



Rutland County Council

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Minutes of a Meeting of the **EMPLOYMENT AND APPEALS COMMITTEE** held in the Council Chamber, Catmose, Oakham, Rutland on **Monday 19 June 2006** at 7.00pm

PRESENT: Wg Cdr R D Toy - Chairman – in the Chair

Mrs R Archer
Mr P D Ind
Mr C W Phillips
Mrs E J Rodger

OFFICERS PRESENT: Mr G Pook Head of Legal Services
Miss T D Stokes Senior Committee Administrator

APOLOGIES: Mr A Hodgkinson and Mr H E G Rees

143 DECLARATIONS OF INTEREST

In accordance with the Regulations, Members were invited to declare any personal or prejudicial interests they might have and the nature of those interests in respect of items on the Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applied to them. No such declarations were received.

144 MINUTES

RESOLVED

That the Minutes of the Employment and Appeals Committee held on 27 June 2005, copies of which had been previously circulated, be approved and signed by the Chairman as a correct record.

145 PETITIONS, DEPUTATIONS AND QUESTIONS

No petitions, deputations or questions from members of the public had been received.

146 MEMBERSHIP OF THE EMPLOYMENT AND APPEALS COMMITTEE – 2006/07

Members noted that the following members were appointed to the Employment and Appeals Committee at the Annual Meeting of the Council on 8 May 2006:-

Wing Commander R D Toy (Chairman)	Mr P D Ind
Mrs E J Rodger (Vice-Chairman)	Mr C W Phillips
Mrs R Archer	Mr H E G Rees
Mr A Hodgkinson	

147 MEETINGS OF THE APPEALS COMMITTEE

Members noted that at the Annual Meeting of the Council held on 8 May 2006, it was agreed that the Committee would meet at 7.00pm on 19 June 2006.

148 TERMS OF REFERENCE

Members were requested to note the Terms of Reference for the Employment and Appeals Committee as approved at the Annual Meeting of the Council on 8 May 2006 (attached at Appendix A to the Agenda papers).

Following previous comments by the Committee, the Constitution Review Working Group had examined the Terms of Reference and suggested that the Monitoring Officer should produce revised Terms of Reference to address the Committee's views. These were attached at Appendix A for members' consideration.

Members considered and made amendments to the suggested Terms of Reference as submitted by the Monitoring Officer. Whilst the suggested Terms of Reference were largely agreed, Members requested that the final version be submitted to them prior to consideration by the Constitution Review Working Group.

Following discussion, it was

RESOLVED

- 1) That the Terms of Reference for the Employment and Appeals Committee as approved at the Annual Meeting of the Council on 8 May 2006, be noted.
- 2) That the following amendments be made to the Monitoring Officer's suggested Terms of Reference, as included at page number 7 of the Agenda papers:-

- i) Paragraph 2)

Wording needs to be explicit in terms of what types of pay awards might be relevant and to clarify what is meant by "*implement*" pay awards.

- ii) Paragraph 3)

Amend to clarify which personnel policies might be relevant.

- iii) Paragraph 4)

Insert the word "been" before "established" in line 2.

Amend bullet numbering.

Delete n) Disciplinary and Grievance (as included in paragraph 1);

- r) Consider whether "Social Services Complaints" should be more specific following separation of adult and children's services.

149 APPEALS PANELS HELD SINCE THE LAST MEETING OF THE EMPLOYMENT AND APPEALS COMMITTEE

Members gave consideration to the summary of the appeals panels held since the last meeting of the Committee on 27 June 2005. It was noted that two appeals had been held, both of which related to employment matters. One appeal was dismissed and the other appeal was allowed.

Concern was expressed regarding out-of-date personnel policies which, it was explained, became evident during the course of one of the Appeal Panels held last year. The Chief Executive and the Head of Personnel and Training assured the Chairman of the Appeal Panel, Mrs Rodger, that the appropriate personnel policies would be updated however, she had not received any feedback as to whether this had been actioned. In addition, Mrs Rodger complained that neither she nor the members of the Appeal Panel had been informed of the events that followed the Appeal Panel. She stressed that a mechanism should be introduced to appraise Panel members of any developments which might arise following Panel members' decisions. This was particularly important should, for example, an Employment Tribunal claim be made and the Chairman of the Panel be called as a witness. The Head of Legal Services undertook to convey members' concerns to the appropriate officers.

Clarification was sought in respect of how complaints submitted under the Authority's Grievance Procedure were dealt with. The Head of Legal Services explained that process followed and that staff could seek assistance from either their Union or the Personnel and Training Section.

RESOLVED

That the decisions of the Appeals Panels held since the last meeting of the Committee (27 June 2005), Appendix B, be noted.

150 PROTOCOLS FOR SELECTING MEMBERS TO SIT ON EMPLOYMENT AND APPEALS PANELS

Members gave consideration to the draft Protocols for Selecting Members to sit on Employment and Appeals Panels (Appendix C).

In response to a query regarding political balance on appeals panels, the Head of Legal Services advised that political balance could not be applied to appeals panels as this would relate to 0.5 of a person for the Rutland Independent Scrutiny Group under the current arrangements.

Discussion ensued regarding paragraph 2. In order to make it clear that all members of the Employment and Appeals Committee would be selected in rotation to sit on Appeals Panels, it was agreed to add an additional sentence to read "*Subject to the following paragraphs, subsequent Panels will be selected on this basis by rotation through the membership of the Committee.*"

Referring to paragraph 4, it was indicated that it was not clear as to who "considers" a member to have a personal and prejudicial interest in the matter(s) to be discussed. The Head of Legal Services agreed to give consideration to appropriate wording for paragraph 4).

RESOLVED

That the Protocols for Selecting Members to Sit on Employment and Appeals Panels as outlined in Appendix C of the Agenda papers be approved, subject to the following amendments:-

- 1) Paragraph 2) – to include an additional sentence to read:-

“Subject to the following paragraphs, subsequent Panels will be selected on this basis by rotation through the membership of the Committee.”

- 2) Paragraph 4) – that the first sentence be amended to read:-

“Where a member has a personal and prejudicial interest”

151 ANY OTHER URGENT BUSINESS

No items of urgent business had been previously notified to the person presiding.

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The Chairman declared the meeting closed at 7.43pm.

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