject are the Local Authorities (Standing Orders)(England) Regulations 2001, SI 3384.

#### **5.3 Human Resources Implications**

- 5.3.1 As set out directly in the report and the risk section.

## 6 Recommendations

That Council:

- 6.1 merge the Joint Employment Committee and the Joint Appeals Committee so that it becomes the Joint Employment and Appeals Committee (JEAC);
- 6.2 approve the proposed membership and Terms of Reference for the JEAC and the proposed amendment to the Scheme of Delegation to Officers as set out in Appendix 1.  
*(This includes approving the membership of the JEAC as 8 Members, 4 from each of the 2 Councils and appointing the additional Executive Member representative to the Committee)*
- 6.3 notes that these arrangements will be reviewed as part of the 2019/20 planned annual Constitutional review by Standards Committee; and
- 6.4 give Delegated Authority to the Chief Executive as Head of Paid Service to make any minor alterations required to the process.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	None directly
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	None as this relates to staffing matters.

8 **Document Information**

Appendix No	Title	
1	<b>Joint Employment Committee and Joint Appeals Committee report to Council on 5<sup>th</sup> March 2019.</b>	
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
None		
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