

Governance Committee

11 July 2018 – At a meeting of the Governance Committee held at 10.00 am at County Hall, Chichester.

Present: Mr Barnard (Chairman)

Mr Burrett, Ms Goldsmith, Mrs Mullins and Dr Walsh

Apologies were received from Mr R J Oakley, Mr Acraman, Mr Mitchell and Mrs Sparkes

Part I

33. Declarations of Interest

33.1 Mr Burrett declared a personal interest in item 4, Staff Appeals Panel – Proposals for Change, as a member of Crawley Borough Council.

34. Minutes of the last meeting of the Committee

34.1 Resolved – That the minutes of the meeting held on 25 June 2018 be approved as a correct record and that they be signed by the Chairman.

35. Staff Appeals Panel - Proposals for Change

35.1 The Committee considered a report by the Director of Law and Assurance and the Director of Human Resources and Organisational Change on options for changes to the constitutional arrangements for the Appeals Panel to deal with staff disciplinary or grievance appeals for recommendation to the County Council (copy appended to the signed minutes).

35.2 The Director of Law and Assurance introduced the report and commented that he was puzzled by some of the comments from the unions which appeared to imply that radical changes were being considered. Apart from the proposal to better integrate the role of the Chief Executive as head of paid service in the appeals process, there were no changes to the role of members nor any other changes that would have an impact on staff. The comparative statistics for other local authorities showed that, even with the changes proposed in option 1, the County Council would still have a significantly greater role for members than most other county councils. He also emphasised that the role of members on the Board of Appeal was not to be independent but to act as the employer.

35.3 Dr Walsh said that, whilst he was not sure change was necessary, he was persuaded that option 1 would be acceptable if two changes were made. Firstly, that the makeup of a Board of Appeal should be three members rather than 'up to' three members and, secondly, that an elected member should chair the Board. The Director of Law and Assurance commented that there might be instances where none of the elected members were willing to chair a Board and therefore suggested that

option 1 could be amended to say that Boards of Appeal should normally be chaired by one of the elected members. The Committee were supportive of the proposed changes.

35.4 Mrs Mullins expressed concerns at the proposals and questioned the sudden need to make changes given that there had only been one appeal which had gone to an employment tribunal requiring member attendance in the last five years and that there had never been an instance where there had been no member prepared to chair an appeal. She felt that the perception of staff would be that the involvement of the Chief Executive or his nominee would make the process less 'independent'. Mrs Mullins also questioned the statement under the resource implications in paragraph 5 of the report that the option would not add to the overall workload for senior staff. She proposed that the changes should be delayed for six to 12 months until the recent changes in relation to bringing support for the appeals process in-house had had chance to take effect. Other members did not support this proposal as they felt the changes were aimed at resolving a constitutional issue relating to the head of paid service having a role in the appeals process and did not relate to the process of preparing for an appeal hearing.

35.5 Mr Burrett expressed support for the proposed changes and said he was not surprised by the analysis of other authorities as, in his experience, the County Council was unusual in still having a member panel to hear staff appeals.

35.6 The Leader commented that during her time on the Cabinet the issue had been raised by previous Chief Executives and Directors of Human Resources. She reminded the Committee that a proposal to abolish the Staff Appeals Panel had previously been considered and rejected by the Committee. Her reasons for supporting option 1 at this time were that, while members were on the panel as overseers, they were also representing the employer. She said she was proud that staff had the option to have their appeals heard before members but agreed that changes were now needed to reflect the role of the Chief Executive as head of paid service and to improve the process as recommended by the Monitoring Officer. The Leader commented on the issue of members of the panel being prepared to act as chairman of a Board of Appeal and recommended there should be specific training for members of the panel to ensure they were comfortable with taking the role of chairman in an appeal hearing.

35.7 Resolved –

- (1) That the changes to the constitutional arrangements for the Appeals Panel to deal with staff disciplinary or grievance appeals, as set out in Option 1 of the report, subject to the makeup of a Board of Appeal should be three members rather than 'up to' three members and the addition of wording to the effect that Boards of Appeal should normally be chaired by one of the elected members, be approved;
- (2) That the Discipline and Grievance policies, and other relevant procedures and guidance be amended accordingly; and

- (3) That members of the Staff Appeals Panel should receive specific training in chairmanship skills.

36. Pay Policy Statement 2018/19

36.1 The Committee was reminded that the current Pay Policy Statement had been approved by the County Council in February 2018. Members were informed that recently it had been identified that elements of the statement which related to certain pay review and pay award arrangements were not aligned to Human Resources policies and arrangements, including the scheme of officer delegation. The Committee was therefore asked to consider a report by the Director of Human Resources and Organisational Change on changes to the previously-published statement for recommendation to the County Council (copy appended to the signed minutes).

36.2 Mr Burrett queried whether the references to staff groups in paragraphs 4.6 and 5.3 of the statement in Appendix 1 to the report should be the same and said the word 'are' needed to be deleted from paragraph 5.3. He also suggested that paragraphs 9.4 and 9.5 could be amalgamated. The Director of Human Resources and Organisational Change agreed to look at the points raised and amend the statement as necessary before it was submitted for consideration by the County Council.

36.3 Resolved - That the proposed revisions to the text of the Pay Policy Statement, as set out in Appendix 1 to the report, subject to the points set out in minute 36.2 above, be endorsed for recommendation to the County Council.

37. Date of Next Meeting

37.1 The Committee noted that the next meeting would be held at 2.15 p.m. on Monday, 10 September 2018.

The meeting ended at 11.00 am

Chairman