

AT A MEETING of the EMPLOYMENT IN HAMPSHIRE COUNTY COUNCIL COMMITTEE held at The Castle, Winchester on 6 July 2016.

**PRESENT:**

**Chairman:**  
**p Councillor Stephen Reid**

Councillors:

p	Vaughan Clarke	a	Roy Perry
p	Adrian Collett	p	John Wall
p	Keith Evans	p	Chris Wood
a	Keith House		

Councillor David Simpson was also in attendance as the Liberal Democrat Substitute Member for this Committee.

**104. BROADCASTING ANNOUNCEMENT**

The Chairman announced that press and members of the public were permitted to film and broadcast this meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recording broadcasting purposes.

**105. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Roy Perry who was representing the County Council at an external meeting.

**106. DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest and, having regard to Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Personal Interest in a matter being considered at the meeting they considered, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, considered whether it was appropriate to leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with the Code.

**107. MINUTES**

The non-exempt Minutes of the meeting held on 9 March 2016 (Item 3 in the Minute Book) were confirmed as a correct record and signed by the Chairman.

**108. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported that the Chief Executive had sent a communication to all staff to reassure those who were concerned about the implications of the outcome of the EU referendum and reminding them of policies in place to deal with, and support staff should they experience any instances of unacceptable behaviour. The communication had been well received. In this regard, the Head of HR & Workforce Development reported that case studies were being shared on social media networks to raise awareness, which was generating healthy discussion.

**109. UPDATE ON NATIONAL PAY AWARD AND GOVERNMENT PROPOSED POLICY CHANGES**

The EHCC Committee considered the report of the Director of Corporate Resources (Item 5 in the Minute Book) providing an update on the National Pay Award (NPA) and the proposed Government policy changes as previously discussed by the Committee.

Members noted that a two-year pay deal had been agreed and this would be reflected in the August payroll.

In regard to the 95K exit payment cap on the total value of an exit payment made to an individual with redundancy payments and any pension strain charges, Members noted that the Enterprise Act 2016 had received Royal Assent on 4 May but was not yet in force. A firm date was not known but it would not be brought into force before 1 October 2016. Members were reminded that there is provision in the Regulations for a waiver to be exercised and this would be a matter for decision by the full Council. The exit payment cap would not prevent a member of staff and the organisation parting company.

In regard to Public Sector exit payments recovery, Members noted the County Council had responded to the Government's consultation on the revised draft Repayment Regulations which closed on 25 January 2016. As yet the Government has not published the outcome of consultation. It was further noted that these Regulations, which are not yet in force, will have some impact on the County Council's current Enhanced Voluntary Redundancy Scheme (EVR2) and for staff nearing retirement age. EVR2 is proving to be successful in helping members of staff with less years of service to have the confidence in considering and making different choices, which contributes to the transformation programmes.

In regard to the Apprenticeship Levy, the Head of HR & Workforce Development reported that the mechanics of how the levy will work is crystallising. This will take the form of HMRC top-slicing the employer, with this money being put into a digital account which the employer will have access to. The Government will add 10% to the employer's contribution. The fund will be topped up each month and the employer can draw down the funding over an 18-month period. A Working Group has been established and amongst other things, will be looking at whether any elements of the County Council's existing internal training provision needs to be set up as a 'registered provider' given that the Government will stipulate that the funding can only be used with a registered set of training providers. Members emphasised the importance of apprentices being placed in the organisation in such a way that allows them to acquire meaningful skills that benefits both the individual and the organisation in line with the County Council's policy of 'growing our own'. Members requested that a further report be brought to the EHCC Committee in due course setting out how the Apprenticeship Levy is being implemented and where apprentices are being placed.

RESOLVED:

That the EHCC Committee notes the update and the work underway to manage the agreed changes, and that a further report will be provided once the implications of the additional consultations are known and the impacts on related policies confirmed.

#### 110. **STAFF DISMISSAL APPEALS**

The EHCC Committee considered the report of the Chief Executive (Item 6 in the Minute book) seeking approval to commence consultation on proposed changes to the County Council's Staff Disciplinary procedure relating to staff appeals against dismissal for misconduct for staff below the level of Chief Officer, and also to clarify the position with regard to the composition of Advisory Panels in respect of procedures relating to the dismissal of certain statutory offices. The purpose of the review of staff dismissal appeals is to ensure that the most effective arrangements for dealing with dismissal appeals for both the individual concerned and the organisation are in place going forward.

In presenting the report, the Head of Law & Governance expanded on the issues being experienced with the current arrangements, as set out in section 2 of the report, and the approach taken by other local authorities. In regard to the options outlined in section 3 of the report, Members attention was drawn to Option B – delegation of the function to Officers – and that such a move would be consistent with the approach taken for other types of dismissal, which are already heard by Officers such as Stage 2 Internal Dispute Pension Appeals, a move which has proved to be successful in terms of business efficiency.

During the course of discussion on the options Members noted that Option B would be the most efficient administratively in that Officers who already have responsibility for, and expertise in, recruitment and line management of staff would also have responsibility for determining dismissal appeals, which would ensure a consistent approach across the whole organisation. It was recognised that several other stages will have been exhausted before a decision to dismiss a member of staff is taken. Therefore the importance of responses being proportionate and in line with the County Council's policies was highlighted, as was the importance of ensuring independence of judgement and good governance arrangements in the process. This is a key role for HR employee relation experts who are already heavily involved in these appeals. Members were also mindful of the impact on the workforce and the ability to continue to deliver quality services during, what is often, long periods before the outcome of staff dismissal appeals is known. The importance of appropriate and up-to-date training for those dealing with appeals was also recognised as a requirement of good governance.

Some Members expressed concern about a move to option B and made comparisons with the former Regulatory B Committee which dealt with specific appeals only and was not involved in planning matters. A request was made to widen the consultation to the current Members of the Regulatory Committee to seek their views on the options and this was agreed.

The Chief Executive reported that this was a clear issue of accountability for what happens in the workplace by those who are charged with that responsibility. The organisation must ensure that it has sound and credible processes in place to deal with unacceptable operational situations that are in breach of the County Council's policies and procedures.

#### RESOLVED:

- a) That the EHCC Committee approved consultation to be undertaken with the Trades Unions, staff and Members of the Regulatory Committee regarding a proposal to amend the disciplinary procedure and the Constitution to delegate responsibility for hearing dismissal appeals to Officers.
- b) That authority be delegated to the Head of HR and Workforce Development to undertake the consultation and report back to a future meeting of the EHCC Committee.
- c) That the EHCC Committee recommends to the County Council that approval be given to the Monitoring Officer to amend the Constitution to reflect clarification in respect of the composition of a Panel appointed pursuant to the 2015 Regulations so as to comprise Independent Persons only, as outlined in Paragraph 6 of the report.

**111. EXCLUSION OF THE PRESS AND PUBLIC****RESOLVED:**

That the press and public be excluded from the meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information within Paragraphs 1 and 3 of Part I of Schedule 12A to the Local Government Act 1972, being information relating to an individual and information relating to the financial or business affairs of any particular person (including the authority holding that information). Further, it is considered that, in all the circumstances, the public interest in maintaining this exemption outweighs the public interest in disclosing this information. While there may be a public interest in disclosing this information, namely openness in the management of the County Council's business affairs, it is felt that, on balance, this is outweighed by other factors in favour of maintaining the exemption, namely confidentiality in respect of the private terms upon which individuals are employed, and that if the information was disclosed it may be prejudicial to the proper and effective conduct of the County Council's business.

**112. MANAGEMENT CAPACITY – UPDATE**

The Committee considered and approved the exempt report of the Chief Executive (Item 7 in the Minute Book) providing an update on changes to senior management capacity to support the County Council's Transformation Programmes.

(SUMMARY OF AN EXEMPT MINUTE).