

AT A MEETING of the EMPLOYMENT IN HAMPSHIRE COUNTY COUNCIL COMMITTEE held at The Castle, Winchester on 16 July 2012.

PRESENT:

Chairman:

p **Councillor T. K. Thornber, CBE**

Councillors:

p C. Carter

p A. P. Collett

p B. D. Dash

p Dr. R. J. Ellis

p K. Evans

p Felicity Hindson

a K. House

p J.J. Wall

124. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Keith House.

125. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a personal or prejudicial interest in any matter considered at the meeting declared that interest at the time of the relevant debate and, having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, considered whether to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with paragraph 12 of the code.

126. MINUTES

The Minutes of the meeting held on 22 March 2012 were confirmed as a correct record and signed by the Chairman. There were no matters arising on this occasion.

127. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

128. MANAGING MISCONDUCT AND INCAPABILITY – PROPOSED CHANGES TO THE CURRENT ARRANGEMENTS

The Committee considered the report of the Director of Human Resources (Item 5 in the Minute Book) outlining a number of proposed changes to the way in which the County Council deals with misconduct appeals. In presenting the report the Director drew Members attention

to the key issues set out in section 3 of the report and the proposed changes to the current procedure as detailed in section 4 of the report.

In considering the report the Committee noted that Councillors McEvoy and Simpson, who are experienced Appeal Panel members, were aware of the proposals. Consultation with the Trade Unions had been undertaken and it was noted that the proposed changes are in line with the Human Rights and equalities legislation.

The Committee emphasised the importance of the training sessions which are an integral part of the overall appeals process to ensure that Members hearing appeals are well equipped to carry out this role. The first training session for Members of the Regulatory Committee B had been held in April and more would follow. The Committee also requested that as committee memberships do change over time, that the training be extended to all Members, with the exception of the Executive, with effect from the commencement of the new Council in May 2013. The Director also confirmed that training was being provided to investigating officers, commissioning officers and managers who may have to suspend staff at some point.

The Committee also emphasised the importance of appropriate processes being in place to prevent, as far as practicable, service delivery being compromised during the period of a suspension process.

In conclusion the Committee noted that a full review of the Disciplinary and Capability Procedures was underway, which would take account of potential changes to employment legislation.

RESOLVED:

That:

- a) the immediate proposed changes to the misconduct Appeals Process/Disciplinary Procedure (including the facility to provide an expert adviser to the panel) be implemented;
- b) EHCC Committee recommend to the County Council that Regulatory Committee B be widened to 26 members and the proportionality table be reviewed at the next available meeting of the Council;
- c) a series of six appeal hearing dates, two days per hearing, are programmed into the Committee schedule for each calendar year and pre-booked into the diaries of elected members based on an alphabetical rota by surname who will make every effort to make themselves available on these dates;

- d) EHCC Committee noted that a full review of the Disciplinary and Capability Procedures was underway and would take account of any relevant changes in employment legislation;
- e) EHCC Committee noted that a training programme had been developed and will run on an annual basis (or more frequently if required) for elected Members who hear misconduct appeals with immediate effect. Furthermore that all Members of Regulatory Committee B are trained before sitting on a misconduct appeal panel; and
- f) from the commencement of the new Council in May 2013, all Members (with the exception of the Executive) whether newly elected or returning Members, will undertake training in handling staff misconduct appeals.

129. **WORKPLACE PENSIONS REFORM**

The Committee considered the report of the Director of Corporate Resources and the Director of Human Resources (Item 6 in the Minute Book) outlining the new employer duties contained in the Pensions Act 2011 and seeking approval of a number of employer discretions within the provisions of the Act. In expanding on key points in the report the Director confirmed that the Government was directing the implementation of these new duties on a phased approach based on the number of employees within what is their largest PAYE scheme.

In considering the implications of these changes, the Committee noted that the Council had made strong representation on the proposals during the consultation period, suggesting a number of practical and logical solutions. However, the content of the County Council's response was not reflected in the Act and the Directors were taking a proactive approach to ensure the County Council is fully compliant in the future. The County Council was also working with all external payroll customers to provide advice and support.

RESOLVED:

That:

- a) EHCC Committee note the new employer duties and potential impact;
- b) EHCC Committee approve the following recommendations regarding the employer discretions, subject to confirmation of the final rule changes to the pension schemes:
 - the County Council retains its current 'staging date' of 1 January 2013

- the transitional period is applied to all 'eligible' employees who have previously been entitled to become a member of a pension scheme
 - The option to apply a three month period of 'postponement' to all employees not affected by the transitional period if it becomes necessary, in order to comply with the regulations; and
- c) if any rule changes to the pension scheme require changes to the decisions regarding the discretionary areas over the summer period, that delegated authority be given to the Chief Executive, in consultation with the Chairman of EHCC Committee, to determine any amendment required on behalf of EHCC Committee.

130. **HAMPSHIRE COUNTY COUNCIL PAY POLICY STATEMENT –
 PROTOCOL FOR DETERMINATION OF CHIEF OFFICER
 SALARIES ABOVE GRADE K OTHER THAN CORPORATE
 MANAGEMENT TEAM**

The Committee considered the report of the Chief Executive (Item 7 in the Minute Book) introducing a Protocol (at Annex 1) setting out how Chief Officer salaries above Grade K should be determined (other than for Corporate Management Team Officers), which should be read in conjunction with the relevant Pay Statement of the County Council.

In expanding on the key points in the report, the Chief Executive highlighted that the statutory definition of 'Chief Officer' is quite wide and includes any officer who, in respect of all or most of their duties, reports directly or is directly accountable to a CMT Officer. The Chief Executive also reported that the post of Director of Public Health would be picked up via the Corporate Services Review process given that currently it is not a role within the County Council, but would be in the future as part of the new health service arrangements. The Committee noted that the post will transfer to the County Council with its salary, pension, and staff.

Furthermore, the Committee noted that Member Appointment Panels will retain responsibility for selection of all Chief Officers. The proposed protocol allows for details of salaries of Chief Officer above Grade K, other than CMT Officers, to be concluded by the Chief Executive, in consultation with the Chairman of EHCC Committee where required, following selection by a Member Appointment Panel.

RESOLVED:

That:

- a) the Protocol for determination of Chief Officer salaries above Grade K of the Main Pay Framework other than CMT Officers be

approved;

- b) EHCC Committee delegate authority to the Chief Executive, in consultation with the Chairman of EHCC Committee, where required under this Protocol, to conclude Chief Officer salaries or changes in existing salary arrangements, other than CMT Officers, in accordance with the Protocol and the relevant Pay Statement; and
- c) the Chief Executive be required to report the outcome of Chief Officer salaries on appointments or changes to existing salary arrangements, other than CMT Officers, in accordance with the Protocol and the relevant Pay Statement, to the next appropriate meeting of the EHCC Committee.

131. 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 Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972, being information relating to individuals which should not be disclosed for the reasons set out in the report.

132. CORPORATE SERVICES REVIEW IMPLEMENTATION AND MANAGEMENT ISSUES

The Committee considered and approved the recommendations set out in the exempt report of the Chief Executive (Item 9 in the Minute Book) regarding the implementation of the Corporate Services Review and management issues.

(SUMMARY OF AN EXEMPT MINUTE).