

EMPLOYMENT PANEL

(From a pool of Councillors) Including the Independent Panel

1. PURPOSE

The purpose of the Employment Panel is divided into two main areas; recruitment and employment relations issues including staffing appeals on behalf of the Council.

This section should be read in conjunction with the Council's internal Human Resources procedures such as disciplinary, capability, grievance and redundancy procedures, along with all legislative requirements relating to recruitment and employment relations.

2. RESPONSIBILITIES OF THE EMPLOYMENT PANEL

The Employment Panel has specific responsibilities in relation to the recruitment and employment relations issues of Chief Officers, especially the Statutory Officers. The Panel also has responsibility for the appeals against dismissal for all non-Chief Officers.

When a Panel is established, its membership will vary dependent on the duty it is considering; between 3 and 7 Councillors drawn from the membership pool. As far as possible the Panel will be politically balanced. Whenever the Panel meets it will be supported by a Senior Human Resources representative in an advisory role only.

The majority of employment related matters have been delegated to the Chief Executive (Head of Paid Service), who may delegate some of their powers to other Chief Officers, to enable them to take responsibility for their service area.

The Leader of the Council and Head of Legal, Democracy and HR also have specific delegations.

3. DECISIONS WHICH WILL BE TAKEN BY THE EMPLOYMENT PANEL

Recruitment

When appointing:

- The Chief Executive (The Head of Paid Service) - the Panel will consist of **seven** Councillors including a minimum of **two** Cabinet Members (with a quorum of **five**).

N.B: The recommendation from this Panel will be received by the Full Council for the final appointment.

- The Deputy Chief Executive or a Head of Service - the Panel will consist of **five** Councillors including a minimum of **one** Cabinet Member (with a quorum of **three**).

In all cases of the above appointments, any Cabinet Member not serving on the recruitment Panel, will be informed of the appointment and have the right to make a formal objection to the appointment.

Employment Relations Issues

Statutory Chief Officer

Instigating a formal investigation process relating to disciplinary, grievance and capability matters including dismissal for Statutory Chief Officers:

- *When determining whether there is a question to be answered which requires a formal investigation by an investigator and independent person, the Panel will consist of a **minimum of three** Councillors (including at least **one** opposition Councillor, with a quorum of **three**). Substitutes may also be sought.*

Disciplinary, grievance and capability matters including dismissal for Statutory Chief Officers:

- *When determining the outcome of any investigations (including any advice, views of recommendations from the Independent Panel) the Panel will consist of a **minimum of three** Councillors (including at least **one** opposition Councillor, with a quorum of **three**). Substitutes may also be sought.*

Cabinet Members not serving on the Employment Panel, will be informed of any action taken and have the right to make a formal objection.

- The recommendation from this Panel will be then received by the Full Council for final determination (this stands in lieu of a dismissal appeal).

Appeals against any actions short of dismissal or grievance appeals for Statutory Chief Officers:

- Will be heard by an Employment Panel consisting of **three** Councillors (**one** who must be the Leader, **one** opposition Councillor and **one** other with a quorum of **three**). Substitutes may also be sought. Excluding the Leader, these Councillors must not have been involved in the either of the previous stages.

Non-Statutory Chief Officers

Disciplinary, grievance and capability matters (including dismissal) for non-statutory Chief Officers:

- *When determining the outcome of any investigations the Panel will consist of a **minimum of three** Councillors (at least **one** opposition Councillor, with a quorum of **three**). Substitutes may also be sought.*

Cabinet Members not serving on the Employment Panel, will be informed of any dismissal and have the right to make a formal objection.

Appeals against any action taken above for non-statutory Chief Officers:

- *When determining an appeal against dismissal the Panel will consist of a **minimum of three** Councillors (at least **one** opposition Councillor, with a quorum of **three**). Substitutes may also be sought. No Councillor involved in the original decision to dismiss can serve on the Appeal hearing.*

Appeals against Dismissal by all Other Officers

Appeals against dismissal for all non-Chief Officers:

- *When determining an appeal against dismissal the Panel will consist of a **minimum of three** Councillors (at least **one** opposition Councillor, with a quorum of **three**). Substitutes may also be sought. No Councillor involved in the original decision to dismiss can serve on the Appeal hearing.*

4. SPECIFIC DELEGATIONS

The Leader of the Council:

Action in accordance with any disciplinary code or capability procedure for the suspension from duty of the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

Chief Executive in consultation with the Leader:

Action in accordance with any disciplinary code or capability procedure for the suspension from duty of non-statutory Chief Officers.

Chief Executive:

Authority to agree a Settlement Agreement in circumstances where an officer of the Council has made a claim or has a potential claim against the Council. In addition, where the Settlement Agreement includes an amount of financial compensation, the Chief Executive, in consultation with the Leader of the Council, has delegated authority to agree the amount following consultation with the Head of Legal, Democracy and HR (where the Chief Executive is the subject of the agreement then the Section 151 Officer will replace them in the authorisation process).

Head of Legal, Democracy and HR (Monitoring Officer):

Duty to appoint a Deputy Monitoring Officer(s).

Head of Legal, Democracy and HR:

Authority to establish an Independent Panel.

Head of Corporate Finance (Section 151 Officer):

Duty to appoint a Deputy Section 151 Officer(s).

5. ROLE AND RESPONSIBILITY OF THE INDEPENDENT PANEL

The Independent Panel will be appointed and comprise of at least two Independent Persons in accordance with Paragraph 5 of Schedule 3 to The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. Its role is to offer advice, views or recommendations on the dismissal of a Statutory Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015.

The Head of Legal, Democracy and HR, or in the case of any action against that Officer, the Deputy Monitoring Officer, will establish the Independent Panel. The Panel is required to meet at least 20 days before the Employment Panel considers whether or not to approve a proposed dismissal of a Statutory Chief Officer.