



Walsall Council

Personnel Committee

Monday, 14 June 2021 at 6.00 pm

At the Council House, Walsall

Public access to meeting via: <https://youtu.be/kf7FrJyFkA8>

Membership:

Councillor M. Bird (Chair)
Councillor A. Andrew (Vice-Chair)
Councillor S. Elson
Councillor N. Gultasib
Councillor A. Harris
Councillor K. Hussain
Councillor A. Nawaz
Councillor S. Samra
Councillor V. Waters

Quorum:

Three Members

A g e n d a

Part 1 – Public Session

1. Apologies.
2. Declarations of Interest.
3. Local Government (Access to Information) Act 1985 (as amended):

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
4. To approve the Minutes of the meeting held on 19 April 2021 –
Copy **enclosed**
5. Establishment of Personnel Sub-Committees – Copy **enclosed**

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

| Subject | Prescribed description |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

PERSONNEL COMMITTEE

Monday, 19 April 2021 at 6.00 pm

Digital meeting via Microsoft Teams

Held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020; and conducted according to the Council's Standing Orders for Remote Meetings and those set out in the Council's Constitution.

Committee Members present: Councillor M. Bird (Chair)
Councillor N. Gultasib
Councillor A. Harris
Councillor K. Hussain
Councillor A. Nawaz

In attendance: Ms K. Allward, Executive Director – Adult Social Care
(Item 8/Minute 30/21 only)
Ms D. Hindson, Interim Executive Director – Resources
and Transformation (Item 8/Minute 30/21 only)
Mr S. Neilson, Executive Director – Economy,
Environment and Communities (Item 5/Minute 27/21
only)
Ms M. Leith, Interim Director of Human Resources,
Organisational Development and Administration
(Items 6 and 7/Minutes 28/21 and 29/21 only)
Mr C. Close, Health and Safety Manager (Item 5/Minute
27/21 only)
Mr I. Sutheran, Human Resources Manager –
Recruitment and Transactional (Item 8/Minute 30/21
only)
Dr P. Fantom, Democratic Services Officer

WELCOME

The Chair opened the meeting by welcoming everyone, and explaining the rules of procedure and legal context in which the meeting was being held. He also directed the members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers confirmed that they could both see and hear the proceedings.

22/21 APOLOGIES

An apology for absence was received on behalf of Councillor B. Allen.

23/21 **SUBSTITUTIONS**

There were no substitutions.

24/21 **DECLARATIONS OF INTEREST AND PARTY WHIP**

There were no declarations of interest or party whip for the duration of the meeting.

25/21 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 (AS AMENDED)**

Resolved (by assent):

That the public be excluded from the meeting during consideration of the item set out in the private agenda for the reasons set out therein and Section 100A of the Local Government Act 1972.

26/21 **MINUTES**

A copy of the Minutes of the meeting held on 15 March 2021 was submitted [Annexed].

Resolved (unanimously by roll call):

That the Minutes of the meeting held on 15 March 2021, a copy having previously been circulated, be approved and signed by the Chair as a true and accurate record.

27/21 **ANNUAL HEALTH AND SAFETY REPORT COVERING THE YEAR 2019/20**

The annual Health and Safety report covering the year 2019/20 was presented to the Committee [Annexed].

The Executive Director – Economy, Environment and Communities, Mr S. Neilson, introduced the report, with it being noted that as it covered 2019/20, only one week of the Covid-19 pandemic at the end of March 2020 had been included.

The Health and Safety Manager, Mr C. Close, stated that this was the fourth report of its kind since the practice of producing an annual Health and Safety report had been reinstituted. Mr Close emphasised that health and safety was well managed in Walsall with good systems being in place to provide such assurance. During 2019/20, there were no significant changes, although the work being carried out with leisure centres regarding an increased reporting of accidents had of necessity been placed on hold during the pandemic. However, the impact of the pandemic on the Council's Health and Safety service would, it was anticipated, ensure that this would be reflected in the report to be made for 2020/21.

Resolved (unanimously by roll call):

That the contents of the annual Health and Safety report 2019/20 be noted, and that the report be shared as appropriate in order to help to promote a positive health and safety culture across the Council.

Mr Neilson and Mr Close left the meeting following this item of business.

28/21 SICKNESS ABSENCE POLICY

A report was submitted [Annexed] seeking approval for the revised Sickness Absence Policy (Appendix 1), and which had been endorsed by the CMT at its meeting on 1 April 2021.

The Interim Director of Human Resources, Organisational Development and Administration, Ms M. Leith, presented the report and highlighted the salient points. These included a number of revisions to the Policy, including the redesign of the Occupational Health contract and the cessation of the physiotherapy contract, and it was noted that within the Policy there was a greater recognition of the role of mental health first aiders.

Resolved (unanimously by roll call):

That the revised Sickness Absence Policy be approved.

29/21 HOW WILL WE WORK IN THE FUTURE – A BLENDING WORKING APPROACH

A report was submitted [Annexed] setting out the high-level considerations for how the Council will work in future and seeking approval for the first principles of blended working, which would be tested in order for proposals to be presented to the Cabinet on the future ways of working.

The Interim Director of Human Resources, Organisational Development and Administration, Ms M. Leith, presented the report and highlighted the salient points. It was reported that although the lockdowns were starting to ease, the pandemic continued to cause uncertainty and social distancing rules currently prevented a return to pre-Covid working conditions. Whilst there had been many aspects of working remotely that had been beneficial and had allowed the Council to capitalise on its investment in technology and finding different ways of working, it was also acknowledged that difficulties had been encountered by some staff. It was noted that other local authorities and similar large organisations were introducing their own blended working arrangements.

During the discussion, the Committee noted that as the legislation permitting virtual meetings was due to expire on 6 May 2021, a case had been brought to the High Court by the Local Government Association and other bodies in order to seek an extension to this legislation, and that the Court's decision on this was imminent. Members also recognised the lessons learnt during the pandemic but acknowledged that there had also been shortfalls in some areas and that these would also need to be considered. Ms Leith informed the

Committee that the Council's Staff Survey was to be launched and Members requested that a copy of this report be made available with the survey and posted on the Council's website.

Resolved (unanimously by roll call):

1. That the first principles of blended working, as set out in points 3.1, 3.2 and 3.3 of the report, be approved;
2. That the Council's officers test these principles and prepare for the Cabinet proposals for the future ways of working via a blending working approach.

Ms Leith left the meeting following this item of business.

29/21 **PRIVATE SESSION**

Exclusion of the Public

Resolved (by assent):

That, during consideration of the remaining item on the agenda, the Committee consider that the item for consideration is exempt information for the reasons set out therein and Section 100A of the Local Government Act 1972 and accordingly resolved to consider the item in private.

30/21 **SENIOR RECRUITMENT**

A report on recruitment to the permanent positions of Director of Human Resources, Organisational Development and Administration and Director of Transformation and Digital, and to the recruitment of an external interim Director of Commissioning was submitted [Annexed].

The Human Resources Manager – Recruitment and Transactional, Mr I. Sutheran, presented the report, provided the background to the Committee and highlighted the salient points contained therein concerning the recruitment process, the alignment/revision of the delegations for long-listing and the carrying out of short-listing and final interviews for these positions.

The Executive Director – Resources and Transformation, Ms D. Hindson, advised the Committee of the necessity of revising the delegations in order to proceed to recruitment for these positions, which would then ensure that the whole of the Directorate suite would be complete.

The Executive Director – Adult Social Care, Ms K. Allward, explained the circumstances that had prevented an appointment being made to the position of Director of Commissioning previously and advised Members of the benefits that would accrue from appointing an external interim Director of Commissioning.

Resolved (unanimously by roll call):

1. That the officers be authorised to commence a recruitment process for a permanent appointment to the position of Director of Human Resources, Organisational Development and Administration;
2. That subject to resolution 1 above, the responsibility for long-listing for the position of Director of Human Resources, Organisational Development and Administration be delegated to the Executive Director – Resources and Transformation, with it being noted that the Personnel Committee shall have responsibility for short-listing and for the carrying out of final interviews;
3. That responsibility for long-listing for the position of Director of Transformation and Digital be delegated to the Executive Director – Resources and Transformation, with this amending the delegations agreed by the Personnel Committee on 22 October 2020 (Minute 90/20 refers);
4. That the officers be authorised to commence a recruitment process for an external interim appointment to the position of Director of Commissioning for a period of up to twelve months and with the option to extend for a further six months, if required, with this amending the decision of the Personnel Committee on the 7 May 2020 (Minute 47/20 refers);
5. That subject to resolution 4 above, the responsibility for the appointment of an external interim Director of Commissioning be delegated to the Executive Director – Adult Social Care, with this amending the delegations agreed by the Personnel Committee on 7 May 2020 that long-listing be carried out by the Executive Director – Adult Social Care, the Leader of the Council and the Leader of the Opposition, and with the Personnel Committee having responsibility for short-listing and final interviews (Minute 47/20 refers);
6. That the additional candidate selection activities, as detailed in section 3.11 of the report, and the timeline, as set out in section 3.12 of the report, be approved with it being noted that all dates being approximate may be subject to change;
7. That the officers be authorised to procure a recruitment consultancy for executive search and selection support.

(Exempt information under Paragraphs 1, 2 and 4 of Part I of Schedule 12A of the Local Government Act 1972) (As amended).

There being no further business, the meeting terminated at 6.51 pm.

Chair.....

Date.....

Personnel Committee – 14 June 2021

Establishment of Personnel Sub-Committees

1.0 Report Detail

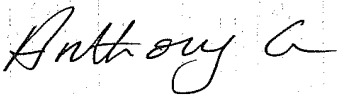
- 1.1 At its meeting on 26 May 2021, the Council re-established the Personnel Committee which holds the delegated responsibility, within the Constitution, for establishing two Sub-Committees to undertake Employment Appeals on behalf of the Council.
- 1.2 Accordingly, this report recommends the establishment of two Employment Appeals Sub-Committees to determine appeals against dismissal submitted by employees at all levels below Assistant Director level in the context of the application of the relevant procedure or for claims of unfair or unduly severe sanctions only, in accordance with the Policies approved by the Council.

2.0 Recommendations

- 2.1 That approval be given to the establishment of 2 Sub-Committees, as set out below, together with the delegations as set out in **Appendix 1**.
- Employment Appeals Sub-Committee 'A'
 - Employment Appeals Sub-Committee 'B'
- 2.2 That the Membership of each Sub-Committee be approved, as set out in **Appendix 2**.
- 2.3 That the Employment Appeals Sub-Committees continue with the existing practice of meeting on Tuesdays (Committee B) and Thursdays (Committee A) both at 10.30am on dates set out in the Council's timetable of meetings, and that meetings be cancelled when they are not required.

Background papers – Report to Council – 26 May 2021.

Signed:



Anthony Cox, Director of Governance.

Contact:

Dr Paul Fantom

Democratic Services Officer

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Personnel Sub-Committees – Employment Appeals Committees

1. **Sub-Committees:** There shall be two Sub-Committees:
 - Employment Appeals Sub-Committee 'A'
 - Employment Appeals Sub-Committee 'B'
2. **Membership:** Each Sub-Committee will comprise 7 Members of the Authority, as notified to the Chief Executive, and each Sub-Committee will be subject to Political Balance.
3. **Substitutes:** Substitute Members may be nominated to the Sub-Committees in accordance with paragraph 4 of the Council Procedure Rules (Part 4), subject to the nominee satisfying the training requirements identified below at 9.
4. **Chairman and Vice-Chairman:** The Chairman and Vice-Chairman for each Sub-Committee will be appointed by the Personnel Committee.
5. **Quorum:** The quorum for each Sub-Committee shall be one third of the membership, subject to a minimum of three.
6. **Meetings:** Sub-Committee 'A' shall meet on Thursdays at 10.30am and Sub-Committee 'B' shall meet on Tuesdays at 10.30am.
7. **Access to Information:** The Sub-Committees shall comply with Access to Information Rules set out in Part 4 of the Constitution.
8. **Training:** Each Member appointed to a Sub-Committee of the Personnel Committee must satisfy the training requirements, as set out in the Personnel Committee's delegations in Part 3.2 of the Constitution.
9. **Delegations:** The Sub-Committees will hold the following delegated powers, as conferred upon them by the Personnel Committee as set out below.

To determine appeals against dismissal submitted by employees at all levels below Assistant Director level in the context of the application of the relevant procedure or for claims of unfair or unduly severe sanctions only, in accordance with the policies approved by the Council.

The Personnel Committee reserves the authority to undertake any of the functions contained within its delegations, and as conferred upon its Sub-Committees, at the Personnel Committee Chairman's discretion.

Personnel Sub-Committees

Employment Appeals 'A'

Chair: Councillor Sears

Conservative x 4 seats: Councillors Ali, Elson, Rasab and Sears

Labour x 3 seats: Councillors K. Hussain, Burley and Nasreen

Meets on Thursdays

Employment Appeals 'B'

Chair: Councillor Ferguson

Conservative x 4 seats: Councillors Ali, Ferguson, Flint and Murphy

Labour x 3 seats: Councillors Gultasib, Jeavons and Mazhar

Meets on Tuesdays