

Employment Committee

Purpose

- a) The Employment Committee oversees arrangements for the appointment and dismissal of the Chief Executive, Senior Officers and other Statutory Officers, and certain specific functions in relation to staffing, Lancashire Renewables Ltd, Lancashire Coroners and Lancashire Pensions Partnership Ltd.

Composition

- a) The Committee shall comprise eight county councillors, chaired by the Leader and including an appropriate Cabinet Member or Lead Member depending upon the specific issue being dealt with.
- b) The quorum of the Committee shall be three, including at least one Cabinet Member.
- c) Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see [Access to Information Rules](#).

Terms of Reference

Section A – Senior and Statutory Officers

Appointment

- a) Subject to paragraphs (e) and (f) below, the Committee shall be responsible for the appointment of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (Section 151 Officer), collectively referred to as “Senior Officers”.
- b) The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory roles:
 - (i) Director of Children's Services;
 - (ii) Director of Adult Services; and
 - (iii) Director of Public Health.
- c) In the case of appointments, subject to paragraphs (e) and (f) below, the Committee may, where appropriate, approve to permanently redeploy an existing employee or agree to a temporary appointment of an existing employee for a fixed term of not normally more than 12 months. Such appointments may be extended with the agreement of the Employment Committee
- d) Where an appointment is not made in accordance with paragraph (c), the Committee shall:

- (i) Approve a job description and person specification;
 - (ii) Determine the arrangements for recruitment to the role including, where the Committee considers it appropriate, the engagement of recruitment consultants to support the recruitment and assessment process; and
 - (iii) Interview candidates for the role as the Committee may determine.
- e) Where the Committee is appointing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment before an offer of appointment is made, subject to paragraph (f) below.
- f) In the case of paragraphs (a) and (b) above, no offer of appointment (including by way of an appointment pursuant to paragraph (c)) shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every Cabinet Member and that either:
- (i) 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
 - (ii) The Committee making the decision is satisfied that any objection made is not material or is not well founded; or
 - (iii) The Leader has, within the period specified in the notification, notified the Committee that neither they nor any Cabinet Member has any objections.

Conditions of Service

- g) The Committee shall exercise all necessary functions required by the NJC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
- h) The appraisal of Senior Officers and other statutory officers listed at paragraph (b) shall be undertaken by the Chief Executive.

Disciplinary Action

- i) The Committee shall fulfil the role of the Investigating and Disciplinary Committee and may determine any disciplinary action (including suspension) relating to the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.
- j) Disciplinary action is defined as "any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer's personal file, and includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of

employment for a fixed term unless the Council has undertaken to renew such a contract."

- k) Prior to being reported to the Committee, any complaints against the Chief Executive, the Monitoring Officer or the Chief Financial Officer must first be considered ("filtered") by the Chief Executive for the Monitoring Officer and Chief Financial Officer, or by the Monitoring Officer for the Chief Executive, who may determine to informally resolve a complaint which is clearly unfounded, trivial, or can be best dealt with under a different procedure. Only complaints which are not informally resolved and may lead to disciplinary action shall be considered by the Committee.
- l) Following the receipt of independent professional legal advice, the Committee may approve the suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer for an initial period of up to two months to enable an investigation to be undertaken, and determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension only following consultation with an Independent Investigator and consideration of any objections/representations from the subject officer. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.
- m) If an exceptional situation arises whereby allegations of misconduct relating to the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that their remaining presence in the workplace poses a risk to the health and safety of others or the resources, information or reputation of the Council, then the decision to suspend may be approved by a statutory officer of the council (other than the officer who is subject to the suspension) after receipt of independent professional legal advice and in consultation with the Chair and Deputy Chair of the Committee, and subject to a decision to suspend being ratified by the Employment Committee within 5 clear working days, for which purpose an extraordinary meeting will be called as required.
- n) In considering a complaint against or alleged misconduct by the Chief Executive, the Monitoring Officer or the Chief Financial Officer, the Committee shall:
 - (i) Write to the subject officer to set out the allegations, issues and to provide the evidence to be considered;
 - (ii) Provide the subject officer with the opportunity to respond to the allegations in writing and to provide personal evidence or witness statements; and
 - (iii) Provide the opportunity for the subject officer, who may be accompanied by a representative, to appear before the Committee.

- o) The Committee may appoint an Independent Investigator to consider a complaint against or alleged misconduct by the Chief Executive, the Monitoring Officer or the Chief Financial Officer if it agrees that, if proved through an independent investigation, the outcome would be recorded on the officer's personal file and/or it agrees there is sufficient evidence to require further investigation. In appointing an Independent Investigator, the Committee shall set clear terms of reference and timescales for the investigation. The outcome of the investigation and the Independent Investigator's recommendation as to any disciplinary action shall be reported to the Committee.
- p) The Committee shall consider the Independent Investigator's report on the outcome of the investigation and their recommendation, including rationale for, as to any disciplinary action. The Committee may then conclude:
 - (i) That there is no case to answer;
 - (ii) To take disciplinary action short of dismissal; or
 - (iii) To recommend dismissal to Full Council.

The subject officer will be informed in writing of the Committee's decision and the rationale for the decision.

- q) Any appeal against disciplinary action short of dismissal shall 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 Cabinet Member. The role of the Appeals Committee shall 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 shall be final.

Dismissal

- r) The Committee shall be responsible for the dismissal (including dismissal by reason of redundancy) of the Chief Executive, the Monitoring Officer and the Chief Financial Officer.
- s) Where the Committee is dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the dismissal before notice of dismissal is given, subject to paragraph (t) below.
- t) In the case of paragraph (s) above, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every Cabinet Member and that either:
 - (i) 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

- (ii) The Committee making the decision is satisfied that any objection made is not material or is not well founded; or
 - (iii) The Leader has, within the period specified in the notification, notified the Committee that neither they nor any Cabinet Member has any objections.
- u) A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be approved by the Full Council having taken into account:
- (i) Any views submitted under paragraph (t) above;
 - (ii) Any comments or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the named officers;
 - (iii) The conclusions of any investigation into the potential dismissal; and
 - (iv) Any representations from the subject officer.
- v) Any appeal against the Committee's recommendation to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer shall be undertaken by Full Council when it considers the matter in accordance with paragraph (u).

Section B – All Other Employees

Terms and Conditions of Employment

- a) The Committee shall be responsible for determining the policy in relation to the release of pension benefits (Local Government Pension Scheme and Teachers' Pension Scheme) where employer discretion/consent is required.
- b) The Committee shall monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

Section C – Lancashire Renewables Limited

Terms and Conditions of Employment

- a) The Committee shall be responsible for determining the terms and conditions of service on which all employees of Lancashire Renewables Limited ("the Company") are engaged and approving the Company's proposals in respect of the same. This shall include, but not be limited to the following:
 - (i) Approving the Company's pay and grading structure;
 - (ii) Approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based;

- (iii) Ensuring that all employees of the Company are paid a minimum of the living wage;
 - (iv) Approving the Company's employment policies, procedures and practices;
 - (v) Determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme.
- b) In discharging its obligations, the Committee shall ensure that, so far as is possible, the principles of equality are maintained vis-à-vis the terms and conditions of employees of the Council in comparable positions.

Section D – Lancashire Coroners

- a) The Committee shall be responsible for determining the pay, and terms and conditions of employment of the Senior Coroners, Area Coroners and Assistant Coroners.

Section E – Local Pensions Partnership Ltd (LPPL)

Remuneration Policy

- a) The Committee shall receive an annual report on remuneration (including salary, benefits and bonuses) of all officers and employees.
- b) The Committee shall approve the Remuneration Policy, any changes to the policy, and any exceptions to the policy and pay grade structure in respect of any director or employee.

Remuneration of Senior Roles

- c) The Committee shall approve the payment of any remuneration, fees or other sums (including bonuses) of the Chair, Chief Executive or Managing Director of the company and any of its subsidiaries.

Chief Executive

- d) The Committee shall approve the appointment or removal of the Chief Executive of the company or any of its subsidiaries.