

GENERAL PURPOSES COMMITTEE

Minutes of the meeting held on 30 September 2020 at 5.00 pm via Online Viewing Only.

Present: Councillor David Saunders (Chairman); Councillors Albon, Ashbee, Dexter, Cllr Everitt, Cllr Rev. S Piper, Rawf, Rusiecki, M Saunders and Pat Moore

136. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Campbell, substituted by Councillor Scobie;
Councillor Ovenden, substituted by Councillor Albon.

137. DECLARATIONS OF INTEREST

Mr Tim Howes, Director of Corporate Governance & Monitoring officer and Ms Madeline Homer, CEx declared a pecuniary interest on agenda item 5 (Statutory Officer Grievance Procedure) because this was about an employment policy which would affect the conditions of employment for Statutory Officers that included the two officers in attendance.

138. MINUTES OF PREVIOUS MEETING

Councillor Stuart Piper proposed, Councillor Ashbee seconded and Members agreed the minutes as a correct record of the General Purposes Committee meeting that was held on 4 June 2020.

139. EXCLUSION OF PUBLIC AND PRESS

Councillor Piper proposed, Councillor Everitt seconded and Members agreed that since there were no private and personal details of any officer being revealed neither in the report nor during the discussion of agenda item 5, there was no need for the Committee to exclude the press and public from the discussion on the item on Statutory Officers Grievances Procedure.

140. STATUTORY OFFICER GRIEVANCE PROCEDURE

Mr Howes introduced the report and made the following points:

- On the 27 January 2020, the Committee considered a report from the LGA on the application and practicability of TDC's current grievance policies;
- As a consequence of that report, East Kent HR were asked to look at best practices for grievance policies for statutory officers using the JNC for Chief Executive Model;
- EKHR independently carried out that piece of work and they checked how this model was implemented elsewhere in other local authorities;
- The report was to inform the committee on the content of the newly drafted grievance handling procedures for cases that involves the Statutory Officers;
- The committee was not being asked to approve the draft policy as HR matters including HR policies were delegated to East Kent Services Committee, who then delegate some those functions to East Kent Services staff;
- The Committee could comment on the content in the draft policy;
- The next stage would be consultation exercise with the statutory officers to be affected by this policy, as this would involve a change to their terms and conditions of employment;

- The necessary Grievance Committee and Grievance Appeals Committee would have to be set up, in line the new policy which would also mean making changes to the council constitution;
- Members' views were being sought on those matters too.

Members responded through comments and questions as follows:

- Why was this particular draft policy being presented to the GPC and not the Constitutional Review Working Party?
- Why was the Grievance Policy not going to be considered by Full Council when the Disciplinary Policy went to Full Council for approval?
- How would a grievance involving a Monitoring Officer get to be handled by an external person from the complainant?
- It was considered that when it came to initial filtering of grievance cases, for the safety and protection of the Monitoring Officer; the Monitoring Officer should not have any part to play in the initial filtering of cases involving other Statutory Officers;
- Whilst the disciplinary and grievances processes were different, it should be noted that some grievance cases might end up as disciplinary cases;
- In a grievance case if the Monitoring Officer was involved then another suitable chief officer should conduct the initial filtering process;
- The policy could be clearer, saying that grievances involving the Monitoring Officer, should be filtered by the CEx;
- What would happen in instances that involved both the Monitoring Officer and CEx?

Mr Howes, Ms Homer and Ms Ffion Pepper, HR Business Partner (EKHR) responded as follows:

- The draft policy was being considered by the GPC as a matter of courtesy. The Committee itself requested a review of this particular policy;
- The constitutional change requirements which would lead to the setting up of the Grievance Committee and Grievance Appeals Committee would have to through the usually constitutional review route that would include being considered by the Constitutional Review Working Party;
- The disciplinary policy was a statutory matter, which involved implementing legislation that did not arise through a contractual change. It also required a change to committees in terms of their new roles in that new statutory framework. That was why the disciplinary policy went to Full Council;
- In grievance cases that involved the monitoring Officer, the CEx would generally deal with the filtering of such cases;
- The draft proposals followed very closely the JNC for Chief Executives model and the Monitoring Officer acting in that independent role would be able to carry out that filtering process. This was common practice in other local authorities;
- Previously Members considered the disciplinary procedures and not the grievance procedure. These were completely different processes;
- The objective of having the policy was to protect statutory officers and to provide clarity to council on these how matters were dealt with. It was worth remembering that statutory officers were professionals;
- The proposed set up was common practice among a number of councils;
- Statutory officers had a duty to respond objectively and appropriately to these matters;
- Not all cases would involve all three statutory officers. Therefore the Statutory Officer would be able to exercise an independent judgement on these matters;
- However should that not be case, then there is an alternative process to follow;
- In instances that involve both the Monitoring Officer and CEx, such matters would be filtered by an appropriate Chief Officer and or Monitoring Officer from a neighbouring local authority.

Thereafter Members noted the report.

Meeting concluded: 5.27 pm