

Bolsover District Council

Special Union Employee Consultation Committee

25th March 2019

<p>Joint Employment Committee and Joint Appeals Committee – supplementary report</p>

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).

1 Report Details

- 1.1 The attached Council report was considered by Standards Committee on the 11th 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 3rd April.
- 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 11th March, Members considered the procedure proposed in the attached report. 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 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.

As set out in the report it is now before the UECC so that the UECC's views can be taken into account by the Council when it considers the proposals at its next meeting.

- 1.5 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 4th 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.
- 1.6 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 enables formal engagement and consultation on the proposals in order that UECC's comments are reported to Council.
- 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

6.1 Members of the UECC consider the report and give views on the proposals in order that these can be incorporated in a Council report for Council on 3rd April.

6.2 Members note that these arrangements will be reviewed as part of the 2019/20 planned annual Constitutional review by Standards Committee.

7 Decision Information

Is the decision a Key Decision? 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: <i>BDC: Revenue - £75,000 <input type="checkbox"/></i> <i>Capital - £150,000 <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None directly
Links to Corporate Plan priorities or Policy Framework	None as this relates to staffing matters.

8 Document Information

Appendix No	Title
Background Papers (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 other than the Council report in the agenda.	
Report Author	Contact Number
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Report Reference –