

PERSONNEL COMMITTEE

Thursday, 2nd December, 2010

10.30 am

Wantsum Room, Sessions House, County Hall,
Maidstone





AGENDA

PERSONNEL COMMITTEE

Thursday, 2nd December, 2010, at 10.30 am
Wantsum Room, Sessions House, County
Hall, Maidstone

Ask for: **Geoff Mills**
Telephone **01622 69489**,
geoff.mills@kent.gov.uk

Tea/Coffee will be available outside the meeting room

Membership (8)

Conservative (7): Mr P B Carter (Chairman), Mr R W Gough (Vice-Chairman),
Mr D A Hirst, Mr A J King, MBE, Mr K G Lynes, Mrs J A Rook and
Mr J D Simmonds

Liberal Democrat (1): Mr T Prater

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A. COMMITTEE BUSINESS

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes of the meeting held on 4 November 2010 (Pages 1 - 4)
4. Disciplinary and Grievance Activity (Pages 5 - 8)

MOTION TO EXCLUDE THE PRESS AND PUBLIC

That under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1, 2 and 4 of Part 1 of Schedule 12A of the Act.

EXEMPT ITEMS

(During these items the meeting is likely NOT to be open to the public)

5. Exempt Minutes - 4 November 2010
6. Evaluation and reward arrangements for senior roles (Pages 9 - 20)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

Wednesday, 24 November 2010

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

PERSONNEL COMMITTEE

MINUTES of a meeting of the Personnel Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Thursday, 4 November 2010.

PRESENT: Mr P B Carter (Chairman), Mrs T Dean (Substitute for Mr T Prater), Mr R W Gough (Vice-Chairman), Mr D A Hirst, Mr A J King, MBE, Mr M A Wickham (Substitute for Mr K G Lyne), Mr J D Simmonds and Mr B J Sweetland (Substitute for Mrs J A Rook).

IN ATTENDANCE: Mrs A Beer (Director of Personnel & Development), Mr G Wild (Director of Law and Governance) and Mr G Mills (Democratic Services Manager (Executive)).

UNRESTRICTED ITEMS

1. Membership - to report that Mrs J Rook has joined the Committee in place of Mrs J Whittle

(Item 1)

The members noted that Mrs J Rook had joined the Committee in place of Mrs J Whittle

2. Declarations of Interests by Members in items on the Agenda for this meeting.

(Item 3)

Mr B J Sweetman made a personal declaration of interest in item 5 as he is a member of a Board within the Commercial Services Directorate.

3. Minutes

(Item 4)

The minutes of the meeting held on 9 September 2010 were agreed as a true record and signed by the Chairman.

4. Travel Savings

(Item 5— report by Mr Roger Gough, Cabinet Member for Corporate Support and Performance Management and Mrs Amanda Beer, Director of Personnel & Development) (Mr P Royel, Head of Employment Strategy was present for this item)

(1) This report asked the Committee to consider the generation of cost savings from travel expenditure by the proposed removal of Essential User and subsidised Lease Car provision.

(2) Resolved that subject to the agreement of the County Council at its meeting on 16 December 2010:

(i) no new officers be admitted to the subsidised lease car scheme or be allocated an essential user allowance, and the essential user allowance be withdrawn from current recipients from 1 April 2011; and,

(ii) contracts for existing lease car users which come to an end before 1 April 2011 should not be renewed, however transition arrangements should be introduced which would allow an extension to 31 March 2011.

5. Change to Keep Succeeding

(Item 6 - report by Mr Jeff Hawkins – Transformation Programme Manager)

(1). “Change to Keep Succeeding” is a report by the Group Managing Director and the Leader of the Council on the transformation of the County Council’s operating framework. Mr Hawkins outlined the current timetable of consultation and discussion at meetings of the POSCs which would lead to the submission of a report to the County Council at its meeting on 16 December. He emphasised that this phase affected the senior management structure within the Council and reviews of other staffing structures would follow on once that process had been settled.

(2) During the course of discussion in answer to members’ questions Mr Hawkins and Mrs Beer confirmed that subject to approval by the County Council the proposed date for the implementation of these proposals was 4 April 2011. It was also confirmed the costings set out in the report had been signed off by Corporate Finance. Mrs Beer also explained that for those appointments that did not meet the criteria under which the post would be ‘slotted’, interviews would be held during the course of January 2011 using the procedures for the appointment of posts graded M and above as set out in the Council’s Personnel Management Rules. Impacted staff would be advised by letter if they had been slotted or not on the day following the meeting of the County Council. That letter would also set out what posts would be subject to interview. Any person who had not been slotted but believed they should have been would be able to lodge an appeal which would need to be heard and decided on before any relevant interviews had taken place.

(3) Resolved that progress with the consultation process be noted and that this matter would be reported to the meeting of the County Council on 16 December 2010.

Exempt Items

The following are unrestricted minutes of matters which the Committee resolved should be discussed pursuant to Section 100A of the Local Government Act 1972 (as amended) on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 1, 2 and 4 of part 1 of Schedule 12A of the Act.

6. Interim Director of Integrated Transport Strategy and Planning - Extension of Temporary Employment Contract

(Item 7 - report by Mr Nick Chard, Cabinet Member for Environment, Highways & Waste and Mr Mike Austerberry, Executive Director for EHW)

Resolved that the employment contract of the interim Director of Integrated Transport Strategy and Planning be extended until 24 June 2011, on the same terms and conditions.

7. Report regarding a Senior KCC Member of Staff

(report by Director Law and Governance and Director of Personnel and Development)

The Chairman declared consideration of this item to be urgent on the grounds that it related to the conduct of a senior member of KCC staff and the potential commencement of an investigation into certain matters in accordance with the County Council's Personnel Management rules.

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By: Roger Gough – Cabinet Member, Corporate Support Services
and Performance Management
Amanda Beer – Director of Personnel & Development

To: Personnel Committee **Date:** 2 December 2010

Subject: Disciplinary and Grievance Activity

Classification: Unrestricted

SUMMARY: This report updates Personnel Committee on discipline and grievance activity for the first 6 months of 2010/11, including details of appeals.

1. Introduction

1.1 This report presents an update on a range of Employee Relations activity (excluding in schools) from April 2010 to September 2010, together with an indication of change from the previous 6 month update.

2. Activity for April to September 2010 – Additional Cases

2.1 In this period an additional 367 cases have been initiated. As previously indicated the nature and level of activity required varies considerably depending upon the circumstances of each individual case.

2.2 This represents a significant increase of approximately 40% in overall numbers from the previous 6 month period. There are still very few applications to Employment Tribunal, and less internal dismissal appeals.

2.3 The summary below shows cases initiated over the 6 month period, with the previously 6 months from 2009 equivalent figure in brackets:

ADDITIONS		
Type of Cases	2010	2009/10
Disciplinary	87	(87)
Capability - Poor Performance	49	(27)
Capability - Ill Health	164	(96)
Capability – Other	6	(3)
Grievance	36	(22)
Harassment	11	(11)
ET	4	(2)
Appeals	10	(12)
Total	367	(260)

2.4 There is a broadly comparable level of activity in areas such as discipline, but capability and grievances have seen sizeable increases. Capability continues to represent the highest level of activity with ill health and performance the most notable. This is undoubtedly a reflection of the employment environment, but also a growing confidence in managers, supported by Personnel colleagues in tackling such issues.

3. Activity for April to September 2010 – Cases Resolved

3.1 The following summary shows the cases that have been resolved in the last 6 months. This will not correspond to cases from the previous summary as there is a “rolling effect” for such activity and many of the resolved cases will have been initiated before April 2010.

RESOLVED		
Type of Cases	2010	2009/10
Disciplinary	95	(74)
Capability - Poor Performance	27	(27)
Capability - Ill Health	133	(97)
Capability - Other	12	(3)
Grievance	32	(18)
Harassment	17	(8)
ET	6	(4)
Appeals	18	(3)
Total	340	(234)

3.2 There has been a significant increase in the number of cases concluded in the same 6 month period. Many of the appeals are for either redundancy or lower levels of the disciplinary process, only 2 of which were against dismissal and are detailed in the next section of the report. It is perhaps not surprising that grievance activity has increased, at a time of some uncertainty and reorganization when we would expect higher levels of “challenge”. This however has not reached concerning levels and will in part be a reflection of well managed change and consultation.

4. Disciplinary Appeals

4.1 There have been only 2 dismissal appeals resolved in the 6 month period to September 2010. The summary below outlines where these cases originated, the time taken from the original hearing to the appeal and the outcome.

Directorate	No of Appeals	Time from dismissal to Appeal	Outcome(s)
KASS	1	1x 28 days	Case upheld
Chief Execs	0		
CFE	1	1x 40days	Case upheld
Communities	0		
EHW	0		
Totals	2		2x upheld

4.2 The number of appeals against dismissal, downgrading or transfer remains low. Senior Officer Appeals continue to be support by Legal Services, Corporate Employee Relations and Personnel Teams and their outcomes indicate they are scrutinizing challenged decisions.

4.3 Although only 2 cases in this 6 month period, the time between the dismissal decision and appeal hearing has been considerably reduced. As was previously indicated it was a key objective to achieve this and we are confident that this represents a real improvement in our performance in this area.

5. Recommendations

5.1 That the Personnel Committee notes the annual report of employee relations activity and that of recent appeals hearings.

Background documents: None

Amanda Beer
 Director of Personnel & Development
 Ext. 4136

Paul Royel
 Head of Employment Strategy
 Ext. 4608

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By virtue of paragraph(s) 1, 2, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 6

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of the Local Government Act 1972.

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