

DECISION-MAKER:	COUNCIL		
SUBJECT:	REVIEW OF THE CONSTITUTION – EMPLOYMENT & APPEALS PANEL		
DATE OF DECISION:	19 JULY 2017		
REPORT OF:	SERVICE DIRECTOR: LEGAL & GOVERNANCE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
None.	
BRIEF SUMMARY	
<p>This report sets out the element of the annual review of the Constitution regarding revised arrangements for Employment and Appeals Committee that was deferred at Council in May 2017. This was considered and initially discussed by Governance Committee on 24th April 2017 and again at its June meeting and its comments are included at paragraph 47. Further discussion will take place by Group Leaders on 12th July which will be given at the meeting.</p>	
<p>As ever the Constitution is a document that changes regularly and therefore further revisions may be proposed prior to or at Council.</p>	
RECOMMENDATIONS:	
	(i) to agree the changes to the Constitution and associated arrangements as set out in this report as detailed in Appendix 1;
	(ii) to authorise the Service Director: Legal & Governance to finalise the arrangements as approved by Council and make any further consequential or minor changes arising from the decision of Council;
REASONS FOR REPORT RECOMMENDATIONS	
1.	It is appropriate as a core tenet of good governance for the Council to keep its Constitution under regular review and to amend it, both to reflect experience and changing circumstances.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	Members have a range of options about the proposed changes, not least of which is to amend or reject some or all of them.
DETAIL (Including consultation carried out)	
<u>Employment and Appeals Panel – Amalgamation with Governance Committee, Terms of Reference and delegations (Part 3)</u>	

3.	This matter was deferred at the last Council meeting. Since then it has been reconsidered by Governance Committee. That committee will now receive regular detailed reports on core HR data, including dismissals. Accordingly the committee considers that report now “fills the gap” that initially raised concerns and the original recommendations can proceed. As previously advised, after consultation with the recognised trade unions the proposal is that all matters relating to hearings and determination of any employee grievance or appeal under the Council’s disciplinary, grievance, dismissal and other employee relations procedure are delegated to Directors to determine. This accords with national HR good practice and will reduce timelines.
4.	Authority to dismiss is currently set out in the Scheme of Delegation and there is no proposal to amend that. However, it is proposed that all appeals against dismissal will be heard by a member of Senior Leadership Team (SLT) with appropriate advice and support from Human Resources and Legal Services. This will include appeals against the following dismissals:
	<ul style="list-style-type: none"> • Disciplinary • Ill-health • Redundancy • Capability • Probationary • SOSR
5.	School Transport and associated appeals will be heard by a three-person panel, comprising senior officers, chaired by the Service Director: Children’s and Families. Grievances will be heard in accordance with the current procedure and the final step will be heard by Service Lead, Service Director or SLT member as appropriate.
6.	In addition, revisions to the EAP’s terms of reference are recommended as below:
<u>Functions under the Fireman’s Pension Scheme</u>	
7.	It is proposed that this is deleted – it relates to the obligation of “every county and county borough shall, subject to the provisions of this Act, be the fire authority for the area of the Council”. This has been superseded by the creation of Hampshire Fire and Rescue Authority and is therefore obsolete.
<u>Redundancy and severance payments and early release of pension benefits,</u>	
8.	It is proposed this is delegated to the Chief Strategy Officer after consultation with Service Director; HR and Organisational Development, Service Director; Finance and Commercialisation and Service Director; Legal and Governance. This will include requests from schools who will be required to submit a business case to the CSO.
<u>Residual Appeals, etc</u>	
9.	Within the terms of reference an appeal provision will remain to cover any other residual appeals not specifically detailed in any other policies.
10.	A committee will still be needed to review HR policy and deal with residual appeals. In light of the reduction of business that will be considered by EAP

	it is considered that it should form a core part of the Governance Committee's terms of reference and EAP will no longer exist as a Committee of the Council. Chief Officer Employment Panel will still remain in situ with its terms of reference unchanged.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
11.	None.
<u>Property/Other</u>	
12.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
13.	The Executive Arrangements and Constitution are required under the Local Government Act 2000 (as amended) and the Localism Act 2011.
<u>Other Legal Implications:</u>	
14.	None
RISK MANAGEMENT IMPLICATIONS	
15.	None, this is merely a streamlining of processes. Individual's legal and employment rights remain unaffected
POLICY FRAMEWORK IMPLICATIONS	
16.	None

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Revised ToR for Governance Committee
2.	

Documents In Members' Rooms

1.	
2.	
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No

Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	