

MAIDSTONE BOROUGH COUNCIL

EMPLOYMENT AND DEVELOPMENT PANEL

MINUTES OF THE MEETING HELD ON 30 JULY 2009

Present: Councillor Lusty (Chairman), and Councillors Daley, Fitzgerald, Garland, Hotson, Moss, Robertson and Mrs Wilson

REFERRED MATTER

15. **HR POLICY - DISCIPLINE, CAPABILITY AND GRIEVANCE PROCEDURES**

The Panel considered the report of the Head of Human Resources on the revision of the Council's Grievance, Capability and Disciplinary procedures.

The Panel having considered this matter very carefully felt that option B which was that an appeal against dismissal should be delegated to the Chief Executive who had to consult with the Leader and Leader of the Opposition or their nominated representatives that had attended the appeal hearing should be adopted.

They were informed that this would require a change to the Constitution and that they would need to recommend to the Council that the Constitution be changed to enable this option to be implemented.

The Panel agreed the revised discipline and capability and grievance procedures subject to the necessary changes to reflect their decision to adopt option (b) and in submitting this proposal to the Council also agreed to submit it to the Standards Committee in order that they could evaluate the proposal.

RECOMMENDED:

1. That the Constitution be amended as follows:-
 - a) The deletion of paragraph (a) of the functions of the Appeals Committee as set out in part 3 of the Constitution and
 - b) The addition of the following to the Terms of Reference of the Chief Executive

"To hear and determine appeals, in consultation with the leader of the Council and the Leader of the Opposition (or their nominated representatives) that had attended the appeal hearing, under either the grievance, capability or disciplinary procedure for all categories of employees except those staff on JNC conditions of service for Chief Officers of Local Authorities."

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16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs Marshall.

17. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Fitzgerald was substituting for Councillor Mrs Marshall.

18. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

19. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

20. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

21. EXEMPT ITEMS

RESOLVED: that the items be taken in public as proposed.

22. MINUTES

RESOLVED: That the minutes of the meeting held on 8 June 2009 be approved as a correct record and signed.

23. HR POLICY – DISCIPLINE, CAPABILITY AND GRIEVANCE PROCEDURES

The Panel considered the report of the Head of Human Resources seeking a revision of the Council's grievance, capability and discipline procedures particularly in relation to how the appeals process was administered.

(See Minute 15 above).

RESOLVED:

1. That the revised disciplinary procedure attached as Appendix 1 to the report of the Head of Human Resources be agreed.
2. That the revised capability procedure attached as Appendix 2 to the report of the Head of Human Resources be approved.
3. That the revised grievance procedure attached as Appendix 3 to the report of the Head of Human Resources be agreed.
4. That the Council be recommended to adopt changes to the Constitution to reflect the adoption of Option B within the report of the Head of Human Resources.
5. That the Standards Committee be asked to evaluate the proposal to agree to the changes in the Constitution as set out before above.

9. DURATION OF MEETING

6.30 p.m. to 7.38 p.m.