

Public Document Pack

Employment and Appeals Panel

Wednesday, 4th November,
2015
at 1.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic Centre

This meeting is open to the public

Members

Councillor McEwing (Chair)
Councillor Chamberlain
Councillor Claisse
Councillor B Harris (Vice-Chair)
Councillor Noon
Councillor Whitbread
Councillor White

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 Priorities:

- Jobs for local people
- Prevention and early intervention
- Protecting vulnerable people
- Affordable housing
- Services for all
- City pride
- A sustainable Council

Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

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

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave 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 disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2015/16:

2015	2016
10 June	6 January
1 July	24 February
22 July	23 March
12 August	13 April
2 September	
23 September	
14 October	
4 November	
2 December	

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 "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

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

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 PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary 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 Democratic Support Officer.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETINGS (INCLUDING MATTERS ARISING) (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meetings held on 22nd July 2015 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 the following items 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 (Pages 3 - 38)

Confidential report of the Transport Co-ordination Manager seeking the Panel's consideration in regard to an Appeal for School Transport, attached.

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SOUTHAMPTON CITY COUNCIL
EMPLOYMENT AND APPEALS PANEL

MINUTES OF THE MEETING HELD ON 22 JULY 2015

Present: Councillors McEwing (Chair), B Harris (Vice-Chair), Chamberlain, Noon, Whitbread and White

Apologies: Councillor Matthew Claisse

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

RESOLVED: that the minutes for the Panel meeting on 1 July 2015 be approved and signed as a correct record.

9. **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 items 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 individual's legal expectation of privacy outweighs the public interest in the exempt information.

10. **REDUNDANCY AND/OR PREMATURE RETIREMENT PAYMENTS TO SCHOOL STAFF VALENTINE PRIMARY SCHOOL**

The Panel considered the confidential report of the Interim Head of 0 – 25 Service and Head Teacher on behalf of Governing Body of Valentine Primary School regarding redundancy and/or premature retirement payments to the school.

RESOLVED that

- (i) the Panel believed that the current policy for the funding of redundancy and premature retirement for teaching and support staff in schools, had not been correctly applied in reaching two of the individual calculations set out in the confidential Appendix 1;
- (ii) the Panel reviewed and authorised the following individual payments from the central budget in accordance with the Council's statutory duty to make payment:

Employee A - the Panel decided that the equivalent of the compulsory redundancy costs only be funded from central budget and not the Voluntary Redundancy enhancement. The Panel decided that this individual was in a compulsory redundancy situation and was not eligible for voluntary redundancy.

Employee B - the Panel agreed that the full cost of this voluntary redundancy as applied for be funded from central budget. The Panel judged that the current funding policy had been correctly applied in this case.

Employee C - the Panel agreed that the amount equivalent to compulsory redundancy only be funded from central budget. The Panel judged that a proper assessment of natural successor options had not been undertaken, contrary to the current funding policy

- (iii) the Panel noted that funding arrangements detailed in (ii) would not affect the offers made to employees on issue of their notice.

NOTE: Councillor White declared a personal interest but, did not withdraw from the meeting. In addition Councillor McEwing declared that she had a potential personal interest as she was unsure whether one of the employees listed within the report was known to her but stated that she had not seen or heard from them since changing job and therefore did not withdraw from the meeting.

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