



<b>SIGNED OFF BY</b>	Head of Legal and Governance
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<b>TO</b>	Employment Committee
<b>DATE</b>	Thursday, 20 June 2019
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Corporate Direction and Governance

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	N/A

<b>SUBJECT</b>	Terms of Reference and Membership - Employment Committee 2019/20
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<b>RECOMMENDATIONS</b>
<p>The Committee is asked to note:</p> <ol style="list-style-type: none"> <li>1. The Responsibility for Functions for the Employment Committee, set out in Part 3a of the Constitution (Annex 1);</li> <li>2. Procedure Rule 9 – Officer Employment, set out in Part 4 of the Constitution (Annex 2); and</li> <li>3. The membership of the Committee for the 2019/20 Municipal Year (set out in Section 1 of this report).</li> </ol>
<b>REASONS FOR RECOMMENDATIONS</b>
<p>Following the recent Governance Task Group review and recommendations (Executive, 18 March 2019) this report sets out the revised terms and reference, together with the membership, of the Employment Committee for the 2019/20 Municipal Year.</p>

## KEY INFORMATION

### Membership

1. As agreed by Annual Council on 29 May 2019, the membership of the Employment Committee for the 2019/20 Municipal Year is:
  - Councillor Jill Bray
  - Councillor Mark Brunt
  - Councillor Victor Lewanski
  - Councillor Steve McKenna
  - Councillor Caroline Neame
2. The nominated substitute members are:
  - Conservative: Councillors Jamie Paul, Tony Schofield and Rachel Turner
  - Residents' Association: Councillors Bob Harper, Nick Harrison and Ross Feeney
  - Green: Councillor Jonathan Essex

### Terms of Reference and Procedure Rule 9

3. As set out in the recent Governance Task Group report (Executive, 18 March 2019) the Council needs to understand, plan and develop its workforce requirements for the future in order to provide excellent services to the community it serves and to support the Council's vision, aims and values.
4. In considering Procedure Rule 9 (Officer Employment) and the Terms of Reference for the Employment Committee, the Task Group focused on:
  - The need to ensure the Council has access to the right skill sets in order to deliver its ambitious future objectives.
  - The importance of attracting a diverse future workforce to ensure an ongoing supply of suitable applicants across a broad range of occupations, tackling skills shortage areas and attracting the right people with the right skills and competencies at the right time.
  - Ensuring skills and capacity are in place to support change, focusing on future skill requirements to support service improvements, management and staff development and creating a more adaptable and flexible workforce.
  - Ensuring pay and reward policies are equitable, flexible and affordable, support the Council's performance management systems and are responsive to market pressures.
  - The need to enhance and clarify governance arrangements associated with Member involvement in senior officer recruitment, including functions relating to disciplinary / dismissal.
  - The importance of Member Learning and Development, especially in relation to the roles and responsibilities of the Employment Committee and Member involvement in recruitment.
5. The Task Group's findings highlighted that much of the above could be achieved through the development, implementation and ongoing review of an Organisational

Development Strategy. With this in mind, the Task Group put forward a number of recommendations, which reflected a desire to ensure greater alignment between the Council's emerging Corporate Plan (2020-2025) and the shape of the organisations.

6. These recommendations were adopted and resulted in changes to the Constitution, both in terms of the Responsibility for Functions of the Employment Committee (**Annex 1**) and Procedure Rule 9 – Officer Employment (**Annex 2**).

#### **LEGAL IMPLICATIONS**

7. There are no direct legal implications associated with this report.

#### **FINANCIAL IMPLICATIONS**

8. There are no direct financial implications associated with this report.

#### **EQUALITIES IMPLICATIONS**

9. The Employment Committee needs to have regard to the Council's duties under the Equality Act 2010. This requires the Council to have due regard to the need to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share protected characteristics and those who do not.
10. The recommendations set out in this report relate to the membership and terms of reference for the Employment Committee and carry no direct implications for the Council's general equality duty. However, the Committee should ensure that it addresses these duties by considering them within its work programme (attached at agenda item 12) as well as individual pieces of work.

#### **COMMUNICATION IMPLICATIONS**

11. There are no direct communication implications associated with this report.

#### **BACKGROUND PAPERS**

12. Governance Task Group (Executive, 18 March 2019)  
<https://reigate-banstead.moderngov.co.uk/ieListDocuments.aspx?CId=137&MId=223&Ver=4>



**Responsibility for Council Functions**

Committee	Membership	Function	Delegation of Functions
Employment Committee	5 Members of the Authority  (politically balanced – to include at least one Member of the Executive)	<ol style="list-style-type: none"> <li>1. Appointment/Dismissal &amp; Disciplinary Action and appeals in accordance with Procedure Rule 9 - Officer Employment.</li> <li>2. Employee matters requiring approval by Members or falling outside the personnel policies and procedures.</li> <li>3. Oversight and engagement (with relevant Officers) in respect of the development of the Council’s Organisational Development Strategy – which includes the talent/attraction/development/retention strategy for staff and the Council’s Management Structure.</li> <li>4. Establishing a critical friend role in relation to ensuring the Council’s Organisational Development Strategy is on track and is fit for purpose. This should include consultation around the annual Service and Financial Planning process and Pay Policy Statement.</li> </ol> <p><b>Note:</b> The application of 2, 3 and 4 (above) should be detailed in an annual work programme to be agreed at the start of each Municipal Year by the Employment Committee.</p>	Officer Delegation – see schedule



## Procedure Rule 1 - Officer Employment

### 1.1 General

- 1.1.1 Each member of the Management Team is responsible to the Council for the management, training, welfare, health and safety and discipline of the employees under their direction.
- 1.1.2 He/she shall act in accordance with the Council's HR Policies and Procedures.
- 1.1.3 He/she shall liaise closely with the Head of Service with responsibility for HR over the interpretation and application of these matters.
- 1.1.4 The Head of Service with responsibility for HR shall be responsible for monitoring that the Council's HR Policies and Procedures are being implemented and Officers are acting within their terms.
- 1.1.5 The Head of Service with responsibility for HR shall also keep the Council informed of all significant developments in the HR field.
- 1.1.6 Each member of the Management Team shall ensure that the Head of Service with responsibility for HR is supplied with all the information necessary for corporate monitoring systems on human resource management and payroll.
- 1.1.7 Terms and conditions of employment are set out in individual contracts of employment and the Council's HR Policies and Procedures.

### 1.2 Recruitment and appointment

#### Declarations

- 1.2.1 The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.
- 1.2.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the Chief Executive or an Officer nominated by him/her.

#### Seeking Support for Appointment

- 1.2.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council.
- 1.2.4 The content of Procedure Rule 9.2.3 will be included in any recruitment information.
- 1.2.5 No Councillor will seek support for any person for any appointment with the Council.

### **1.3 Recruitment of Head of Paid Service and Statutory Chief Officers**

*Where the Council proposes to appoint the Head of Paid Service or a Statutory Chief Officer the Council will:*

- 1.3.1 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 1.3.2 make arrangements for a copy of the statement of qualifications or duties to be sought in the person to be appointed to be sent to any person on request.

### **1.4 Appointment of Head of Paid Service, Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officer)**

- 1.4.1 The full Council will approve the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer in accordance with Annex 1 to Procedure Rule 9.
- 1.4.2 The full Council may only make or approve these appointments where no well-founded objection has been made in accordance with Procedure Rule 9.8.

### **1.5 Other appointments**

- 1.5.1 Appointment of Officers other than those listed in Procedure Rule 9.4 (and assistants to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9.

### **1.6 Disciplinary action/dismissal against Statutory Chief Officers**

- 1.6.1 No disciplinary action (except suspension for the purpose of investigating the alleged misconduct occasioning the action) may be taken by, or on behalf of, the Council against the Head of Paid Service, Monitoring Officer or Chief Finance Officer other than in accordance with the Local Authorities (Standing Orders) (England) Regulations 2015.
- 1.6.2 Any suspension of Officers for the purpose of investigating an alleged misconduct occasioning the action must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 1.6.3 In the case of a proposed disciplinary action against a statutory officer the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
- 1.6.4 An independent panel will be formed if two or more independent persons accept the invitations, and councils should issue invitations in accordance with the following priority order:
  - An independent person who has been appointed by the council and who is a local government elector,
  - Any other independent person who has been appointed by the council, and
  - An independent person who has been appointed to another council or councils.

- 1.6.5 Any decision in relation to disciplinary action against a statutory officer will be taken transparently by full council, who must consider any advice, views or recommendations from the independent panel, the conclusions of any investigation into the proposed dismissal, and any representations from the officer concerned.

### **1.7 Disciplinary action/dismissal against other Officers**

- 1.7.1 Dismissal or disciplinary action against any Officer other than those listed in Procedure Rule 9.4 (and assistants to political groups) will be undertaken in accordance with Annex 1 to Procedure Rule 9.

### **1.8 Notification of proposed appointment of Head of Paid Service, Chief Finance (S151) Officer and Monitoring Officer (Statutory Chief Officers)**

- 1.8.1 The Proper Officer will notify every Member of the Executive of:

- (i) the name of the person concerned;
- (ii) any other particulars relevant to the appointment; and
- (iii) the date by which objections must be made.

- 1.8.2 An Executive Member wishing to make an objection must notify the Leader in sufficient time to enable the Leader to lodge an objection in accordance with Procedure Rule 9.8.3 below.

- 1.8.3 Objections must be material and well founded and must be made by the Leader on behalf of the Executive to the Proper Officer in writing within 5 working days unless specifically extended.

### **1.9 Conduct of employees**

- 1.9.1 Employees should adopt high standards of personal conduct at work and should do nothing which would bring the Council into criticism or disrepute.

- 1.9.2 They must follow the Council's codes of conduct and regulations stated in the Constitution and elsewhere.

- 1.9.3 Only the Communications Unit, the Chief Executive, and Management Team, in consultation with the Communications Unit, may talk to the press, or otherwise make public statements on behalf of their Services unless otherwise designated under the Council's Emergency Plan.

### **1.10 Conditions of employment**

- 1.10.1 All employees of the Council must be engaged on Contracts of Employment agreed by the Head of Service with responsibility for HR and in accordance with the Council's approved Terms and Conditions of Employment.

- 1.10.2 The Council will follow Advisory, Conciliation and Arbitration Service (ACAS) guidance for any changes to terms and conditions of employment.

### **1.11 HR Plans**

- 1.11.1 The Head of Service considering variations to the approved Human Resource Plans or structure of their operating unit(s) shall, at the earliest opportunity, discuss the proposals with the Head of Service with responsibility for HR, who will advise on the procedure to be followed.
- 1.11.2 The Head of Service with responsibility for HR shall be notified immediately of all changes to staffing in order that the necessary processes and documentation may be undertaken.

### **1.12 Training and development**

- 1.12.1 The Head of Service shall be responsible for the training and development of employees under his/her direction in order to meet the needs of the Council and those of the employee, within the resources made available for the purpose. He/she shall liaise closely with HR in the execution of this responsibility.
- 1.12.2 The Chief Executive or Head of Paid Service shall be responsible for monitoring the business benefit provided through the training and learning opportunities afforded for all employees and that employees have the skill necessary to deliver the Council's services.

### **1.13 Discipline, performance and grievances**

- 1.13.1 Disciplinary action will be taken in line with Annex 1 to Procedure Rule 9.
- 1.13.2 Performance related matters will be dealt with in accordance with HR Policies and Procedures.
- 1.13.3 Grievance matters will be dealt with in accordance with the Council's grievance and appeal procedures.
- 1.13.4 The Head of Service with responsibility for HR shall be informed of all grievances formally raised by employees and of all cases where any Officer is planning to take disciplinary or capability action.
- 1.13.5 The Head of Paid Service, Monitoring Officer and Chief Finance Officer in addition to the Head of Service with responsibility for HR will be informed where disciplinary action is planned in cases of misappropriation by an employee of funds and/or property belonging to the Council or any other form of gross misconduct.

### **1.14 Health and Safety Policy**

- 1.14.1 All employees are required to follow the principles of Health and Safety as set out in the Council's Policies and Procedures which forms part of the Council's Conditions of Employment.
- 1.14.2 Members of the Management Team are responsible for the maintenance of the policy within their service areas and shall liaise closely with the Head of Service with responsibility for Health & Safety.

**1.15 Equal opportunities and dignity at work**

- 1.15.1 Reigate and Banstead Borough Council is committed to providing a working environment in which any employee, volunteer or client/customer:
- (i) is treated with dignity, respect, courtesy and fairness and is free from harassment, bullying or victimisation.
  - (ii) does not experience any form of discrimination on any basis including his or her age, disability, gender reassignment & sexual orientation, marriage & civil partnerships, pregnancy & maternity, race, religion & belief, sex or responsibilities for dependants.
- 1.15.2 The Council is also committed to ensuring that its services are available to all members of the Community.
- 1.15.3 Members of the Management Team are responsible for ensuring that the policy is implemented and that all employees observe their responsibilities towards each other and service delivery.

**ANNEX 1 - OFFICER EMPLOYMENT RULES RESPONSIBILITY FOR FUNCTIONS**

<b>OFFICER</b>	<b>RECRUITMENT</b>	<b>DESIGNATION</b> (where already an employee of the Council)	<b>DISCIPLINARY / DISMISSAL</b>	<b>APPEAL AGAINST DISCIPLINARY / DISMISSAL</b>
Head of Paid Service Chief Finance Officer Monitoring Officer Chief Executive (if not also Head of Paid Service)	COUNCIL (on recommendation of Employment Committee)	COUNCIL	COUNCIL (who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation and representations from the officer concerned)	COUNCIL
Deputy Chief Executive	Employment Committee (taking into account the advice of the Head of Paid Service)	N/A	Employment Committee	COUNCIL
Direct Reports to the Chief Executive	Employment Committee (taking into account the advice of the Head of Paid Service)	N/A	Head of Paid Service or Officer(s) nominated by him/her  Employment Committee to be consulted and briefed on the disciplinary / dismissal arrangements (including any compensation agreements)	Head of Paid Service or Officer(s) nominated by him/her ( <i>must be different to the person undertaking disciplinary / dismissal process</i> )
Heads of Service	Head of Paid Service or Officer(s) nominated by him/her	N/A	Head of Paid Service or Officer(s) nominated by him/her	Head of Paid Service or Officer(s) nominated by him/her ( <i>must be different to</i>

	The lead Member of the Executive to be consulted and briefed in the recruitment of any Head of Service under their Portfolio			<i>the person undertaking disciplinary / dismissal process)</i>
Other Employees	Head of Paid Service or Officer(s) nominated by him/her	N/A	Head of Paid Service or Officer(s) nominated by him/her	Head of Paid Service or Officer(s) nominated by him/her <i>(must be different to the person undertaking disciplinary / dismissal process)</i>