

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, 30 April 2015.

PRESENT: Mr P B Carter, CBE (Chairman), Mr G Cooke (Vice-Chairman), Mr N J Bond, Mrs T Dean, MBE, Ms A Harrison, Mr R A Latchford, OBE (Substitute for Mr L Burgess), Mr J D Simmonds, MBE, Mrs P A V Stockell and Mr B J Sweetland.

IN ATTENDANCE: Mr I Allwright (Employment Policy Manager), Mrs A Beer (Corporate Director Human Resources) and Ms D Fitch (Democratic Services Manager (Council)).

UNRESTRICTED ITEMS

61. URGENT BUSINESS

The Chairman confirmed that, due to the need to change the start time of the meeting, it had not been possible to give the statutory five clear days' notice of this revised start time and therefore he declared the following business of the meeting urgent.

62. Minutes of the meeting held on 28 January 2015 (Item A3)

RESOLVED that the minutes of the meeting held on 28 January 2015 are correctly recorded and that they may be signed as a correct record.

63. Statutory Officer Disciplinary Procedures (Item A4)

(1) Mrs Beer introduced a report which invited the Committee to consider and make recommendations to the County Council in response to the Department for Communities and Local Government's (DCLG) proposal to remove the "Designated Independent Person" (DIP) from the disciplinary process for the Head of Paid Service, Chief Finance Officer and Monitoring Officer, and to reduce legal, financial and reputational risk and cost to the Council of managing statutory officer disciplinary processes.

(2) In relation to the Independent Persons appointed under section 28(7) of the Localism Act 2011, who it was proposed would constitute the Panel, officers undertook to provide Members of the Committee with background information, so that Members could be assured that these Independent Persons were suited to this new role.

(3) Members discussed the arrangements for advice to the Panel and whilst Mrs Beer confirmed that it was appropriate for Personnel advice to be given by a senior KCC Human Resources officer, the Panel may need independent advice in relation to

specific areas of the case. Members were of the view that it should be for the Panel to appoint their own advisor(s) for non-Personnel matters relation to the case.

(4) A Member referred to the lack of an appeals process following a decision by the County Council to dismiss a Statutory Officer. Mrs Beer advised the Committee that there was no higher KCC body that could hear such an appeal and therefore only the recourse for the individual would be to an Employment Tribunal.

(5) RESOLVED that, subject to the Members of the Committee being satisfied that the Independent Persons are suitable for this role, the County Council be requested to approve for inclusion in the Personnel Management Rules provision for the proposed procedures for the Head of Paid Service, Monitoring Officer and Chief Finance Officer as outlined the report, with provision for the Panel to appoint their own advisor(s) for non- Personnel Matters, and that this process be extended to include all statutory roles, including the Director of Children's Services, Director of Adult Social Services and Director of Public Health.

64. Motion to Exclude the Press and Public
(Item A5)

RESOLVED 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 of part 1 of Schedule 12A of the Act.

65. Developments and Implications of recent government actions on statutory postholders, organisation design and employment policies
(Item B1)

(1) Mrs Beer introduced a report which focused on the new developments concerning Child Sexual Exploitation (CSE), and the impact these changes would have on KCC in terms of its ability to fulfil its statutory requirements to safeguard vulnerable children and young people. The report also highlighted the need to ensure that both the Head of Paid Service (the Corporate Director of Strategic and Corporate Services) and the Director of Children's Services (the Corporate Director Social Care, Health and Wellbeing) had the necessary authority and support to discharge their statutory responsibilities effectively.

(2) A Member referred to the training to be provided for Members in relation to the Rotherham case, which it had been agreed at the meeting of the Governance and Audit Committee on 29 April 2015.

(3) Members expressed concerns about how they could be assured that other organisations with a role in child protection, such as the health service and non LEA schools, were to be held to account. There was general agreement that the report to the next meeting should address the concerns relating to the accountability of outside bodies and also the suggestion to extend KCC's whistleblowing policy to include staff from these bodies.

(4) RESOLVED that:

- (a) the amendment to the direct line management reporting arrangements to the Head of Paid Service, as set out in the report, be approved,
- (b) the Corporate Director Engagement, Organisation Design and Development be requested to prepare a further report, as outlined in section 5.3 of the report and paragraph (3) above, for submission to the next meeting of Personnel Committee and following this a report be submitted to County Council to ensure that all Members were aware of the impact of these changes.