

**Minutes of a Meeting of the
Employment Committee held at
Council Chamber, Surrey Heath
House, Knoll Road, Camberley, GU15
3HD on 30 January 2020**

+ Cllr Colin Dougan (Chairman)
+ Cllr Rodney Bates (Vice Chairman)

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| <ul style="list-style-type: none">+ Cllr Paul Deach+ Cllr Sharon Galliford+ Cllr Josephine Hawkins+ Cllr Rebecca Jennings-Evans | <ul style="list-style-type: none">+ Cllr Alan McClafferty+ Cllr Sashi Mylvaganam+ Cllr Graham Tapper |
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+ Present

Members in Attendance: Cllr Peter Barnett and Cllr Cliff Betton.

10/EC Minutes

The open and exempt minutes of the meeting held on 7 January 2020 were confirmed and signed by the Chairman.

11/EC Pay Policy Statement 2020/21

The Committee considered the Pay Policy Statement 2020/21, an annual statement the Council was required to publish in accordance with the Localism Act 2011.

A number of changes had been made to the previous year's Statement to be more consistent with the terminology used by the Council and to also reflect the establishment of the Employment Committee.

Members considered the Statement and agreed to insert reference in paragraph 8 to reflect that the Employment Committee would make recommendations to Full Council on any mutually agreed departures for both Statutory Officers and non-statutory CMT officers.

The Committee was informed that, in future, this item would be brought to the July Committee meeting as this would enable the Statement to contain more current information.

RECOMMENDED to Full Council that the Pay Policy Statement 2020/21, as set out at Annex A to the agenda report, as amended, be adopted.

12/EC Pay Settlement 2020/21

The Committee considered a report proposing a 2% pay award for all staff for 2020/21. During the pay negotiation process it had also been agreed that the Flexi-time Policy would be reviewed.

Consultation on the proposed award had taken place with Staff Representatives. The Joint Staff Consultative Group, at its meeting on 16 January 2020, had recommended the 2% award to the Committee and Full Council for approval.

The proposed award had been based on the Council's financial position, benchmarking with other Surrey borough and districts' settlements, recruitment issues faced by the Council, the proposed national agreement, and the national economic climate.

RECOMMENDED to Full Council that a Pay Award of 2% for all staff be agreed for 2020/21.

RESOLVED that the addition of the Flexi Time Policy to the Joint Staff Consultative Groups work programme be noted.

13/EC Disciplinary Policy and Procedure for Statutory Officers and non-Statutory CMT Officers

The Committee considered a new Disciplinary Policy and Procedure for Statutory Officers and non-Statutory CMT Officers. The policy and procedure had been written to provide a process for disciplinary matters that affected the Corporate Management Team (CMT).

The policy and procedure reflected the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and was also in line with the ACAS Code of Practice. In addition, it provided clear guidance on each stage of the process, the roles of the Employment Committee and its sub committees, and the role of HR in the process.

The Policy and Procedure had been considered by the Joint Staff Consultative Group at its meeting on 16 January 2020 and had also been subject to a statutory consultation with staff.

In response to queries raised, Members were advised that the provision for an officer to choose from the names of 3 Independent Investigators was in line with Joint Negotiating Committee policy. It was also clarified that, although there could be instances where an officer could be suspended without pay, this would depend on their contract. As this was not a provision in the Council's contracts it was agreed to remove this reference from the Policy.

Members noted that, in cases of capability referred to at paragraph 7.2, the Leader would set an appropriate action plan.

The following changes were also agreed:

- a) The addition of the Speak Up Policy to the list of policies referred to in paragraph 2;
- b) The addition of a footnote at paragraph 5.6 to explain that the Investigating and Disciplinary Committee was a legislative term;

- c) The correction of paragraphs 8.3.3 and 8.3.4 to refer to 'officers', rather than the Head of Paid Service;
- d) Amending paragraph 10.2.1 (c) and (d) to state 'clear working days', rather than 'working days';
- e) Clarification of wording at paragraph 10.4 to provide for mitigating circumstances, including where an officer was on sick leave;
- f) The addition of reference of the right to appeal against a preliminary warning at paragraph 21.3.

The Committee noted that the legislation relating to these procedures had been made in 2015 and expressed its concerns about the delay in introducing these policies.

RESOLVED that

- (i) **the Disciplinary Policy and Procedure for Statutory Officers and non-Statutory CMT Officers, as set out at Annex A to the agenda report, as amended, be adopted; and**
- (ii) **the finalisation of the wording of amendments proposed be delegated to the Executive Head of Transformation in consultation with the Chairman and Vice Chairman of the Employment Committee, after any necessary discussions with Staff Representatives.**

14/EC Grievance Policy and Procedure for Statutory Officers and non-Statutory CMT Officers

The Group considered a new Grievance Policy and Procedure for Statutory Officers and non-Statutory CMT Officers. This document includes the process of how a non-statutory Officer can raise a grievance against a Statutory Officer and how a Statutory Officer could raise a grievance.

The Policy and Procedure had been considered by the Joint Staff Consultative Group at its meeting on 16 January 2020 and had also been subject to a statutory consultation with staff.

The Committee considered the Policy and agreed to add a flowchart at the beginning of the document.

RESOLVED that the new Grievance Policy and Procedure for Statutory Officers and non-Statutory CMT Officers, as set out at Annex A to the agenda report, as amended, be adopted.

15/EC Speak Up Policy and Procedure

The Committee was informed that the Council's current Whistle-Blowing Policy and Procedure had been updated and renamed the Speak Up Policy and Procedure. The revised Policy and Procedure had been considered by the Joint Staff Consultative Group at its meeting on 28 November 2019.

Speaking Up was the confidential disclosure by staff of any wrong-doing they encountered in the workplace. This Policy and Procedure explained the procedure to follow and outlined an employee's rights and what they should expect throughout the process.

The Policy was designed to encourage staff to raise serious concerns whilst providing them protection. The disclosure could be made to the Council or to an external party outside the management structure of the Council.

The Committee considered the section on reporting a concern and suggested that there may be occasions where reporting a concern to a Member could be appropriate, although it was recognised that such an option should be controlled and therefore restricted to a small number of councillors. It was proposed to include the Chairman and Vice Chairman of the Employment Committee as a reporting option. Members acknowledged that this would need to be considered alongside the Member & Officer Protocol and agreed to ask the Governance Working Group to review this matter.

The following changes were also agreed:

- a) Additional wording to emphasise the confidentiality the staff making the disclosure could expect;
- b) Amending a bullet point in Paragraph 2 Definitions to read "Failure to comply with any legal obligation or statutes including breach of employment contract, **Council governance procedures**, or professional regulations";
- c) Adding the national whistle-blowers helpline details, if this facility was still available.

The Committee agreed to add an annual report on the number of times the Speak Up Policy had been instigated that year, with any identifying information removed or redacted as necessary.

RESOLVED that

- (i) **the Speak Up Policy and Procedure, as set out at Annex A to the agenda report, as amended, be adopted;**
- (ii) **the finalisation of the wording of amendments proposed be delegated to the Executive Head of Transformation in consultation with the Chairman and Vice Chairman of the Employment Committee, after any necessary discussions with Staff Representatives; and**
- (iii) **an annual report on the use of the Speak Up Policy be added to the Committee's Work Programme.**

16/EC Pensions Discretion Policy

The Committee was informed that the Council was a participating employer in the Local Government Pension Scheme (LGPS) and, as an employer, was under a

legal duty to prepare and publish a written statement of its policy relating to certain discretionary powers under the Regulations which applied to the LGPS.

The Council was also under a duty to formulate, publish and keep under review a Statement of Policy in respect of how those powers were applied where they related to the payment of compensation to employees whose employment was terminated as a result of redundancy or certain other reasons.

The Committee considered the proposed Pensions Discretion Policy which was intended to comply with those duties, including the table annexed to the Policy which set out the discretionary powers concerned, identified the relevant Regulation, and set out how the discretion would be exercised.

RESOLVED that the revised Pensions Discretions Policy, as set out at Annex A to the agenda report, be adopted.

17/EC Criminal Records Check Policy

The Committee was advised that the purpose of the Criminal Records Policy was to provide guidance for Human Resources, recruiting managers, current employees and Surrey Heath Borough Council applicants regarding the process of Disclosure and Barring Service, Basic Disclosure and Baseline Personnel Security Standard.

Members considered the Policy and agreed that additional wording would be added to paragraph 7.1 to clarify that, where relevant, applicants were made aware that they would need to undergo a criminal records check when applying for a role.

RESOLVED that

- (i) **the amended Criminal Records Check Policy, as set out at Annex A to the agenda report, as amended, be adopted; and**
- (ii) **the finalisation of the wording be delegated to the Executive Head of Transformation in consultation with the Chairman and Vice Chairman of the Employment Committee, after any necessary discussions with Staff Representatives.**

18/EC Hate Crime Policy - Appendix to Safeguarding Policy

The Safeguarding Policy had been revised to include an Appendix which set out the Council policy and procedure when a 'hate crime' incident occurred.

Hate Crime could be defined as any crime that was motivated by hostility on the grounds of someone's actual or perceived characteristics. Hate Crime could take many forms including (but not limited to): physical violence, threats of violence, offensive graffiti or other written material, online abuse, and abusive or insulting words of behaviour.

The Group received details of the proposed policy to deal with to Hate Crime.

Members praised the National Holocaust event that had taken place earlier that week and extended their thanks to those who had been involved in organising and speaking at the event.

RESOLVED that the Hate Crime Policy, as set out at Annex A to the agenda report, be incorporated within the Council's Safeguarding Policy.

19/EC Membership of South East Employers

Members were reminded that, at its previous meeting, it had requested information on resuming its membership of South East Employers. It was reported that the cost of membership would be £4,832 + VAT.

The Committee requested further information on the use of the organisation when the Council had been a member of SEE. It was also noted that the upcoming training from South East Employers could provide an opportunity to evaluate the benefits of membership. It was therefore agreed that a recommendation on whether to re-join the organisation would be made at the next meeting.

20/EC Work Programme

The Committee considered the proposed work programme for the remainder of the municipal year.

It was agreed to add an annual report on the use of the Speak Up Policy to the work programme. It was further agreed that a full work programme containing HR's list of the rolling review of policies, including the programmed dates for consideration at all relevant committee and consultative group meetings, would be submitted to the next meeting.

RESOLVED that the work programme for the 2019/20 municipal year, as set out at Annex A to the agenda report, as amended, be agreed.

Chairman