

**PERSONNEL COMMITTEE
2ND FEBRUARY 2010**

PRESENT: The Chair (Councillor Preston)
The Vice-Chair (Councillor Youell)
Councillors Bokor, Bush, Snartt and Walker

APOLOGY: Councillor Popley

The Acting Director of Programmes and Resources attended this meeting as Lead Director for the Committee.

16. MINUTES

The minutes of the meeting of the Committee held on 3rd August 2009 were confirmed as a correct record and signed.

17. DISCLOSURES OF PERSONAL INTEREST

No disclosures of personal interest were made.

18. HUMAN RESOURCES POLICIES AND PROCEDURES -
REVIEW OF DISCIPLINARY AND SICKNESS PROCEDURES
RESCIND DISMISSAL AND INFORMAL ACTION PROCEDURE

A report of the Interim Chief Executive was submitted asking the Committee to agree revised Disciplinary and Sickness Procedures and to rescind the Dismissal and Formal Action Procedure (item 4 on the agenda filed with these minutes).

The Interim Chief Executive and the Head of Human Resources attended to assist the Committee.

The following changes to the proposed revised Disciplinary Procedure were put forward at this meeting:

- (i) agenda page 12 – section entitled “Rights of Appeal” – Additional wording to sentence “ If a Director has been dismissed, the right of appeal is to the Personnel Committee” to read “If a Director has been dismissed *or has received a disciplinary sanction*, the right of appeal is to the Personnel Committee”;
- (ii) agenda page 7 – section entitled “Informal Action” – Second paragraph, correction of first sentence to read “Where it is felt that the limits of acceptable behaviour have *been* exceeded, the supervisor/manager....”;
- (iii) agenda page 14 – section entitled “Gross Misconduct” – Paragraph (xvii), last sentence to be amended to read “Failure to declare an interest where this could lead to a financial or *other benefit* accruing to the employee”.

The following change to the proposed revised Sickness Procedure was put forward at this meeting:

- (iv) agenda page 20 – section entitled “Notifying Sickness” – Second bullet point reading “Although they are not obliged to do so, it would be useful to notify of the nature of their illness” to be amended to read “Nature of their illness, although it is recognised that employees are not legally obliged to do so”. This amendment is subject to the Head of Human Resources confirming that there is no legal obligation on employees in this respect. If decided that employees can be legally obliged to provide this information, bullet point to read “Nature of their illness”.

RESOLVED

1. that the revised Disciplinary Procedure, as set out in appendix 1 to the report and including the changes proposed at this meeting set out in (i) to (iii) above, be adopted;
2. that the revised Sickness Procedure, as set out in appendix 2 to the report and including the change proposed at this meeting set out in (iv) above, be adopted;
3. that the Dismissal and Formal Action Procedure be rescinded.

Reasons

- 1.& 2. To ensure the Council has best practice policies and procedures in place and that these are reviewed on a regular basis.
3. To ensure that policies that are no longer useful are deleted.

In respect of the revised Disciplinary Procedure agreed above, Councillors Walker and Youell asked that it be recorded that they had not supported the removal of the right of employees to appeal to the Personnel Committee against dismissal.

19. REVIEW OF DISCRETIONS APPLIED TO PENSION POLICY BY COUNCIL

A report of the Interim Chief Executive was submitted to assist the Committee in reviewing the Statement of Policy on discretions allowable under the Pensions Regulations (item 5 on the agenda filed with these minutes).

The Interim Chief Executive and the Head of Human Resources attended to assist the Committee.

The following correction to the draft Discretionary Policies set out in appendix 1 to the report was put forward at this meeting:

Agenda page 40 – Section relating to Regulation 30 – Employer’s Policy – Second sentence to read “To qualify for consideration, an employee must be aged 55-59 and be able to prove primary responsibility.....”.

RESOLVED

1. that the revised Statement of Policy, as set out in appendix I to the report and including the correction outlined above, be accepted with effect from 1st April 2010.
2. that no waiver be applied to any actuarial reductions that may apply under Regulation 30;
3. that no discretion to pay additional pension under Regulation 13 be adopted.

Reasons

1. To meet the requirement to keep under review a Statement of Policy to explain how the Council will apply certain discretions allowed under the Pension Regulations.
2. To align policy and practice and avoid the additional costs of waiving any actuarial reduction.
3. To avoid the additional cost of paying an enhanced pension.

NOTES:

1. These minutes are subject to confirmation as a correct record at the next meeting of the Committee.
2. No reference may be made to these minutes at Council on 1st March 2010 unless notice to that effect is given to the Head of Democratic Services by five members of the Council no later than five working days following the publication of the minutes.