

# Full Council

15 January 2018



**Report of:** Human Resources Committee

**Title:** Review of the Constitution – HR matters

**Ward:** N/A

**Councillor Presenting Report:** Councillor Kye Dudd (Chair, HR Committee)

**Contact Telephone Number:** (0117) 92 22000

## Recommendation

That full Council adopts the proposed changes to the Constitution in respect of HR matters.

## Summary

This report seeks the approval of full Council to proposed changes to the Constitution in respect of HR matters relating to those employed on JNC for Chief Officers terms and conditions.

## The significant issues in the report are:

- There are some procedural gaps in the current Constitution and the amendments proposed by this report aim to ensure that the majority of situations are properly provided for.
- The proposed merger of the HR Committee with the Selection Committee to form an Employment and Remuneration Committee aims to bring together all experience and knowledge of HR matters into one place (except for appeals, which are necessarily a separate 3-member non-partisan panel). The new committee would have an increased focus on remuneration, and would have access to independent advice in discharging those duties.
- It is proposed that a member of the Executive becomes a non-voting, ex officio member of the Employment and Remuneration Committee, except when the Committee is undertaking appointment, discipline and dismissal functions in relation to those employed on JNC for Chief Officers terms and conditions, in which case at least one member of the Executive must be a full voting member of the Committee (this will be achieved through substitution).



## **Policy**

1. The Officer Employment Procedure Rules are part of the Council's Constitution and govern the involvement of members in the employment, discipline and dismissal of those employed on JNC for Chief Officers terms and conditions.
2. Terms of reference and membership of committees are normally set at each Annual Council Meeting.

## **Consultation**

3. **Internal**  
The Human Resources Committee considered these proposals at its meeting on 19<sup>th</sup> October 2017 and resolved to support them.
4. **External**  
None required.

## **Context**

5. The Committee has recommended a number of constitutional changes to full Council in recent times and there is a need to undertake some tidying-up to ensure clarity and full compliance with both the law and nationally-negotiated terms and conditions of employment.
6. There are some procedural gaps in the current constitution and the amendments proposed by this report aim to ensure that the majority of situations are properly provided for. The proposed Officer Employment Procedure Rules and Terms of Reference are attached at Appendices A and B respectively.
7. The proposed merger of the HR Committee with the Selection Committee to form an Employment and Remuneration Committee aims to bring together all experience and knowledge of HR matters into one place (except for appeals, which are necessarily a separate 3-member non-partisan panel). The new committee would have an increased focus on pay, and would have access to independent advice in discharging those duties.
8. It is proposed that a member of the Executive becomes a non-voting, ex officio member of the Employment and Remuneration Committee, except when the Committee is undertaking appointment, discipline and dismissal functions in relation to those employed on JNC for Chief Officers terms and conditions, in which case at least one member of the Executive must be a full voting member of the Committee (this will be achieved through substitution).

## **Proposal**

9. That full Council adopts the proposed changes to the Constitution in respect of HR matters.

## **Other Options Considered**

- 10.** None – the proposed changes are required to ensure clarity and compliance with the law and nationally-negotiated terms and conditions of employment.

## **Risk Assessment**

- 11.** Failure to ensure that the Council's Constitution is up-to-date and compliant with the law and nationally-negotiated terms and conditions of employment will leave the Council at risk of legal challenge.

## **Public Sector Equality Duties**

- 12a)** Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.
- 12b)** An Equality Impact Assessment has not been completed as no employee will be directly affected by the proposals.

## **Legal and Resource Implications**

### **Legal**

*"The review of the Constitution in relation to HR matters and the terms of reference of the Employment and Remuneration Committee are in accordance with the law."*

Advice provided by Husinara Jones (Solicitor (Employment)), 10<sup>th</sup> October 2017.

### **Financial**

#### **(a) Revenue**

*"There are no financial implications arising from the recommendation to merge the two Committees as outlined in paragraph 7 of the report."*

Advice provided by Chris Holme (Interim Service Manager – Corporate Finance), 29<sup>th</sup> November 2017.

### **Land**

Not applicable.

### **Personnel**

*"The proposed terms of reference clearly set out the roles and responsibilities of members in relation to those employed on the JNC for Chief Officers terms and conditions. The Council's HR policies will be updated to reflect the revised constitutional arrangements when they have been agreed by full Council."*

Advice provided by Mark Williams (HR Business Partner), 10<sup>th</sup> October 2017.

### **Appendices:**

A – Officer Employment Procedure Rules

B – Terms of Reference

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

### **Background Papers:**

None.