

REPORT FOR DECISION



DECISION OF:	The Council
DATE:	13 November 2024
SUBJECT:	Recommendations from the Employment Panel Committee
REPORT FROM:	Cllr T Rafiq, Cabinet Member for HR & Corporate Affairs
CONTACT OFFICER:	Kelly Barnett, Democratic Services Officer
TYPE OF DECISION:	Non key decision
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	<p>The Employment Panel met on 12th September 2024 and commended the proposed addition to the Employee Code of Code to Council on 13th November 2024 for approval and to authorise the Council’s Monitoring Officer to make subsequent changes to the Council Constitution.</p> <p>The Employment Panel agreed amendments to the terms of reference which subsequently would require Council on 13th November 2024 to authorise the Council’s Monitoring Officer to make the same amendments to the Council Constitution.</p> <p>The proposed addition to the Employee Code of Conduct are outlined below in Appendix 1.</p> <p>The amendments to the terms of reference are highlighted in red in Appendix 2.</p>
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1. Approve and authorise the Council’s Monitoring Officer to make subsequent changes to the Council Constitution in relation to the Code of Conduct outlined below. (Appendix 1) 2. Approve the terms of reference of the Employment Panel and authorise the Council’s

	Monitoring Officer to make subsequent changes to the Council Constitution (Appendix 2).
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Appendix 1

Code of Conduct

Background

The Council's Code of Conduct for Employees sets out the standards that they must adhere to.

A full detailed review of the Code of Conduct is due to be carried out in 2025, but small changes are being made now at the request of the Local Authority Designated Officer (LADO) which were felt to be more urgently needed.

Policy Headlines

Following feedback from adults and children's safeguarding leads and to ensure we are fully compliant with our responsibilities from a safeguarding perspective, it is proposed to insert the following section into the Code of Conduct:

"Employees must declare to the Council:

- *If they are under investigation by the police for a criminal offence involving a child/vulnerable adult or a serious criminal offence involving any physical assaults or sexual assaults on anybody*
- *If they are under assessment by children's services over the welfare of their own children or children regularly in their care*
- *If they are being charged or prosecuted for a criminal offence that is either reportable to their professional body or standards body, or which could either:*
 - *bring the Council into disrepute, or*
 - *result in them being unable to undertake the role for which they are employed (e.g. a driving ban), or*
 - *may result in a prison sentence (suspended or otherwise)*

Declarations must be made to the Head of Service, who will consider – with advice from HR and, if the employee works with children or vulnerable adults, in line with LADO/PIPOT procedures respectively – what support could be put in place or action taken. This could include disciplinary action.

Failure to declare or accurately declare relevant investigations or offences could result in disciplinary action."

It is proposed that the Code of Conduct also be updated to reflect current officer roles and elected member responsibilities for determining the correct interpretation of the Code, should a dispute arise:

"Any interpretation of this Code should be determined by the Director of People and Inclusion after consultation with Cabinet Member for Corporate Affairs and HR and relevant Opposition spokespersons."

The proposed changes have been shared with the trades unions.

The revised Code of Conduct will apply to all Council services staff apart from those on former Six Town Housing terms and conditions at this time and officers will progress consultation with former Six Town Housing staff to apply a consistent Code.

Appendix 2

EMPLOYMENT PANEL TERMS OF REFERENCE

1. FUNCTION

The Employment Panel is responsible for the employment functions as set out in the Officer Employment Procedure Rules; including;

- Act as the Investigating and Disciplinary Committee for statutory Officers of the Council
- Appeals against dismissal and grievances by employees of the Council
- ~~Applications for premature retirement~~ and
- Appointment Panel for Chief and Deputy Chief Officers.

2. MEMBERSHIP

2.1 The Employment Panel will be Chaired by the Cabinet Member with responsibility for human resources. The Committee will be a politically balanced committee of the Council with nine members.

2.2 A politically balanced 3 member panel will be convened to fulfil the appeals functions.

2.3 A politically balanced 6 member panel will be convened to fulfil the employment functions, the 5th/and if necessary, 6th member will be the Cabinet Member(s) with responsibility for the portfolio area under consideration or their appointed deputy.

2.4 A politically balanced 7 member panel will be convened to fulfil the employment functions to discharge their function in appointing the Chief Executive, Monitoring Officer and the S151 Officer.

The 7 member panel will consist of:

1. Chair of the Employment Panel
2. The Leader of the Council
3. The Deputy Leader of the Council
4. One further Cabinet Member to be nominated by the Leader of the Council
5. The Leader of the largest opposition group
6. One further Member to be nominated by the Leader of the Largest opposition group
7. The Leader of the second largest opposition group

If any member of the panel (as outlined above) is not already a member of the Employment Panel, they will be co-opted to the Employment Panel for the purpose of these appointments.

On completion of the appointment process, the Panel will make a recommendation to Full Council for final approval.

2.5 Any panels convened must comprise of the 9 members appointed to the Employment Panel except in instances when a Cabinet Member is required to fulfil an employment function as detailed in point 2.3.

2.6 Officers supporting the Employment Panel will make every attempt to ensure ad hoc Panels are constituted politically proportionally. There may be occasions when this is not possible, in such circumstances any decisions regarding composition, will be taken in consultation with the Leader and the Cabinet Member, with oversight from the Monitoring Officer.

3. KEY RESPONSIBILITIES OF THE BOARD

1. Be the appropriate body including acting as the Investigating and Disciplinary Committee.
2. To fulfil the employment functions as set out in part 4 section 8, the Officer Employment Procedure Rules in relation to: Chief Officers and Deputy Chief Officers including the Head of Paid Service (to include Returning Officer and Electoral Registration Officer functions), Deputy Chief Executive; Director for Adults and Communities, Director of Children and Families; Director of Public Health, Monitoring Officer and S151 Officer.
3. Review the annual pay policy statement and make recommendations to Council.
4. Be a consultee on all terms and conditions including policies for all staff.
5. Approve the performance and development framework for annual assessment of the Chief Executive.
6. Appeals against dismissal and grievances by employees of the council ~~and applications for premature retirement.~~
7. The Chair of the Employment Panel has delegated authority to suspend the Head of Paid Service.

5. MEETINGS

The Employment Panel is a Committee of the Local Authority and so as such the Access to Information provisions will apply. The Panel will meet four times a year.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by the Cabinet Member with responsibility for the human resources function. The Chair will be appointed annually and the appointment would be ratified by Council. **In the absence of the Chair** - a replacement Chair will be elected for the duration of the meeting.

A **quorum** of three will apply for meetings of the Full Panel and to consider appeals and appointments.

The Director of People & Inclusion or their representative will act as the **lead officer**.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings.

Meetings will be **clerked** by a representative of Democratic Services.

Public Engagement

Agendas will be available to view by members of the public in line with Access to Information Requirements on the Councils website at <https://www.bury.gov.uk/index.aspx?articleid=10465>