

Employment and Appeals Panel

Wednesday, 3rd August, 2011
at 1.00 pm

PLEASE NOTE TIME OF MEETING

This meeting is open to the public

Members

Councillor Kolker (Chair)
Councillor B Harris
Councillor McEwing
Councillor Fitzgerald
Councillor Noon
Councillor Osmond
Councillor Pope

Contacts

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PUBLIC INFORMATION

Role of the Employment and Appeals Panel

The Panel is responsible in general terms for determining appeals against decisions of the Council, other than where the matter falls within the terms of reference of another Panel, including in particular appeals arising from a decision: -

The Panel also

- deals with all matters relating to hearings and determination of any employee grievance or appeal under the Council's disciplinary, grievance, dismissal and other employee relations procedure.
- has power to appoint staff and to determine the terms and conditions on which staff hold office.
- is responsible for functions relating to local government pensions etc.

Southampton City Council's Seven Priorities:

- More jobs for local people
- More local people who are well educated and skilled
- A better and safer place in which to live and invest
- Better protection for children and young people
- Support for the most vulnerable people and families
- Reducing health inequalities
- Reshaping the Council for the future

Public Representations

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Smoking policy – the Council operates a no-smoking policy in all civic buildings.

Mobile Telephones – please turn off your mobile telephone whilst in the meeting.

Fire Procedure – in the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access – access is available for the disabled. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2011/12:

2011	2012
Weds 20 July	11 January
Weds 3 Aug	25 January
Weds 31 Aug	8 February
Weds 21 Sept	29 February
Weds 12 Oct	21 March
Weds 2 Nov	11 April
Weds 23 Nov	25 April
Weds 14 Dec	

CONDUCT OF MEETING

Terms of Reference

The terms of reference of the Panel are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

Disclosure of Interests

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "personal" or "prejudicial" interests they may have in relation to matters for consideration on this Agenda.

Personal Interests

A Member must regard himself or herself as having a personal interest in any matter

- (i) if the matter relates to an interest in the Member's register of interests; or
- (ii) if a decision upon a matter might reasonably be regarded as affecting to a greater extent than other Council Tax payers, ratepayers and inhabitants of the District, the wellbeing or financial position of himself or herself, a relative or a friend or:-
 - (a) any employment or business carried on by such person;
 - (b) any person who employs or has appointed such a person, any firm in which such a person is a partner, or any company of which such a person is a director;
 - (c) any corporate body in which such a person has a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (d) any body listed in Article 14(a) to (e) in which such a person holds a position of general control or management.

A Member must disclose a personal interest.

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Prejudicial Interests

Having identified a personal interest, a Member must consider whether a member of the public with knowledge of the relevant facts would reasonably think that the interest was so significant and particular that it could prejudice that Member's judgement of the public interest. If that is the case, the interest must be regarded as "prejudicial" and the Member must disclose the interest and withdraw from the meeting room during discussion on the item.

It should be noted that a prejudicial interest may apply to part or the whole of an item.

Where there are a series of inter-related financial or resource matters, with a limited resource available, under consideration a prejudicial interest in one matter relating to that resource may lead to a member being excluded from considering the other matters relating to that same limited resource.

There are some limited exceptions.

Note: Members are encouraged to seek advice from the Monitoring Officer or his staff in Democratic Services if they have any problems or concerns in relation to the above.

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

Agendas and papers are available via the City Council's website

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PREJUDICIAL INTERESTS

In accordance with the Local Government Act 2000, and the Council's Code of Conduct adopted on 16th May 2007, Members to disclose any personal or prejudicial interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Panel Administrator prior to the commencement of the meeting

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)

To approve and sign as a correct record the Minutes of the meetings held on 22nd and 29th June 2011 and to deal with any matters arising, attached.

5 EXCLUSION OF PRESS AND PUBLIC

Chair to move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of items 6 and 7 based on Categories 1, 2 and 3 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

6 HOME TO SCHOOL TRANSPORT APPEAL

Confidential report of the Transport Coordination Manager seeking Panel's consideration in regard to an appeal for School Transport, attached.

7 APPEAL AGAINST DISMISSAL

Confidential report of the Head of Organisational Development seeking Panel's consideration in regard to an appeal against dismissal from an individual from the Children's Services and Learning Directorate, attached.

EMPLOYMENT AND APPEALS PANEL
MINUTES OF THE MEETING HELD ON 22 June 2011

Present: Councillors Kolker (Chair), B Harris, Noon and Osmond

Apologies: Councillor McEwing, Councillor Fitzgerald and Councillor Pope

9. **MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING)**

RESOLVED that the Minutes of the meeting held on 8th June 2011 be approved and signed as a correct record.

10. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of the confidential the item below.

This is based on Categories 1, 2 and 3 of paragraph 10.4 of the Access to Information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

11. **REDUNDANCY AND/OR PREMATURE RETIREMENT PAYMENTS TO SCHOOL STAFF AT WOODLANDS COMMUNITY COLLEGE**

The Panel considered the confidential report of the Head of School Standards and Head Teacher on behalf of Governing Body for Woodlands Community School seeking approval in 4 specific cases, for the costs of redundancy and premature retirement associated with redundancy in schools to be met by central Council funds. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Panel considered the decision in confidential session in accordance with Categories 1, 2 and 3 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED

- (i) that the current policy had been correctly applied in reaching the individual calculations set out in the confidential Appendices 1A, 1B, 1C and 1D;
- (ii) that it be noted that the individual detailed in appendix 1C had secured alternative employment within the school.

- (iii) that the individual payments from the central budget in accordance with the Council's statutory duty to make payment be authorised for the individual detailed in appendix 1D, in accordance with the Schools Finance Scheme subject to the redeployment procedure being robustly applied up to the last day of service of each individual concerned;
- (iv) that in the case detailed in appendix 1A for the redundancy payment to be met from central funds not be authorised, as the school could meet the cost of the redundancy from within their surplus budget; and
- (v) that the decision concerning the individual detailed in appendix 1B be deferred as it had been reported that they would be covering maternity leave until the end of the autumn term.

EMPLOYMENT AND APPEALS PANEL
MINUTES OF THE MEETING HELD ON 29 June 2011

Present: Councillors Kolker (Chair), B Harris, McEwing, Fitzgerald, Noon and Osmond

Apologies: Councillor Andrew Pope

12. **APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)**

13. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of items 5 and 6 based on Categories 1, 2 and 3 of paragraph 10.4 of the Access to Information Procedure Rules.

The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

14. **REDUNDANCY PAYMENTS TO SCHOOL STAFF AT BITTERNE PARK JUNIOR SCHOOL**

The Panel considered the confidential report of the Assistant Director of Children's Services and Learning and Head Teacher on behalf of Governing Body for Bitterne Park Junior School seeking approval in 1 specific case for the costs of redundancy associated with redundancy in schools to be met by central Council funds. (Copy of the report circulated with the agenda and appended to the signed minutes).

The Panel considered the decision in confidential session in accordance with Categories 1, 2 and 3 of Paragraph 10.4 of the Council's Access to Information Procedure Rules.

RESOLVED

- (i) that the current policy had been correctly applied in reaching the individual calculations set out in the confidential Appendix 1;
- (ii) that the individual payment from the central budget in accordance with the Council's statutory duty to make payment be authorised for the individual detailed in appendix 1, in accordance with the Schools Finance Scheme subject to the redeployment procedure being robustly applied up to the last day of service of the individual concerned;

15. **APPEAL AGAINST DISMISSAL**

The Panel noted that the appellant had withdrawn their appeal against dismissal.

Agenda Item 6

by virtue of paragraph number 1, 2, 3 of the Council's Access to information Procedure Rules

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Agenda Item 7

by virtue of paragraph number 1, 2, 3 of the Council's Access to information Procedure Rules

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