

# **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Staffing Committee**  
held on Monday, 29th February, 2016 at Committee Suite 1 & 2, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

## **PRESENT**

Councillor B Moran (Chairman)  
Councillor G Barton (Vice-Chairman)

Councillors D Brown, P Findlow, L Jeuda, D Marren, D Newton and A Stott

## **Officers**

Sara Barker, Head of Strategic HR  
Karen Begley, HR Business Partner  
Sally Gold, Barrister  
Rachel Graves, Democratic Services Officer

## **32 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Jackson and M Jones.

## **33 DECLARATIONS OF INTEREST**

No declarations were made.

## **34 PUBLIC SPEAKING TIME/OPEN SESSION**

No members of the public were present.

## **35 MINUTES OF PREVIOUS MEETING**

### **RESOLVED:**

That the minutes of the meetings held on 14 January 2016 be confirmed as a correct record.

## **36 IMPLEMENTING THE RECENT CONSTITUTIONAL CHANGES FOR STAFFING COMMITTEE**

The Committee considered a report on the proposals for the implementation of changes made to the Constitution in relation to Staffing Committee.

Changes to the Constitution in October 2015 gave Staffing Committee the responsibility to approve all human resources policies including pay and grading structures (except those that must be approved in law by the Council and the implementation of national terms and conditions which would be undertaken by the Chief Executive/Head of Paid Service),

employees terms and conditions of employment, including changes to these terms and conditions and to approve policies on how the Council exercised its functions under the Local Government Pension Scheme and any other relevant pension scheme.

It was proposed that a delegation be given to the Head of Strategic HR, in consultation with the Chairman of Staffing Committee or Vice-Chairman in their absence to:

- make and approve all HR procedures and guidance (except where a procedural matter directly affects members of Staffing Committee) that are designed to clarify or give effect to approved policy.
- Make and approve minor and consequential amendments to HR policy e.g. to clarify an issue, reinforce a point or take into account knock on effects of other policy changes
- Make and approve legislative changes to HR Policy, reporting all such changes to Staffing Committee.

The exception to these delegations being HR policy and procedure determined as requiring Staffing Committee approval. The Committee agreed a list of HR policies which would come to the Staffing Committee for approval.

The Grievance Procedure was reviewed by the Committee and the following changes were suggested:

Insert new paragraph 44	“If an informal resolution is not appropriate, the Investigating Officer will conduct a full formal investigation. If the Investigating Officer determines, either at the outset or during the investigation, that the investigation is likely to extend the process beyond the 20 working day timescale, this should be immediately communicated by the manager to the employee.
Paragraph 64 (now paragraph 65)	the second sentence be amended to read “They should inform the Executive Director of their service area, in writing setting out the grounds of their appeal and indicate the outcome they are seeking, within 10 days of receiving the grievance decision.”
Paragraph 65 (now paragraph 66)	delete “Appendix 4” and insert “Appendix 3”
Paragraph 73 (now paragraph 74)	Amend to read “This procedure will be reviewed in the light of operating experience and/or changes in policy or legislation.”

Appendix 2 Section 2	<p>amend Date Employee's Appeal Received to "(within 10 working days of receipt of decision by employee)"</p> <p>amend Date Hearing Notification sent to read "(giving 15 working days' notice)"</p>
Appendix 3 Procedure for Grievance Appeal	<p>First paragraph amend "20 working days" to "30 working days"</p> <p>Third paragraph amend "5 working days" to "15 working days"</p> <p>Insert new fourth paragraph - "Employee must send any supporting documentation to Case Coordinator at least 7 working days before the date of the hearing."</p>
Appeals Hearing Procedure	<p>point 1 – amend second sentence to read "A HR adviser and Legal adviser will also be present."</p> <p>Insert new point 3 – "The Chairman of the Sub-Committee will satisfy himself/herself that both parties are familiar with, and understand, the procedure to be followed at the hearing."</p> <p>point 5 – amend to read "The Chair and members of the Committee and the Management representative may then ask questions of the employee and/or witness."</p> <p>insert new point 6 – "The Appellant or their representative will have the opportunity to re-examine their witness on any matter referred to in the examination by the members of the Sub Committee or the Management representative."</p> <p>Insert new point 7 – "At the conclusion of the Appellant's evidence the Management representative and members of the Sub Committee will have the opportunity to ask questions of the Appellant and their representative."</p> <p>point 5 renumber as point 8</p> <p>point 6 renumber as point 9 and amended to read "The Chair and the appellant or their representative may then ask questions of the management representative and witnesses."</p>

	<p>Insert new point 10 – “At the conclusion of the Management evidence, the Appellant or their representative and members of the Sub Committee will have the opportunity to ask questions of the Management representative.”</p> <p>Insert new point 11 – “The management representative will have the opportunity to re-examine their witnesses on any matter referred to in the examination by the members of the Sub Committee, the Appellant or their representative.”</p> <p>point 7 renumber as point 12</p> <p>point 8 renumber as point 13 and amend to “The Appellant or their representative then sums up.”</p> <p>point 9 renumber as point 14 and insert after HR Advisor “,Legal Advisor”.</p> <p>point 10 renumber as point 15 and amend to read “Both parties will be recalled to hear the decision of the Chair, which will be confirmed in writing within.7 working days”</p>
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The procedure referred to the Violence at Work Policy and details of this policy were requested by the Committee.

**RESOLVED:** That

- 1 That the following policies be exceptions to Senior Officer delegations and require approval by the Staffing Committee:
  - Access to Personnel Records Policy
  - Agency Workers Policy
  - Attendance Management Policy
  - Capability Policy
  - Code of Conduct for Employees
  - Disciplinary Policy
  - Dismissal Policy
  - Domestic Abuse Policy
  - Employing People with Criminal Records Policy
  - Equality in Employment Policy
  - Flexible and Mobile Working Policy
  - Grievance, Bullying and Harassment Policy
  - Induction Policy
  - Pay and Allowances Policy
  - Pay Protection Policy
  - Pensions Discretions Policy

- Recruitment Policy
  - Redundancy Policy
  - Retirement and Severance Policy
  - Secondment Policy
  - Sickness Scheme and Entitlements Policy
- 2 the Senior Officer delegations, as outlined in Section 5 of the report be approved.
  - 3 the delegated decisions taken by the Head of Strategic HR be reported quarterly to the Staffing Committee to ensure the effective implementation of the Constitution in relation to staffing matters.
  - 4 the suggested changes to the Grievance Procedure be forwarded to the Trade Unions for agreement.

### **37 ESTABLISHMENT OF NEW STAFFING SUB COMMITTEE OR WORKING GROUP**

Consideration was given to the establishment of a new Staffing Sub Committee or working group, whose purpose would be to provide assurance that the wellbeing of Staff and Members of Cheshire East Council was aligned to best practice and organisational values.

It was proposed that a working group be established to review existing HR policies which impact upon reassurance to ensure that they operate cohesively and are updated in line with legislative changes. Feedback would be sought from staff and Members in respect of agreed policies and procedure. The membership be made up of an Independent Chair, a Trade Union representative and six Elected Members on a 3:1:1:1 basis.

**RESOLVED:** That

- (1) a working group be established on a 3:1:1:1 basis with the membership as follows:
  - Conservative– Cllr B Moran, Cllr JP Findlow and Cllr D Marren
  - Labour– Cllr J Jackson
  - Independent – Cllr A Stott
  - Liberal Democrat – Cllr R Fletcher
  - Independent Chair
  - Trade Union representative – Unison representative Craig Nicholson
- (2) The Head of Strategic HR, in conjunction with the Chairman of Staffing Committee, appoint an Independent Chair.
- (3) The Head of Strategic HR to prepare the Terms of Reference for the Working Group.

- (4) The Head of Strategic HR to liaise with North West Employers to identify an independent reviewer and brief accordingly.
- (5) The Head of Strategic HR arrange the first meeting of the Working Group.

The meeting commenced at 10.00 am and concluded at 12.00 pm

Councillor B Moran (Chairman)