

Public Document Pack

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Date: Friday, 14 July 2023

To all Members of the Employment sub-committee

Dear Sir or Madam

Summons to attend the Employment Appeals (Grievance) sub-committee Meeting – Monday, 24 July 2023 at 10.00 am in the Kenn Room

You are requested to attend the Meeting of the Employment Appeals (Grievance) sub-committee to be held at 10.00 am on Monday, 24 July 2023.

The agenda is set out below.

Yours faithfully

Assistant Director Legal & Governance and Monitoring Officer

To: Members of the Sub-Committee

Councillors: Wendy Griggs, Helen Thornton, Joe Tristram

This document and associated papers may be made available in a different format on request.

Agenda

1. **Apologies for Absence and Notification of Substitutes**

2. **Election of Chairperson for the meeting**

3. **Public Participation (Standing Order 17)**

To receive and hear any person who wishes to address the Committee. The Chairperson will select the order of the matters to be heard. Each person will be limited to a period of five minutes. Public Participation Time must not exceed thirty minutes.

4. **Declaration of Disclosable Pecuniary Interest (Standing Order 37)**

A Member must declare any disclosable pecuniary interest where it relates to any matter being considered at the meeting. A declaration of a disclosable pecuniary interest should indicate the interest and the agenda item to which it relates. A Member is not permitted to participate in this agenda item by law and should immediately leave the meeting before the start of any debate.

If the Member leaves the meeting in respect of a declaration, he or she should ensure that the Chairperson is aware of this before he or she leaves to enable their exit from the meeting to be recorded in the minutes in accordance with Standing Order 37.

5. **Matters referred by Council, the Executive, other Committees and Panels (if any)**

None.

6. **Exclusion of the press and public**

The Committee will be invited to pass the following resolution –

“(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.”

Also, if appropriate, the following resolution should be passed –

“(2) That members of the Council who are not members of this Committee be invited to remain.”

7. **Stage 3 Grievance Appeal (Exempt Item) (Pages 5 - 110)**

A copy of the appeal hearing procedure is attached.

The appellant submission and supporting documents (Bundle 1), together with the management submission and supporting documents (Bundle 2) are attached (red

papers)

8. Urgent Business permitted by the Local Government Act 1972

Any item of business which the Chairperson is of the opinion should be considered at the meeting as a matter of urgency by reason of special circumstances (to be specified in the Minutes). For a matter to be considered as an urgent item, the following question must be addressed:

“What harm to the public interest would flow from leaving it until the next meeting?” If harm can be demonstrated, then it is open to the Chairperson to rule that it be considered as urgent. Otherwise the matter cannot be considered urgent within the statutory provisions.

Exempt Items

Should the Employment sub-committee wish to consider a matter as an Exempt Item, the following resolution should be passed -

“(1) That the press, public, and officers not required by the Members, the Chief Executive or the Director, to remain during the exempt session, be excluded from the meeting during consideration of the following item of business on the ground that its consideration will involve the disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.”

Mobile phones and other mobile devices

All persons attending the meeting are requested to ensure that these devices are switched to silent mode. The chairperson may approve an exception to this request in special circumstances.

Filming and recording of meetings

The proceedings of this meeting may be recorded for broadcasting purposes.

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairperson. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting, focusing only on those actively participating in the meeting and having regard to the wishes of any members of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson or the Assistant Director Legal & Governance and Monitoring Officer’s representative before the start of the meeting so that all those present may be made aware that it is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting.

Emergency Evacuation Procedure

On hearing the alarm – (a continuous two tone siren)

Leave the room by the nearest exit door. Ensure that windows are closed.

Last person out to close the door.

Do not stop to collect personal belongings.

Do not use the lifts.

Follow the green and white exit signs and make your way to the assembly point.

Do not re-enter the building until authorised to do so by the Fire Authority.

Go to Assembly Point C – Outside the offices formerly occupied by Stephen & Co

Employment sub-Committee Grievance Appeal Hearing Procedure

The appeal hearing will be conducted in accordance with the following paragraphs except that these rules of procedure may be varied by the Employment sub-committee for any particular appeal, with the consent of the parties thereto.

- 1) The Chairperson shall introduce all parties present and explain the procedure to be followed.
- 2) The appellant (or his/her representative) shall present his/her case and call any witnesses as previously notified.
- 3) The management representative and members of the sub-committee shall be entitled to ask questions of the appellant and any witnesses. Any appellant witness shall withdraw from the hearing once they have given their evidence and been questioned by all parties.
- 4) The management representative shall present management's response and call any witnesses as previously notified.
- 5) The appellant (or his/her representative) and members of the sub-committee shall be entitled to ask questions of the management representative and any witnesses. Any management witness shall withdraw from the hearing once they have given their evidence and been questioned by all parties.
- 6) Both parties shall have the opportunity to sum up their case. No new matter shall be introduced at this stage. The management representative will sum up last.
- 7) The appellant (and his/her representative) and the management representative shall withdraw from the hearing.
- 8) The sub-committee shall deliberate in private, accompanied by the HR representative who will provide advice, and the clerk to the sub-committee. The appellant (and his/her representative) and the management representative shall only be recalled to clarify points of uncertainty on information already given. If recall is necessary, both parties shall return even if only one is concerned with the point giving rise to doubt.
- 9) Once the sub-committee has reached its decision and concluded its deliberations, the appellant (and his/her representative) and the management representative shall be recalled to the hearing. The Chairperson shall announce the sub-committee's decision to all parties

present. The sub-committee's decision will be confirmed in writing within 2 working days of the date of the hearing.

By virtue of paragraph(s) 1, 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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