

CYNGOR SIR POWYS COUNTY COUNCIL.

THE MEMBERS OF THE COUNCIL

Date 4th March 2013

**REPORT AUTHOR: County Councillor Gareth Ratcliffe
Portfolio Holder for Human Resources**

**SUBJECT: Standing Committees of the Council and Employment
Policies for Chief Officers**

REPORT FOR: Decision

1. As Members will know under of the Constitution (Part 3 Section 1 Table 6) the Employment Committee has a number of functions in relation to the appointment and dismissal of staff and these include hearing and determining appeals in respect of dismissals arising out of disciplinary, capability or redundancy issues and also appeals in respect of grievances.
2. However, it has become apparent that there is a certain lack of clarity around the remit of the Committee and any Sub-Committee or Panel which the Committee may set up and that the Committees ' functions and powers may not be as extensive as they should be.
3. In particular this lack of clarity relates to the Committee's functions and powers concerning the initial determination of a whether or not a Chief Officer (Strategic Director) and Deputy Chief Officer (Head of Service) should be dismissed or be the subject of other disciplinary action and to the determination of appeals against any such dismissals or other disciplinary action.
4. Additionally there are difficulties over whether Committee's remit extends to initially hearing, determining or deciding appeals in relation to grievances against such Chief and Deputy Chief Officers.
5. To remedy these potential difficulties and remove all doubt Council is requested to resolve that the Employment Committee's remit be formally extended to empower it for the purposes of the JNC Conditions of Service for Chief Officers and for the Local Authorities (Standing Orders)(Wales) Regulations 2006,to discharge all relevant functions associated with the disciplinary and grievance processes and procedures in respect of all the Council's Chief and Deputy Chief Officers other than the Head of Paid Service, Monitoring Officer and Chief Financial Officer (as these 3 statutory officers are dealt with under separate provisions clearly set out in the Constitution).
6. It is of course envisaged that the Committee would when required establish two differently constituted Sub-Committees/Panels. The first one appointed would deal with whether or not the officer should be dismissed or otherwise be the subject of other disciplinary action In the event of an appeal a second Sub-Committee/Panel with different members would be appointed to consider that appeal from that initial decision. In accordance with the Local Authorities

(Standing Orders)(Wales) Regulations 2006 at least one member of the Cabinet would be required to sit on every such Sub-Committee/Panel. Cabinet Members cannot comprise more than half of the membership of such a Sub-Committee/Panel It is recommended that the Leader be granted the power to make such Cabinet Member appointments.

7. Similarly the Constitution (Officer Employment Procedures Rules Part 4 Section 9) and the Council's employment policies do not expressly contain a bespoke disciplinary procedure or grievance procedure for Chief and Deputy Chief Officers outside of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
8. In this latter respect time does not permit the usual consultation to take place with the recognised trade unions and therefore pending that consultation it is recommended that Council resolve to adopt the attached Disciplinary Procedures at **Appendix 1** and the attached Grievance Procedures at **Appendix 2** as interim measures for an initial period 6 months. A further report following consultation with the recognised trade unions will be presented to council in relation to these procedures.
9. The council's procedures in this connection also mean that there is uncertainty around the exercise of powers to suspend Chief and Deputy Chief Officers. To remedy this defect council is requested to specifically resolve that this power shall be exercised by the Head of Paid Service (Chief Executive) or his/her nominee or, in respect of the suspension of the Head of paid Service, by the Chair or Deputy Chair of the Employment Committee following consultation with the Leader.
10. A further report will be brought to Council concerning the necessary changes that will be required to the Council's Constitution in the event that the Council determines to extend the remit of the Employment Committee as requested above.

Recommendation	Reason for Recommendation
<p>1. To extend the remit of the Employment Committee and agree the requests and recommendations as set out in the report.</p> <p>2. To adopt the procedures in Appendices 1 & 2 on an interim basis for a period of 6 months and to consider the matter further following consultation with the recognised trade unions.</p> <p>3. To consider proposed revisions to the Constitution in due course.</p>	<p>To make appropriate arrangements for dealing with disciplinary and grievance matters relating to Chief and Deputy Chief Officers.</p>

