

EMPLOYMENT PANEL

MONDAY, 16 OCTOBER 2017

PRESENT: Councillors Lisa Targowska (Chairman), Phillip Bicknell, Paul Brimacombe, Stuart Carroll, Dr Lilly Evans, Lynne Jones and MJ Saunders

Officers: Terry Baldwin and Karen Shepherd

APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillor Quick.

DECLARATIONS OF INTEREST

None received

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 14 August 2017 be approved.

OPTIONS FOR GRIEVANCE PROCEDURE REVISION

Members considered a proposed amendment to the council's Grievance Procedures, following a discussion at the previous meeting. The new proposal included the option to include a review by the Chairman of the Employment Panel to determine if a stage 3 hearing was required. The Head of HR explained that if an employee was unhappy at stage 1 they could appeal to their manager at stage 2. If they remained unhappy after this stage, a review would be undertaken by the Chairman of the Panel who would look at the paperwork and outcome, and determine if any further investigation was needed. If appropriate, a stage 3 appeal hearing would then take place; alternatively the grievance would be signed off as the final stage. The Chairman commented that when she received the papers for a stage 3 appeal it was often clear if the case was straightforward or not.

Councillor Saunders asked how, through the lens of a group of independent parties including the press or the appellant, would the Chairman always, beyond reasonable doubt, be seen as independent if the individual was also the Lead Member with responsibility for HR? The Chairman responded that most organisations did not have Member involvement anyway. It would be in her own interests to act objectively as she would not want to risk a tribunal and she would also wish to do the best for staff. Councillor Saunders commented that the discussion at the last meeting had focussed on objectivity and the need for Member involvement. He therefore questioned whether the proposal had achieved this or it had focussed on the Member who would be the greatest target for claims of a lack of objectivity. The solution proposed made the process more likely to be challenged.

The Head of HR highlighted that an officer outside of HR always investigated at stage 1. The Principal Member for HR would therefore be looking at the process and paperwork of an investigation undertaken independently of HR. The ACAS code

recommended only 2 stages in the process. The proposal still retained a third stage for the council.

Councillor Saunders commented that the debate was covering the same issues discussed at the last meeting, namely that the existing process provided unambiguous objective Member involvement. The Panel wanted to retain this objectivity and independence so that those observing did not feel it had been diluted.

Councillor Bicknell commented that the third stage involving three councillors could take many hours. He welcomed the review by a senior politician to determine if the case warranted a lengthy third stage as this would provide a sense balance. Councillor Saunders commented that the sole issue was that the Chairman of the Panel was also the Principal Member for HR. An alternative form of Member involvement was required to restore objectivity. Councillor Bicknell suggested three Members could vote by email to decide whether a third stage was necessary. The Head of HR commented that this would still delay the process as it would take time to produce the papers. The stage 2 papers were supplemented by reasons for appeal and the officer's response. The difference in the proposal was that arrangements were only needed with one Member rather than three.

Councillor Brimacombe commented that organisations were stacked against the individual; it was difficult for individuals to bring issues forward. The healthy way for issues to emerge was for brave individuals to identify problems through a grievance procedure. If a process was in place that was self-reinforcing for the status quo, the opportunity to do something different was diminished. The council was fortunate to have an independent embedded group and to waste this resource in dealing with a governance issue felt like throwing it away for process efficiency. The current process was unwieldy and he agreed with improving the process but cautioned against throwing out the central tenet that it was extremely fortunate to have councillors involved. Option 3 would exclude councillors or bring them in as a last resort. He referred to the model used in planning where many things were done by officers but the scrutiny of councillors was retained as applications could be called in by ward councillors.

Councillor Bicknell commented that there needed to be a sense check. If that determined a full panel was needed then one should take place. Efficiency was wanted but it was also important to ensure transparency and fairness. He highlighted that ACAS would be happy with a 2 stage process. Councillor Brimacombe commented that he had been asked to attend a panel hearing but in many cases he had physically been elsewhere so had not been able to participate. He would however be very happy to be one of the councillors who reviewed the notes and talked to officers as necessary. If he was then happy, and the employee had not asked for councillor involvement, he would be happy to sign it off. If one or two councillors undertaking this review were concerned, it could be escalated. This would act as a triage process so that only serious cases went to stage 3. Councillor Carroll agreed with the idea of an initial screening.

Councillor Saunders proposed revised wording:

'Revise the process to include documentation review by Members of the Employment Panel of which at least two would be required to determine a stage 3 panel was required.'

A suitable synopsis would need to be sent to each of the Members undertaking the review. The Chairman highlighted that such cases usually involved a lot personal data and it would therefore not be appropriate to circulate this to all Panel Members.

Councillor Jones commented that there was a need for more than one Member to be involved in the review; she understood the reasons not to send personal data to all. Members should be asked if they were available, then paperwork could be sent to two or three. Councillor Saunders stated that paperwork should not be sent selectively; it should be open to all. The Chairman responded that for data protection circulation of personal data should be minimised wherever possible. Councillor Bicknell suggested the synopsis could be written without names or departments identified.

Councillor L Evans posed the questions, what was trying to be achieved and what was the saving to be made? Damage could be done by making a small saving as people may feel there was no independent voice in the process. It should not be a single person making the decision as this was too much pressure for both sides.

The clerk explained that the current process for identifying Panel Members for an appeal was to approach the Chairman, then the Opposition Member and then ask other Members if they were available on the proposed date. Members agreed that Option 3 should be amended to include other councillors, identified using the process already in place.

RESOLVED UNANIMOUSLY: That Employment Panel

- i) **Approves option 3 as set out in point 2.9 with the amendment that three Members of the Panel would be included in the review to determine if a third stage hearing was required. Members to be involved in the review would be selected using the process currently in place for identifying Members for an Employment Appeals Panel.**

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 6 on the grounds that IT involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act

The meeting, which began at 6.30 pm, finished at 7.30 pm

CHAIRMAN.....

DATE.....