

EMPLOYMENT AND APPEALS COMMITTEE

16 July 2019

ANNUAL REPORT OF THE EMPLOYMENT AND APPEALS COMMITTEE

Report of the Chair of the Employment and Appeals Committee

Strategic Aim:	Sound Financial and Workforce Planning	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Communications, Resources (other than Finance)	
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DECISION RECOMMENDATIONS

That the Committee:

Approves the annual report of the Employment and Appeals Committee.

1 PURPOSE OF THE REPORT

- 1.1 To set out the work of the Committee in 2018-2019 in an annual report in line with best practice.

2 TERMS OF REFERENCE OF THE COMMITTEE

- 2.1 The Employment and Appeals Committee is a Committee of the Council, with powers delegated to it by the Council as set out in its Terms of Reference. The terms of reference for the municipal year 2018/19 were:

- To establish panels to appoint Chief Officers, Officers that are part of the Strategic Management Team, or Officers that report directly to the Director for People. Such Panels to consist of three members plus the relevant Cabinet Member. Political balance applies to the panel.

- To consider employee procedures, including dismissal procedures.
- To hear, consider and determine appeals against dismissal by employees.
- The constitution of any special human resources panels or working parties as may be required from time to time.
- 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.
- To consider and approve HR policies (this requires two thirds voting members present to approve a policy subject to its financial impact not exceeding the virement threshold of the Director for Resources). If this cannot be achieved the policy in question will be referred to Full Council for further consideration and determination.
- Appeals panels
 - a) 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:-
 - i) Access to Personal Files
 - ii) Approved Marriage Premises
 - iii) Curriculum Complaints
 - iv) Home to School Transport
 - v) Housing Improvement Renovation or Repair Grants
 - vi) Discretionary Rate Relief (NNDR)
 - vii) Children's Social Services Complaints

The Panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members with training relevant to the subject matter of the appeal in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the original decision which is the subject of the appeal. Panel members should not be a representative of the Ward of the appellant. Panels should consist of three members of the Committee, with the exception of (vii) which should comprise two members of the committee and an independent chair. Political balance applies to the panel.

3 ACTIVITY DURING 2018/19

- 3.1 The Committee used its delegated powers to approve the following HR Policies during the year (Employment and Appeals Committee Meeting **17 July 2018**). These were all part of our ongoing review programme and therefore replace policies that have been in place for some time/previously approved:

- **UMBRELLA FAMILY POLICIES** – the focus of this review was to bring together into one policy document, all the statutory and occupational entitlements and benefits that relate to Maternity, Paternity, Adoption and Shared Parental leave. There were no statutory nor occupational change to the content of the policies; we did though take the opportunity to clarify some wording on non-contractual payments such as Standby and First Aid payments which are not paid during periods of leave.
- **EARLY RETIREMENT POLICY** – The Employment and Appeals Committee previously reviewed some proposed amendments in July 2017 and requested further clarification regarding the provision for Flexible Retirement. The Committee were advised that Flexible Retirement is a provision within the Local Government Pension Scheme that allows members (employees who contribute to the scheme) to access their pension benefits and continue working and thereby have a gradual move into retirement. It is not an automatic right. Any LGPS member who is aged 55 or over can approach their employer to ask about flexible retirement – it does not have to be approved, it is at the discretion of the employer.

Officers' recommendation had been to include Flexible Retirement into the main body of the Early Retirement Policy and this was subsequently agreed by the Committee – there were no changes to pension benefit or provision which remain as provided by the Local Government Pension Scheme.

3.2 At the Employment and Appeals Committee meeting in **July 2018**, the Head of Human Resources also presented:

- **NJC Pay Structure 2019** - the Council had welcomed the developments of national pay bargaining which has provided a two year pay deal for April 2018 and April 2019. This has included a flat increase of 2% with some further bottom loading for the lower spinal column points in order to close the gap with the National Living Wage and achieve the Government's target of £9.00 per hour for April 2019.

The Council has worked closely with Unison to reach agreement on the assimilation process to the new pay spine for April 2019.

- **Gender Pay Gap** - this was our first report as part of a new Government requirement for organisations with 250+ employees, to report their gender pay gap as at 31 March each year.

3.3 At the Employment and Appeals Committee meeting on **27 March 2019**, the Committee received two reports from the Head of Human Resources (HR):

- **Gender Pay Gap** - this was our second year of reporting and identified a change in our gender pay gap since the first year of reporting. The Head of HR explained that further detailed analysis had been undertaken but no variances or gaps in specific services or roles were identified. The gaps could be explained by a number of features – profile of the organisation's workforce, natural turnover and resulting variances in salary levels. The Committee asked for the 31 March 2019 data to be brought to the committee at the July 2019 meeting.

- Pay Award 2019 – the Committee were provided with a more detailed analysis of the new national pay scale for 2019 and the implications for Rutland. The Head of HR explained that the Council had reached a collective agreement with Unison regarding the assimilation and implementation process. All costs associated with the new pay scale had been previously assessed through a detailed modelling exercise and were incorporated into the Medium Term Financial Plan with no further risks or issues. The Council's annual Pay Policy was approved by Full Council on 11 March 2019.

3.4 No policies were referred to Full Council for consideration.

3.5 It was not necessary for the Committee to hear any dismissal appeals during the year.

3.6 There were no other appeal panels during the municipal year.

4 CONSULTATION

4.1 No formal consultation is required.

5 ALTERNATIVE OPTIONS

5.1 The Committee can support the annual report or ask for amendments.

5.2 It is considered good practice to provide the Employment and Appeals Committee with an annual report.

6 FINANCIAL IMPLICATIONS

6.1 There are no direct financial implications arising from this report.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 The Employment and Appeals Committee is not formally required in the Constitution to produce an annual report, however it is good practice to do so.

7.2 In accordance with Procedure Rule 31, the Committee can report any matter to Council or could take the annual report to Council or inform other members that it is available to review in the agenda to this meeting.

8 DATA PROTECTION IMPLICATIONS

8.1 A Data Protection Impact Assessments (DPIA) has not been completed as assessments have been carried out on the specific items in the paper at the time of reporting.

9 EQUILITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment (EqIA) has not been completed as assessments have been carried out on the specific items in the paper at the time of reporting.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 There are no community safety implications.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 There are no health and wellbeing implications.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

12.1 To summarise the work of the Committee in an annual report in line with best practice.

13 BACKGROUND PAPERS

13.1 There are no additional background papers to the report.

14 APPENDICES

14.1 There are no appendices.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.