

SPECIAL UNION/EMPLOYEE CONSULTATION COMMITTEE

Minutes of a meeting of a Special Union/Employee Consultation Committee of the Bolsover District Council held in the Council Chamber, the Arc, Clowne, on Monday 25th March 2019 at 1500 hours.

PRESENT:-

Council Representatives:-

Councillor K. Reid in the Chair

Councillors:- Mrs P. M. Bowmer, M. J. Dooley, A. Joesbury and A. M. Syrett.

Unison Representatives:- C. McKinney and K. Shillitto.

Unite Representatives:- No representatives present.

Officers:- D. Swaine (Chief Executive Officer), S.E.A. Sternberg (Head of Corporate Governance and Monitoring Officer), S. Gordon (Human Resources and OD Manager) and N. Calver (Governance Manager).

Also in attendance was V. Dawson (Solicitor – Team Manager – Contentious) and Deputy Monitoring Officer)) and Councillor C. R. Moesby, observing.

0816. APOLOGY

An apology for absence was received on behalf of Councillor D. McGregor.

0817. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0818. JOINT APPEALS AND JOINT EMPLOYMENT COMMITTEE

The Union/Employee Consultation Committee gave consideration to proposals put to the meeting of Council on 6th March 2019 for the revisions to the process of hearing disciplinary and capability matters in relation to Members on the Strategic Alliance Management Team (SAMT) to ensure that the process was fit for purpose.

This item of business had been deferred from the meeting of Council pending further consideration by both the Standards Committee and the Union/Employee Consultation Committee. Standards Committee Members discussed the proposals at their Meeting on 11th March 2019 and made their recommendations for consideration at this meeting of UECC.

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A supplementary report had been produced setting out Standards Committee's views and comments as well as a revised set of recommendations. As part of the review of the Constitution it had been identified that there was a flaw in the Terms of Reference for the Joint Employment Committee and the Joint Appeals Committee whereby their Membership both comprised of both Council Leaders and Deputies and the Leader of the Principal Opposition in each Council. This would mean that any Member of the SAMT would be subject to disciplinary and capability process by the Joint Employment Committee and would appeal to the same Members against a decision made. This was a breach of natural justice.

In addition the Terms of Reference for the Joint Committees, on closer inspection, did not align across both North East Derbyshire and Bolsover District Council – one allowed disciplinary procedures and the other did not.

Officers advised that a revised arrangement was required to resolve the gap in the process to avoid any legal challenge against decisions made by either the JAC or the JEC.

The proposals detailed in the 6th March Council report were for amalgamation of the two Committees to create a Joint Employment and Appeals Committee (JEAC) which would sit as an eight Member Committee to deal with appointment of SAMT Members. The membership proposed would be the Leader, the Deputy Leader a Cabinet Member and the Leader of the Principal Opposition Group at both authorities. It was further proposed that disciplinary and capability procedures for Directors and Heads of Service be heard by a more senior officer with a right of appeal to Members. A revised Terms of Reference, as set out in Appendix 1 to the report, and a further amendment to the Scheme of Delegation was suggested to be included within the Review of the Constitution.

When considering this matter at the meeting on 11th March Standards Committee Members were supportive for a clear and consistent approach and procedure across both authorities which reflected ACAS guidance and the relevant statutory regulations. However, they had reservations that the revised amendments were the desirable way of dealing with these matters and whilst they were happy for the proposals to be agreed in order to make the process sound, they wished for the Terms of Reference and the processes associated with the Committee's to be considered at their forthcoming meeting on the 1st July 2019.

A Unison representative recognised the problems identified within the Constitution and was supportive of the temporary fix. He was satisfied that a suitable approach was for senior officers to be treated the same as all other BDC staff and comfortable with the principles contained within the proposals. Further, Unison were satisfied that Standards Committee at their Meeting on 1st July could consider this matter further and the Terms of Reference, including safeguards, could be refined and reviewed at that time.

The Unison representative confirmed that there were no Unison members subject to the processes outlined and he was unable to speak on behalf of Unite who may have their own concerns about the fairness of the proposals.

The Chief Executive Officer confirmed that Unite representatives had been briefed on the proposals and should any of their members be subject to this process they would be required to brief them direct. The Unison representative wished for it to be noted that

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whilst Unison were happy that their reservations could be addressed through a further review he was only speaking on behalf of Unison. It was further confirmed that the comments made at the meeting could be fed into the review undertaken by Standards Committee in July 2019.

Moved and seconded

RESOLVED that (1) the views expressed at the meeting on the proposals be incorporated into the recommendations made to Council for consideration of this matter on 3rd April 2019;

(2) recommendations made in the original report to Council on 6th March be made to Council on 3rd April 2019,

(3) it be noted that the arrangements agreed would be reviewed and comments incorporated as part of the 2019/2020 planned Constitutional review at Standards Committee.

(Governance Manager)