



**Notice of a public meeting of
Staffing Matters & Urgency Committee**

To: Councillors Gillies (Chair), Aspden (Vice-Chair) and
Looker

Date: Monday, 1 April 2019

Time: 5.30 pm

Venue: The Thornton Room - Ground Floor, West Offices
(G039)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

- Annexes to agenda items 5 (Pension or Exit Discretion) and 6 (Redundancy) on the grounds that they contain information relating to individuals, information which is likely to reveal the identity of individuals and information relating to the financial or business affairs of particular persons (including the authority holding that information).
- Annex A to agenda item 7 (Complaint Investigation) on the grounds that it contains information relating to individuals

and information which is likely to reveal the identity of individuals.

This information is classed as exempt under paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 18 March 2019.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is on **Friday 29 March at 5.00pm**. Members of the public can speak on agenda items or matters within the remit of the committee. To register to speak please contact the Democracy Officers for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>. or, if recorded, this will be uploaded onto the Council website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_film_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

- 5. Pension or Exit Discretion** (Pages 5 - 10)
This report advises the Committee of the expenditure associated with pension or exit discretions in accordance with council policy.
- 6. Redundancy** (Pages 11 - 16)
This report advises the Committee of the expenditure associated with the proposed dismissal of employees on the grounds of redundancy.
- 7. Complaint Investigation** (Pages 17 - 26)
This report sets out the process for considering a complaint received and seeks approval to the next steps in relation to that complaint.
- 8. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting by email, please send to both Democracy Officers named above).

For more information about any of the following please contact the Democracy Officers responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

**Ta informacja może być dostarczona w twoim
własnym języku. (Polish)**

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

| | |
|---------|---|
| Meeting | Staffing Matters & Urgency Committee |
| Date | 18 March 2019 |
| Present | Councillors Gillies (Chair), Aspden (Vice-Chair) and Looker |

66. Declarations of Interest

At this point in the meeting, Members were asked to declare if they had any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda.

Cllr Aspden declared a personal interest in agenda item 7 (Appointment of Independent Assessor) and indicated that he would withdraw from the meeting for this item.

67. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during the consideration of:

- Annexes A – C to agenda items 5 (Pension or Exit Discretion) and 6 (Redundancy) on the grounds that they contained information relating to individuals, information which was likely to reveal the identity of individuals and information relating to the financial or business affairs of particular persons (including the authority holding that information).
- Annex 1 to agenda item 7 (Appointment of Independent Assessor) on the grounds that it contained information relating to individuals and information which was likely to reveal the identity of individuals.

This information was classed as exempt under paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

68. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 26 February 2019 be approved and then signed by the Chair as a correct record.

69. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke on Agenda Item 7 (Appointment of Independent Assessor). She expressed her concerns over a previous standards case that she felt was mishandled and hoped that lessons would be learnt. She went on to state that the report highlighted almost no process information and did not include a timetable or draft terms of reference. There was also no indication as to whether this was an LGA matter, or would be allocated to a preferred consultant. Finally, she asked the Chair to recommend that a Chief Officer Investigation and Disciplinary Committee be established, so that Members other than the three Group Leaders could deal with situations such as this one.

70. Pension or Exit Discretion

Members considered a report which detailed expenditure associated with pension or exit discretions in accordance with Council policy.

Members considered the background and detail surrounding the proposals, which were contained in the business cases attached as confidential annexes to the report.

Resolved: That the expenditure associated with the proposed pension or exit discretions, as detailed in Annexes A, B and C of the report, be considered and approved.

Reason: In order to provide an overview of expenditure and to consider whether the Council should exercise its discretionary powers to make enhancements.

71. Redundancy

Members considered a report which detailed the expenditure associated with the proposed dismissal of three employees on the grounds of redundancy.

The background and detailed cases surrounding the proposals were contained in the individual business cases, attached as confidential annexes to the report.

Resolved: That the expenditure associated with the proposed dismissal of three employees on the grounds of redundancy, as detailed in Annexes A, B and C of the report, be noted.

Reason: In order to provide Members with an overview of the expenditure.

72. Appointment of Independent Assessor

Members considered a report that sought the appointment of an independent assessor in relation to a complaint received by the Council which contained a number of allegations about a senior member of staff and a number of complaints about policy and process.

Members noted the complaint raised which was contained in the confidential annex to the report and received advice from the Head of HR and Head of Civic and Democratic Services, in relation to appointing an independent assessor to determine which elements of the complaint related to staff performance and which to policy or process.

Resolved:

- (i) That the complaint received be reviewed, and that an independent person, through the LGA, be engaged by the Head of HR to assess the full complaint and identify the direct staff related issues that Staffing Matters and Urgency Committee should consider, and also to recommend where the other aspects of the complaint should be considered within the Council structure.

- (ii) That the initial assessment be completed and reported back to Staffing Matters and Urgency Committee, if possible, by 30 April 2019.

Reason: To ensure that a proper assessment is carried out of the complaint to identify the appropriate process to follow enabling Staffing Matters and Urgency Committee to consider information relevant to the remit of their committee.

Cllr Gillies, Chair

[The meeting started at 5.00 pm and finished at 5.25 pm].



Staffing Matters and Urgency Committee

01 April 2019

Report of the Deputy Chief Executive and Director of Customer and Corporate Services

Pension or Exit Discretion**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with pension or exit discretions in accordance with council policy.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases attached as confidential annexes to this report.

Consultation

3. All of the proposed pension or exit discretions have been subject to consultation in accordance with the Council's statutory obligations.

Options

4. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy and/or pension payments. The Committee does not have the power to make lower payments. By law the decisions as to whether or not to make an employee redundant rests with the Chief Executive or Officers nominated by her.

Analysis

5. The analysis of each proposal can be found in the respective business case.

Council Plan

6. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the Workforce Strategy (People Plan).

Implications

- 7. The implications of each proposal can be found in the respective business case.

Risk Management

- 8. The specific risks associated with each proposal and how they can be mitigated are contained in each business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendations

- 9. Staffing Matters and Urgency Committee is asked to:

Consider each proposal as detailed in the annexes.

Reason: In order to provide an overview of expenditure and to consider whether the Council should exercise its discretionary powers to make enhancements.

Contact Details

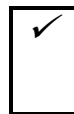
Author:

Trudy Forster
Head of HR
Human Resources
01904 553984

Chief Officer Responsible for the report:

Ian Floyd
Director of Customer and Corporate and Services

Report Approved



Date 21/3/19

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes:

Annex A – Confidential Business Case

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



Staffing Matters and Urgency Committee

01 April 2019

Report of the Deputy Chief Executive and Director of Customer and Corporate Services

Redundancy**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of a number of employees on the grounds of redundancy.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases to be circulated at the meeting as annexes to this report.

Consultation

3. All of the proposed redundancies have been subject to consultation in accordance with the Council's statutory obligations.

Options

4. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy and/or pension payments. The Committee does not have the power to make lower payments. By law the decisions as to whether or not to make an employee redundant rests with the Chief Executive or Officers nominated by her.

Analysis

5. The analysis of each proposal can be found in the respective business case.

Council Plan

6. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the Workforce Strategy (People Plan).

Implications

7. The implications of each proposal can be found in the respective business case.

Risk Management

8. The specific risks associated with each proposal and how they can be mitigated is contained in each business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendations

9. Staffing Matters and Urgency Committee is asked to:
 - 1) Note the expenditure associated with the proposed dismissal of the employees on the grounds of redundancy detailed in the annexes.

Reason: In order to provide an overview of the expenditure.

Contact Details

Author:

Trudy Forster
Head of HR
Human Resources
01904 553985

Chief Officer Responsible for the report:

Ian Floyd
Director of Customer and Corporate Services

Report Approved



Date 21/03/19

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A - Confidential Business Case

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



Staffing Matters and Urgency Committee

1 April 2019

Report of the Head of Human Resources

Complaint Investigation**Summary**

1. This report sets out the process for considering a complaint received and seeks approval to the next steps in relation to that complaint.

Background

2. A complaint has been received by the Council which has some allegations against a senior member of staff. Details are set out in the exempt Annex A to the report, incorporating guidance on the issues raised.
3. The first stage in receiving any complaints against a member of staff is for the line manager to consider if the complaint is valid and if there is any further action required to be taken and if so under which appropriate policy or procedure.

Analysis

4. Analysis of the complaint received and evidence provided is set out in the exempt annex.

Consultation

5. Details of consultees in relation to the issues raised within the complaint are set out within the exempt annex. However, no consultation is necessary in relation to the proposed recommendations of this report, other than to seek the views of this Committee.

Options

6. Members need to consider the next steps in relation to this complaint and in doing so can determine the appropriate way forward having regard to the advice provided in the exempt Annex A.

Council Plan

7. Whilst the Council Plan sets out this Council's priorities for services for the period covering 2015-2019, how we deliver those services underpins those priorities. It is important, therefore, that the Council manages the delivery of its services, appropriately.

Implications

8. There are no implications to this report in relation to:

- Finance
- Equalities
- Crime and Disorder
- Information Technology (IT)
- Property

9. However, there are human resource implications, in that the Council must ensure that the necessary process is followed correctly. Those processes are set out in the exempt annex.

10. There are constitutional implications in ensuring that Staffing Matters & Urgency Committee (SMUC) deal with such complaints as the delegated member body. As such Members need to have regard to the information contained within the exempt annex and determine the next steps accordingly.

Risk Management

11. In order to mitigate risks associated with employment terms and conditions, Members are advised to adopt the processes outlined in the exempt annex. The Council has a duty to ensure that complaints received are handled appropriately.

Recommendations

12. Staffing Matters and Urgency Committee are asked to consider the complaint and evidence provided within the exempt Annex and decide next steps in line with the appropriate policy and guidance.

Reason: To ensure that SMU carry out their role within the remit of the Committee.

Contact Details

Author:

Trudy Forster

Head of HR

Human Resources

(01904) 553984

Chief Officer Responsible for the report:

N/A

Report Approved



Date

22.03.19

Specialist Implications Officer(s):

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

Exempt Annex A – Report from Head of HR on complaint received.

(This annex This information is classed as exempt under paragraphs 1 and 2 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank