

## THE EXECUTIVE

12 OCTOBER 2004

### REPORT OF THE DIRECTOR OF CORPORATE STRATEGY

PERSONNEL BOARD MEMBERSHIP	FOR DECISION
<i>This report is submitted in accordance with the Council's Constitution, specifically Part B Article 7B.</i>	
<b><u>Summary</u></b>	
<p>This report proposes changes to the operation and administrative arrangements of the Personnel Board, with a view to achieving consistency in decision making, to focus on specific training for elected Members, and to consider a minor change to the terms of reference of the Board.</p>	
<p>The Personnel Board deals with the following matters:</p> <ul style="list-style-type: none"><li>• Determining appeals against all decisions taken in respect of employment issues, other than in those cases either reserved to other Member meetings or delegated to officers;</li><li>• Exercising the Council's functions in respect of early retirements, severance and redundancy of all employees except those subject to the National Schemes of Conditions of Service for JNC Officers;</li><li>• Determining jointly with the Trade Unions, job evaluation appeals;</li><li>• Approving injury allowances and discretionary death grants; and</li><li>• Considering any employees' grievances as the third stage in the Council's grievance procedure.</li></ul>	
<p>The number of cases and consequently the number of meetings taking place is increasing, matters can be very complex, and cases are sometimes taken to an Employment Tribunal. Membership of individual Board meetings is drawn from a rota of Members resulting in different small groups of Members dealing with cases. This can lead to some inconsistency which opens up the scope for potential inequality in decision making where an employee is concerned, and consequently potentially could weaken the Authority's case at a Tribunal.</p>	
<b><u>Recommendation</u></b>	
<p>The Executive is asked to consider the suggested changes to the operation and make up of the Personnel Board and:</p>	
<ol style="list-style-type: none"><li>1. Recommend to the Assembly that Article 7B of the Constitution be amended as follows:<ol style="list-style-type: none"><li>a. Having regard to the political balance requirements of Section 15 of the Local Government and Housing Act 1989, that the membership of the Personnel Board be set at seven Members;</li></ol></li></ol>	

- b. That the Chair and Deputy Chair of the Personnel Board be fixed positions;
- c. That the quorum per meeting of the Board remains a minimum of three Members; including the Chair and/or the Deputy Chair;
- d. That the current terms of reference be amended so that no Member (including Trade Union Representatives) may sit on the relevant Board if they have worked particularly closely with a member of staff, who may be the subject of a report to a meeting of the Board.
- e. When the Board decides Job Evaluation Appeals the membership will be made up of an equal number of appropriately trained Members (to include the Chair and Deputy Chair), and Trade Union representatives, totalling 6 in line with current arrangements. For a meeting to proceed there shall be present at least two Council and one Trade Union representative(s); including the Chair and/or the Deputy Chair.

2. Further recommend to the Assembly that (i) the Independent Members' Remuneration Panel be advised of the new Chair and Deputy Chair positions and be asked to consider the appropriateness of associated Special Responsibility Allowances, and (ii) all necessary changes be made to the Constitution.

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## 1. Background

- 1.1 The present arrangements for membership of the Board is three Members per Board (drawn by the Chief Executive from a Panel appointed by the Assembly, based on a rota where that is possible). The membership of that Board should remain consistent when considering the same issue over more than one meeting.
- 1.2 With the broad range of employment related matters dealt with at the Board as set out in the summary, meetings are frequently called at fairly short notice and therefore in practice, as a result of Member commitments, the availability of some Members on the rota is restricted.
- 1.3 Over the past year there have been 20 Board meetings, all day-time. It is also relevant to mention that where cases are challenged through Employment Tribunals, Members of related Boards could be called as witnesses. In addition to the potential increased workloads for the Members' concerned, there are considerable cost implications in Tribunal cases, meaning it is vital that decisions taken at a Board level are robust and can stand up to independent scrutiny when challenged.

## 2. Proposed Changes

- 2.1 The nature of the Personnel Board is such that decisions taken do set precedents for future cases, and so it is important that the structure and make up of the Board supports consistency in decision making. However in practice the current Membership arrangements are resulting in an increased lack of consistency. With constant changes to employment law, it is becoming increasingly important to focus on the training needs of Members of the Board. For those reasons it is being proposed that rather than have a rota of Members, that a set number of Members be appointed (seven, including a permanent Chair and Deputy Chair; all of whom would then be given specific training to deal with the complex range of human resource issues.
- 2.2 The Personnel Board has been established as a “committee” under the Local Government Act 1972 and Local Government and Housing Act 1989, and as such political balance requirements apply to the membership. This means that not all seats on “committees” should be allocated to the same political group. The number of seats depends upon the size of each political group as a proportion of the membership of the Council as a whole. In this instance based on a suggested membership of seven it will be necessary to offer one seat on the Board to the minority parties.
- 2.3 Having reviewed the arrangements for the Personnel Board, as set down in the Constitution, it is necessary to make a small amendment to Section 2 which deals with the membership of the Board, to the extent that in future no Member, or Trade Union representatives when the Board considers Job Evaluation appeals, may sit on the relevant Board if they have in the past *worked particularly closely* with a member of staff who is the subject of a report to the Board. This will replace the existing qualification i.e. “no Member may sit on a relevant Board if they have worked closely with, or have more than a passing knowledge of the member of staff involved”. It is felt that the wording as it currently stands is too restrictive a qualification, and does not reflect the role played by Trade Union representatives when the Board considers Job Evaluation appeals.
- 2.4 The proposed amended wording for Section 2 is set out below:

### **Membership**

- Seven Members.
- The Chair and Deputy Chair to be appointed annually by the Assembly.
- No Member, or Trade Union representatives when considering Job Evaluation appeals, may sit on the relevant Board if:
  - (i) they have been party to a staffing decision which is the subject of an appeal or otherwise; or
  - (ii) they have worked particularly closely with a member of staff the subject of a report to the Board.

- When the Board decides Job Evaluation Appeals the membership will be made up of an equal number of appropriately trained Members (to include the Chair and/or Deputy Chair), and Trade Union representatives, totalling six, with a minimum of two Council and one Trade Union representative(s), one of whom shall be the Chair or the Deputy Chair.

### **3. Financial Implications**

- 3.1 If the decision is taken to appoint a permanent Chair and Deputy Chair, the Independent Members Remuneration Panel will be required to consider the appropriateness of applying Special Responsibility Allowances to both positions.

### **Consultations**

The following have seen and approved this report:

Adrian Wilson-Smith, Head of Organisational Development and Employee Relations  
Hayley Miller, Senior Human Resources Advisor  
Councillor CJ Fairbrass, Leader of the Council

### **Background Papers- Nil**