

Bolsover District Council

Standards Committee

23rd September 2019

Review of the Joint Employment and Appeals Committee Terms of Reference
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Report of the Monitoring Officer

This report is public

Purpose of the Report

- To review the recently introduced revised joint arrangements for the appointment and dismissal of joint Strategic Alliance Management Team (SAMT) posts.

1 Report Details

- 1.1 Attached at Appendix 1 is the current terms of reference of the Joint Employment and Appeals Committee (JEAC). This was as agreed in the last corporate year as part of the Constitution review.
- 1.2 The report which went to Council on 3rd April 2019 following the matter being considered at Union/Employee Consultation Committee (UECC) at Members' request is attached at Appendix 2. The original Council report from 6th March 2019 is also attached at Appendix 3.
- 1.3 North East Derbyshire District Council (NEDDC) has approved the Terms of Reference for this Joint Committee.
- 1.4 In April 2019, Members at Bolsover District Council desired the Standards Committee to review these arrangements in the new corporate year.
- 1.5 Currently there are no "pending" cases involving the use of this Joint Committee. However since this was last considered proposals have been made for single Authority Heads of Service posts on SAMT to be established as well as joint ones.

Bolsover only posts

- 1.6 The current Terms of Reference of this Joint Committee do not make any reference to this scenario where one single authority needs to undertake a recruitment for Head of Service or Director who would solely work for that authority and be a member of the Strategic Alliance Management Team.
- 1.7 It is suggested that wording be inserted in to the Terms of Reference to permit this. The following is a form of words which could be used with 3 options attached for the Leader of the Opposition.

Where the Authority determines to recruit to a Head of Service or a Director post outside the Strategic Alliance or determines to take any disciplinary action in relation to such a post the Member Panel will be called the Employment and Appeals Committee and will comprise:-

The 4 Members of the JEAC and

Option 1

Where there are 2 “Leaders of the Opposition” of groups of equal size, both Leaders of the Opposition will be Members of the Employment and Appeals Committee increasing the size of the Committee to 5.

Or

Option 2

Where there are 2 “Leaders of the Opposition” of groups of equal size, if one Leader of the Opposition is a member of the Executive, the Employment and Appeals Committee shall include that Member. The other Leader of the Opposition shall be invited to attend as a non-voting co-optee.

Or

Option 3

Where there are 2 or more opposition political groups of equal size, Council shall determine which Leader of the opposition political groups be appointed to the Committee. The other Leader(s) of the Opposition group(s) shall be invited to attend as a non-voting co-optee.

The Terms of Reference for the Employment and Appeals Committee will be as for the JEAC with the exception that the appointment or disciplinary process relates to a Bolsover employee only.

- 1.8 So far SAMT has not been requested to look at any aspect of the Terms of Reference of this Joint Committee. Clearly as the employees who would be affected by how the process is operated, they should have a say. It is proposed therefore that this report is sent to SAMT and reported back to Standards Committee.
- 1.9 In addition, there is the prospect of an imminent review of the SAMT structure as agreed at Executive on 16th September 2019.
- 1.10 In view of these changes the proposal is to consider the Terms of Reference today, to take Members’ views on the arrangements that they wish to be considered, to take the changes to SAMT and the next appropriate Strategic Alliance Joint Committee (SAJC) as well as NEDDC’s Standards Committee.
- 1.11 To enable the process for the recruitment of single authority Heads of Service or Directors to progress, it is proposed that this amendment be submitted directly to Council in November, subject to Standards Committee’s support.

2 Conclusions and Reasons for Recommendation

- 2.1 Members wished to review the arrangements for the JEAC and also SAMT has not been invited to consider this.
- 2.2 Members' ideas as to what they would want to see are requested.
- 2.3 Members are asked to consider the options for the Bolsover only Panel.

3 Consultation and Equality Impact

- 3.1 Consultation requirements have been dealt with in the report.
- 3.2 There are no equality impact issues.
- 3.3 If significant change is proposed, the arrangements will have to be raised again at UECC.

4 Alternative Options and Reasons for Rejection

- 4.1 As in the original report to Council.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None save as a result of having an inequitable procedure.

5.2 Legal Implications including Data Protection

- 5.2.1 Legal Issues are dealt with in the report. There are no Data Protection issues.

5.3 Human Resources Implications

- 5.3.1 As set out in the report.

6 Recommendations:

That:

- 6.1 The amendment to create arrangements for single authority recruitment of Heads of Service and Directors as set out in the report be recommended to Council for approval in November.
- 6.2 Members give their views as to whether the current arrangements for the JEAC need any further changes.
- 6.3 The arrangements with any member suggestions are reported to SAMT.
- 6.4 That Standards Committee consider any feedback at a future meeting.

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<p>Is the decision a Key Decision?</p> <p>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:</p> <p><i>BDC: Revenue - £75,000 <input type="checkbox"/></i></p> <p><i>Capital - £150,000 <input type="checkbox"/></i></p> <p><i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i></p> <p><i>Capital - £250,000 <input type="checkbox"/></i></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All indirectly
<p>Links to Corporate Plan priorities or Policy Framework</p>	All indirectly

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Appendix No	Title
1	Joint Employment and Appeals Committee Terms of Reference
2	Council report of 3 rd April
3	Council report of 6 th March
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)	
Report Author	Contact Number
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