

Employment Committee

The Committee comprises 8 County Councillors (4 Labour, 3 Conservative, 1 Liberal Democrat), chaired by the Leader of the Council and including an appropriate cabinet member or lead member depending upon the specific issue being dealt with. The Committee shall discharge the following functions.

A. Appointment and Dismissal of Senior Officers

1. Subject to paragraph 4 and paragraph 5 below, the Committee shall be responsible for the appointment and dismissal (including dismissal by reason of redundancy) of the Chief Executive, Executive Directors, the Monitoring Officer (the County Secretary & Solicitor) and the Chief Financial Officer (the County Treasurer), collectively referred to as "Senior Officers".
2. In the case of appointments, subject to paragraphs 4 and 5 below, the Committee may, where appropriate, agree to make a permanent appointment of an existing member of staff by way of redeployment or agree to a temporary appointment for a fixed term of not normally more than 12 months.
3. Where an appointment is not made in accordance with paragraph 2 the Committee shall:
 - (a) Draw up a job description and person specification;
 - (b) Determine the arrangements for recruitment to the post including, where they consider it appropriate, the appointment of recruitment consultants and advertising;
 - (c) Make arrangements to interview such applicants for the post as they may determine.
4. Where the Committee is appointing or dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer the Full Council must approve the appointment or dismissal before an offer of appointment is made or notice of dismissal is given, subject to paragraph 5 below.
5. No offer of appointment (including by way of an appointment pursuant to paragraph 2) or notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee consider relevant) has been notified to every member of the Cabinet and that either:

- (a) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or
- (b) the Committee making the decision is satisfied that any objection made is not material or is not well founded; or
- (c) the Leader has, within the period specified in the notification, notified the Committee that neither he/she nor any member of the Cabinet has any objections.

Senior Officers - Conditions of Service

- 6. The Committee shall exercise all necessary functions required by the JNC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
- 7. The appraisal of Senior Officers shall be carried out by the Chief Executive.

Disciplinary Action

- 8. No disciplinary action within the meaning of Part II of the Local Authorities (Standing Orders) (England) Regulations 2001 in respect of the Chief Executive, the Monitoring Officer or Chief Financial Officer except action described in paragraph 9, may be taken by the Full Council or any other body or person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of those Regulations.
- 9. The action mentioned in paragraph 8 is the suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action. Any such suspension shall be on full pay and terminate no later than the expiry of two-months beginning on the day on which the suspension takes effect. A decision to suspend the Chief Executive shall be taken by the Committee but provided always that in an emergency, if an exceptional situation arises whereby allegations of misconduct by the Chief Executive are such that his/her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Council, then the power to suspend may be exercised by the Chair of the Committee (subject to a decision to suspend being ratified by the Employment Committee within 7 days of the decision).
- 10. A decision to suspend the Monitoring Officer, the Chief Financial Officer or an Executive Director shall be taken by the Chief Executive.
- 11. Subject to paragraphs 8 and 9 any disciplinary action in relation to a Senior Officer will be dealt with by the Committee in accordance with the appropriate JNC Disciplinary Procedure.

12. Subject to paragraphs 8 and 9 the Committee is authorised to take any disciplinary action in respect of a Senior Officer short of dismissal with no requirement to consult cabinet members in accordance with paragraph 5 above or to seek approval from the Full Council.
13. Any appeal against action short of dismissal will be considered by an Appeals Committee established by the Full Council comprising five members of the Council who have not had any prior involvement in the case including at least one member of the Cabinet. The role of the Appeals Committee will be to review the case and the decision taken by the Employment Committee and either confirm the action taken or to award no sanction or a lesser sanction. The decision of the Appeals Committee will be final.
14. In the event that the Committee's decision is to propose to dismiss the Chief Executive, Monitoring Officer or Chief Financial Officer the appeal stage will be fulfilled by the Full Council when they consider that proposal in accordance with paragraph 4.

Capability and Dismissal Procedures

11. Any issue regarding the capability of a Senior Officer shall be dealt with by the Committee in accordance with the JNC Conditions of Service.
12. Any issue which is not appropriately dealt with under the Disciplinary or Capability Procedures but which may result in the dismissal of the Senior Officer will be dealt with by the Committee.

Appointment, Dismissal and Disciplinary Action

13. The functions of appointment, dismissal, and taking disciplinary action against any employee other than those referred to at paragraphs A1-12 above must be discharged by the Chief Executive or by an officer(s) of the Council nominated by him and in accordance with such procedures as may be determined by the Committee as referred to at paragraph B1 below.
14. The Chief Executive and other Senior Officers may appoint, dismiss (including dismissal by reason of redundancy) and discipline all Directors in accordance with the Council's procedures. Appointments and dismissals can only proceed after all cabinet members have been notified by Democratic Services of the proposed appointment or dismissal. Agreed corporate processes must be followed in respect of all redundancy payments.

B. All Other Staff

Terms and Conditions of Employment

The Committee shall:

1. Determine the terms and conditions on which employees hold office including (but not limited to):
 - The Council's pay and grading structure;
 - Any fees, allowances or payments made to employees, including any relating to termination of employment;
 - Any policies, procedures and practices relating to employment including recruitment and selection;
 - Any collective agreements relating to the above.
 - To determine policy in relation to the release of pension benefits (LGPS and TPS) where employer discretion/consent is required.
2. Consider, at the request of a recognised trade union, any disagreement regarding the matters referred to at paragraph 1 above (excluding issues relating to individual employees). In referring any such matter the trade union(s) concerned shall be entitled to make oral representations to the Committee to such extent as the Committee consider appropriate.
3. Determine the facilities to be provided to trade union representatives.
4. Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.
5. Monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.