



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 **Tuesday 16 June 2009** at 7.00pm.

PRESENT: Mrs E J Rodger – in the Chair
Mr P D Ind
Mr H E G Rees
Mr B W Roper

OFFICERS Mr G Pook Head of Legal and Democratic Services
PRESENT: Miss T D Stokes Senior Democratic Services Officer

APOLOGIES: Mr T C Ellis and Mr G Plews

122 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.

123 MINUTES

RESOLVED

That the Minutes of the Employment and Appeals Committee held on 7 July 2008, copies of which had been previously circulated, be approved and signed by the Chairman as a correct record.

124 MATTERS ARISING FROM THE MINUTES OF THE LAST MEETING

Outstanding Work

Referring to Resolution (2), Minute Number 188, members were concerned to note that no progress had been made regarding the work requested by the Committee in July 2008. In view of the importance of the issues relating to training for panel members, including in relation to equality and diversity; the composition of panels; the scope for reciprocal arrangements with other authorities; the grievance procedure and briefing processes for appeal hearings, it was

RESOLVED

That the Chairman of the Committee, in consultation with the Head of Legal and Democratic Services and the Head of Human Resources, prepare specific proposals regarding the points noted above, and report back to a further meeting of the Committee on Tuesday 6 October 2009, 7.00pm.

Terms of Reference

Referring to Minute Number 188A and following the discussions at the last Committee, suggested Terms of Reference for the Employment and Appeals Committee were circulated (copy attached).

During consideration, it was noted that due to recent revisions to the national complaints system for Social Services, a revised complaints procedure had been implemented for appeals relating to Adult Social Services. In addition, it was understood that in accordance with the Local Authority Social Services and NHS Complaints (England) Regulations 2009, the need to review systems applied equally to children's matters, and therefore it was suggested that paragraphs 4)g) and 4)h) may need to be deleted from the Committee's Terms of Reference. The Head of Legal and Democratic Services undertook to investigate further and report back.

In conclusion, members agreed that the role of the Committee needed to be strengthened, particularly in ensuring that members were appraised of general employment issues and procedures within the Council and it was therefore suggested that the Committee might need to meet more frequently.

RESOLVED

That the revised Terms of Reference circulated at this meeting be agreed for **RECOMMENDATION TO THE COUNCIL** as part of its review of the Constitution, subject to the Head of Legal and Democratic Services researching and reporting back on the updated procedure for complaints relating to Adult Social Services and Children's Social Services.

Protocols for Selecting Members to Sit on Employment and Appeals Panels

Members received a revised version of the above document (copy attached) which listed six protocols for selecting appeals panel members. It was noted that selection of panel members on a rotational basis would always need to take account of members' availability and any interests in the matter being considered.

RESOLVED

That the revised Protocols for Selecting Members to Sit on Employment and Appeals Panels (copy attached) be agreed.

125 PETITIONS, DEPUTATIONS AND QUESTIONS

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

126 MEMBERSHIP OF THE EMPLOYMENT AND APPEALS COMMITTEE

Members noted that the following members were appointed to the Employment and Appeals Committee at the Annual Meeting of the Council on 11 May 2009:-

Mrs E J Rodger (Chairman)	Mr H E G Rees
Mr P D Ind (Vice Chairman)	Mr B W Roper
Mr T C Ellis	(Vacancy)
Mr G Plews	

Members commented that the current vacancy on the Committee be filled and that it would be beneficial for the membership of the Committee to be increased to nine members. This should ensure more experienced and skilled members were able to be selected to form appeals panels after taking into account members' availability and any declarations of interests.

Discussion ensued regarding appropriate representation from the Human Resources Section. It was agreed that the Head of Human Resources (or deputy) be asked to attend future meetings of the Committee in an advisory capacity.

RESOLVED

- 1) That **COUNCIL BE REQUESTED** to fill the vacant place on the Committee.
- 2) That the Constitution Review Working Group be recommended to increase the size of the Committee from seven members to nine.
- 3) That the Head of Human Resources (or deputy) attends future meetings of the Employment and Appeals Committee in an advisory capacity.

127 MEETINGS OF THE EMPLOYMENT AND APPEALS COMMITTEE

Members noted that at the Annual Meeting of the Council held on 11 May 2009, it was agreed that the Committee would meet at 7.00pm on 16 June 2009.

It was noted that in addition to the annual meeting of the Committee, further meetings could be convened as and when appropriate. The next meeting was scheduled for 6 October 2009 – see Minute Number 124 above.

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

Members noted that no appeals panels had been held since the Committee met in July 2008. However, one panel was arranged and the matter resolved before the panel hearing was held. Members commented, however, that they were not always advised of the final outcomes of appeals and it was therefore

RESOLVED

- 1) That members of the Employment and Appeals Committee receive notification of the final outcome of all appeals panels convened and an explanation of any actions arising thereafter.
- 2) That this agenda item be re-worded on all future agendas to read:-
“Appeals Panels Held Since the Last Meeting of the Employment and Appeals Committee and the Final Outcomes of Cases”.

129 ANY OTHER URGENT BUSINESS

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

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The Chairman declared the meeting closed at 7.47pm.

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EMPLOYMENT AND APPEALS COMMITTEE

Suggested Terms of Reference

1. To hear, consider and determine appeals against dismissal, grading and grievances by employees.
2. To recommend to Cabinet/Council any pay awards, other than those set through national collective agreements.
3. To recommend to Cabinet/Council any changes to existing policies as are contained in the Personnel Handbook, or any new policies, in relation to the employment of staff, other than those set through national collective agreements.
4. To hear, consider and determine any other appeals made under a statutory appeals process and/or where no other appeals body has been established for the specific purpose. This will include:-
 - a. Access to Personal Files
 - b. Approved Marriage Premises
 - c. Curriculum Complaints
 - d. Home to School Transport
 - e. Housing Improvement Renovation or Repair Grants
 - f. Discretionary Rate Relief (NNDR)
 - g. Adult Social Services Complaints
 - h. Children's Social Services Complaints

Note: Panels hearing items at g and h should comprise two elected members and an independent chair.

5. The constitution of any special human resources panels or working parties as may be required from time to time.
6. The discharge of such human resources functions that cannot be delegated under statute to the Cabinet or have not been delegated to officers, as may be delegated by the Council from time to time.

PROTOCOLS FOR SELECTING MEMBERS TO SIT ON EMPLOYMENT AND APPEALS PANELS

- 1) When a Panel is required, staff within the Democratic Services Section will liaise with the Chairman of the Employment and Appeals Committee regarding the selection of the Panel members.
- 2) A Panel will comprise three members of the Employment and Appeals Committee, who have received appropriate training in conducting appeals panels. Members who will form the Panel will be selected in strict alphabetical order, depending on their availability. Subject to the following paragraphs, subsequent Panels will be selected on this basis by rotation through the membership of the Committee.
- 3) The name of the appellant and the nature of the Appeal will be notified to the members so that they may determine whether they have a personal interest, personal and prejudicial interest or any other factors such as bias, etc in the matter(s) to be considered. These issues could arise either out of the Council's Code of Conduct, any other statutory guidance or any advisory codes issued by professional bodies such as Local Authorities Co-ordinators of Regulatory Services (LACORS) or the Association of Council Secretaries and Solicitors (ACSeS), etc.
- 4) Where a Member has a personal and prejudicial interest in the matter(s) to be discussed s/he will not be selected to serve on a Panel to determine any appeal that gives rise to the interest.
- 5) Where a Member has a personal interest, and the appeal is considered to be sensitive or contentious in a locality, then members may also feel that the personal interest may be sufficient ground for them not to take part if it might be viewed by a third party as being likely to bias the member's consideration of the public interest.
- 6) If during a Panel hearing a member realises that an interest(s) exists and the member feels that s/he should not take part in the proceedings, then the Panel will defer consideration of the matter until such time as another Panel of three members without such an interest can meet.