

COUNCIL

17 OCTOBER 2013

CONSTITUTIONAL MATTERS

Portfolio Holder: Councillor Rodney Chambers, Leader
Report from: Neil Davies, Chief Executive
Author: Julie Keith, Head of Democratic Services

Summary

This report sets out the following matters :

- (i) Probationary Procedure – a recommendation to amend the Employment Matters Committee’s terms of reference
- (ii) Children and Young People Overview and Scrutiny Committees– a number of proposed changes to co-opted/added Members.

1. Budget and Policy Framework

- 1.1 The approval of changes to the Constitution, including amendments to Committee terms of reference, and the appointment of co-opted Members to Committees and are matters for determination by the Council.

2. Probationary Procedure

- 2.1 The Employment Matters Committee agreed a revised Probationary Procedure at its meeting on 26 September 2013. The key proposed changes are:
- To provide that all new joiners to Medway Council are subject to a probationary period, irrespective of whether or not they have continuous local government service;
 - Any appeals against a decision to terminate employment during the probationary period to be heard by a senior manager, rather than a Member panel, except for those employees set out in paragraph 2.2 below;
 - Newly qualified social workers will be subject to a 12 month probationary period in line with the assessed and supported year in employment (ASYE) scheme.
- 2.2 The revised procedure, with regard to the appeals process, will apply to all new employees except Assistant Directors and above and Assistants for

Political Groups from 18 October 2013. The procedure for appeals against dismissal for these employees is set out in the Employment Rules in the Council's Constitution.

2.3 To reflect the proposed changes to the revised probationary procedure, the Committee agreed to amend the terms of reference of the Employment Matters Appeals Panel (a Sub-Committee of the Employment Matters Committee) from:

2.3.1 *To hear and determine final appeals by employees on behalf of the Council relating to their conditions of service, discipline, performance or termination of employment.*

To:

2.3.2 *To hear and determine dismissal appeals relating to conduct, performance capability, some other substantial reason and ill-health capability.*

2.4 The terms of reference for the Panel are also set out in the Employment Matters Committee's terms of reference, therefore, it is necessary to seek Full Council approval to amend the Committee's terms of reference as set out in Appendix 1.

3. Co-opted and Added Members on Children and Young People Overview and Scrutiny Committee

3.1 The following nominations have been received regarding co-opted/added Members on the Council's Children and Young People Overview and Scrutiny Committee:

Organisation	Representative
Roman Catholic Church (Archdiocese of Southwark Education Commission)	Replace Jim Grogan with Clive Mailing Co-opted Member with voting rights on educational matters only
Medway Youth Parliament	Replace Doyin Yahyo with Perdita Blinkhorn Added Member without voting rights
Medway Youth Parliament	Replace Perdita Blinkhorn with Nathan Lee Added Member without voting rights (Substitute)

4. Financial, legal and risk management implications

- 4.1 The Local Government Act 2000 transferred the statutory requirement to have voting parent governor and church school representatives on bodies considering education functions to the relevant Overview and Scrutiny Committee and also gave local authorities the power to appoint non-voting co-opted members onto overview and scrutiny committees. This report seeks approval to a number of changes as set out in paragraph 3 above.
- 4.2 There are no financial or risk management implications arising from this report.

5. Recommendations

- 5.1 Council is asked to amend the terms of reference of the Employment Matters Committee as set out in Appendix 1 to the report.
- 5.2 Council is asked to agree the changes to Co-opted and Added Members positions on the Children and Young People Overview and Scrutiny Committee as set out in paragraph 3 of the report.

Lead officer contact:

Julie Keith, Head of Democratic Services, Telephone: 01634 332760
Email: julie.keith@medway.gov.uk

Background papers

Probationary Procedure report to Employment Matters Committee 26 September 2013 – agenda item 6:
<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=135&MId=2916&Ver=4>
Local Government Act 2000, Schedule 1, Paragraph 7 - Overview and scrutiny committees: education functions
Parent Governor Representatives (England) Regulations 2001

Employment Matters Committee – amended terms of reference (tracked changes)

Employment Matters Committee

- To consider and determine, where appropriate, matters concerning the employment of staff and their terms and conditions of employment or secondment and to determine the terms of the annual pay award provided it is within the approved budget;
- To advise on and determine policies concerning any staffing matter including equal opportunities and the allocation and utilisation of human resources within the authority;
- To advise on and determine arrangements for consulting and communicating with staff and trades unions;
- ~~To hear and determine final appeals by employees on behalf of the Council relating to their conditions of service, discipline, performance or termination of employment~~ To hear and determine dismissal appeals relating to conduct, performance capability, some other substantial reason and ill-health capability;
- To report its decisions and recommendations to the Cabinet and Business Support Overview and Scrutiny Committee;
- To grant exemptions for politically restricted posts.