

Employment and Appeals Panel

Wednesday, 13th July, 2016
at 2.00 pm

PLEASE NOTE TIME OF MEETING

Committee Room 1 - Civic Centre

This meeting is open to the public

Members

Councillor Noon (Chair)
Councillor Claisse
Councillor B Harris
Councillor Taggart
Councillor Wilkinson
Councillor Whitbread
Councillor White

Contacts

Democratic Support Officer
Claire Heather
Tel 023 8083 2412
Email: claire.heather@southampton.gov.uk

Service Director, Legal and Governance
Richard Ivory
Tel. 023 8083 2794
Email: richard.ivory@southampton.gov.uk

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

Dates of Meetings: Municipal Year 2016/17:

2016	2017
13 th July	11 th January
3 rd August	1 st February
24 th August	22 nd February
14 th September	22 nd March
5 th October	12 th April
26 th October	
23 rd November	
14 th December	

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.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

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.

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

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 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 ELECTION OF VICE-CHAIR

To elect the Vice Chair for the Municipal Year 2016/17.

4 STATEMENT FROM THE CHAIR

5 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 23rd March 2016 and to deal with any matters arising, attached.

6 ESTABLISHMENT OF JOINT EMPLOYMENT PANEL FOR THE APPOINTMENT OF A JOINT DIRECTOR OF PUBLIC HEALTH WITH PORTSMOUTH CITY COUNCIL (Pages 3 - 10)

Report of the Service Director Legal and Governance seeking approval to formally engage with Portsmouth City Council with a view to securing a jointly appointed post to fulfil the statutory role Director of Public Health.

Tuesday, 5 July 2016

Service Director, Legal and Governance

This page is intentionally left blank

SOUTHAMPTON CITY COUNCIL
EMPLOYMENT AND APPEALS PANEL

MINUTES OF THE MEETING HELD ON 23 MARCH 2016

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

Apologies: Councillors Chamberlain and Whitbread

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

RESOLVED: that the minutes for the Panel meeting on 24th February 2016 be approved and signed as a correct record.

22. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED that the Chair moved 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 item 6.

Confidentiality 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.

23. **APPEAL AGAINST DISMISSAL**

That the Panel considered a confidential report seeking the Panel's consideration in regard to an appeal against dismissal.

RESOLVED that the appeal be dismissed.

This page is intentionally left blank

Agenda Item 6

DECISION-MAKER:	EMPLOYMENT AND APPEALS PANEL		
SUBJECT:	ESTABLISHMENT OF JOINT EMPLOYMENT PANEL FOR THE APPOINTMENT OF A JOINT DIRECTOR OF PUBLIC HEALTH WITH PORTSMOUTH CITY COUNCIL		
DATE OF DECISION:	13 TH JULY 2016		
REPORT OF:	SERVICE DIRECTOR, LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	richard.ivory@southampton.gov.uk	
Director	Name:	Suki Sitaram	Tel: 023 8083 2060
	E-mail:	suki.sitaram@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>The Director of Public Health (DPH) post is currently appointed as an interim position. It is therefore necessary to consider recruitment to this position and the purpose of this report is to seek members' approval to formally engage with Portsmouth City Council with a view to securing a jointly appointed post to fulfil the statutory role of Director of Public Health.</p>			
RECOMMENDATIONS:			
	(i)	To approve the establishment of a joint Employment Panel with Portsmouth City Council;	
	(ii)	To approve the terms of reference for the joint Employment Panel as set out in paragraph 9 of the report for incorporation into Part 3 of the Council's Constitution;	
	(iii)	To determine that the membership of the Panel should comprise: 2 members from each authority together with 2 co-opted non-voting members from Public Health England and the Faculty of Public Health (as required by the Secretary of State for Health).	
	(iv)	That the vision for a shared service be endorsed and a Joint Director of Public Health be appointed;	
	(v)	That delegated authority be granted to the Chief Executive following consultation with the Chief Executive of Portsmouth City Council to undertake such arrangements as considered appropriate to enable the appointment to be made.	

REASONS FOR REPORT RECOMMENDATIONS	
1.	For contractual and practical reasons it is necessary to have the Director employed by one host authority. The authorities have informally agreed that will be Southampton City Council. It is however, imperative that as the Director will be responsible for a range of services for both unitary authorities and strategic health partners that both the Councils are intrinsically involved at member level in all stages of the appointment.
2.	To comply with the requirements of the Health and Social Care Act 2012.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
3.	To continue with the current interim appointment is not considered appropriate in order to fulfil both authorities duties and aspirations
4.	Similarly, the appointment of a Director of Health solely for Southampton is not considered to be the most cost efficient option given the reductions to local authority budgets.
DETAIL (Including consultation carried out)	
5.	There is a requirement for upper-tier councils to appoint a Director of Public Health under the Health and Social Care Act 2012. Guidance from the Department of Health states that the DPH should:
	<ul style="list-style-type: none"> • be the person who elected members and senior officers look to for leadership, expertise and advice on a range of issues, from outbreaks of disease and emergency preparedness through to improving local people’s health and concerns around access to health services • know how to improve the population’s health by understanding the factors that determine health and ill health, how to change behaviour and promote both health and wellbeing in ways that reduce inequalities in health • provide the public with expert, objective advice on health matters • be able to promote action across the life course, working together with local authority colleagues such as the director of children’s services and the director of adult social services, and with NHS colleagues • work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health • work with local criminal justice partners and police and crime commissioners to promote safer communities • work with wider civil society to engage local partners in fostering improved health and wellbeing. <p><i>(Department of Health: Directors of Public Health in Local Government: Roles, responsibilities and context. 2012)</i></p>

6.	<p>It is felt that, with adequate safeguards and controls, the statutory role of DPH could be carried out jointly with another council. This would enable a financial saving to be made by both parties, as well as facilitating a more efficient use of other Public Health resources. In the lead-in to the transfer of public health responsibilities to local government, the Council did share a DPH with Portsmouth for an interim period. Both councils then decided to appoint a full time DPH to oversee and shape the implementation of the transfer in each city.</p>
7.	<p>Subsequently, there have been huge reductions to local authority budgets, including cuts to the Public Health grant from the Department for Health. Both councils have also progressed their adoption of the public health responsibilities and the two cities share many similarities in terms of the health profiles and needs of their populations. Public Health has been identified as an area of high expenditure with growing pressures. Therefore, it is appropriate to seek ways in which capacity and expertise can be deployed more efficiently. As Public Health responsibilities have become more embedded within local government, and as we have developed our thinking locally about the integration across health and social care, there has been good reason to explore whether this capacity and expertise should be deployed on a sub-regional basis, i.e. between Portsmouth, Southampton and the Isle of Wight.</p>
8.	<p>At this stage, the Isle of Wight does not seek a shared arrangement at DPH, but is interested in exploring greater collaboration in other aspects of public health, such as the deployment and skills sets of the public health consultants across the area and the deployment of analysts. This work can be developed over time, giving the area a more robust and efficient service.</p>
9.	<p>Assuming that agreement can be reached across the two councils, a joint appointment would be sought, with an appointment panel comprising elected members from both councils, as well as the Government's required representation from Public Health England and the Faculty of Public Health. Both cities will also wish to ensure that their Clinical Commissioning Group colleagues and other partners are appropriately involved in the recruitment process. Any changes affecting current staff will have to be managed according to the relevant HR policies of each council.</p> <p>Terms of Reference</p> <p>The terms of reference for the Joint Employment Panel will be as follows:-</p> <p>“To shortlist, interview and appoint a Joint Director of Public Health for Southampton and Portsmouth City Councils upon such terms and conditions as appropriate by law”</p> <p>Indicative timelines are attached at Appendix 1 of the report.</p>

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
10.	The current post is held within the structure at 0.5FTE at a total cost of £79k charged 100% to the Public Health Grant.
<u>Property/Other</u>	
11.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
12.	Health and Social Care Act 2012 and Local Government Act 2000
<u>Other Legal Implications:</u>	
13.	Government guidance and requirements dictate that both Public Health England and the Faculty of Public Health are intrinsically involved in the selection process. Under local government law they cannot be a voting member of the sub committee so therefore sitting in a co-opted non-voting capacity on the joint panel is most appropriate method of involving partners.
POLICY FRAMEWORK IMPLICATIONS	
14.	None
KEY DECISION	No
WARDS/COMMUNITIES AFFECTED:	none
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Draft timetable for appointment.
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
Equality Impact Assessment and Other Background documents available for inspection at: Civic Centre, Southampton.	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	Government Guidance document - Directors of Public Health in Local Government - Guidance on appointing directors of public health from 1 April 2013 (October 2011)	
----	--	--

This page is intentionally left blank

**Director of Public Health
Southampton and Portsmouth City Councils**

Draft Process Timetable

Stage:	Method:
Briefing July 2016	<ul style="list-style-type: none"> Detailed briefing with Chief Executives, key stakeholders and Members from both Councils to agree on all aspects of the recruitment assignment
Confirm Faculty of Health approval to proceed July 2016	<ul style="list-style-type: none"> Provide Faculty with required paperwork Secure Faculty Assessor and Public Health England Representative
Attraction strategy July 2016	<ul style="list-style-type: none"> Faculty of Public Health approval of advert and candidate pack ready to taken to market Search preparation to commence and initial candidate identification underway
Our tailored Search/Attraction July - mid Sep 2016 Adverts to appear and search to commence: Week commencing 8 th August 2016 (HSJ, BMJ, MJ) Closing Date : 16th September 2016	<ul style="list-style-type: none"> Production of search plan, ensuring we capture breadth needed, which includes potential sources Logging of enquiries and weekly search reports prepared for you Execution of search activity conducted in a discreet, confidential and sensitive manner The search will use Penna’s senior network, build over 25 years Advert preparation and advert to appear (online/print)
Longlist Report 3 rd week of September 2016	<ul style="list-style-type: none"> Penna to produce longlisting report including recommendations following completion of due diligence processes (PH and GMC Register) Report to be circulated to both Councils, Faculty and PHE representatives Longlist to be agreed
Stage:	Method:
Shortlist Meeting and Assessment Shortlist Meeting : w/c 26 th September 2016	<ul style="list-style-type: none"> Support panel in selection of the shortlist of candidates Full competency-based interviews conducted by Penna/Technical Assessor (to be confirmed at long list stage) Send Director of Public Health applications and sift to Faculty of Public Health and Public Health England. Ensure inclusion of PHE and Faculty of Public Health opinion at this stage

We are also able to provide our services up to final panel and appointment, detailed below:

Stage:	Method:
Due Diligence	<ul style="list-style-type: none"> • Due diligence and referencing undertaken, with written reports provided
Candidate Assessment	<ul style="list-style-type: none"> • Candidate assessments as based on the (Southampton) Leadership Assessment Centre • We recommend Wave Professional Styles and Hogan Development Survey, we adopt a team approach to test group communication skills • We explore the questionnaire results in a structured interview with the candidates conducted by a Penna Occupational Psychologist
Final Interview / Assessment Centre and Securing the Candidate – end of October 30 th /31 st October	<ul style="list-style-type: none"> • Preparation of e-panel packs, group activity, interview questions or presentation topics and creation of an objective scoring method • Engaging key stakeholders with panel design and candidate networking, to include sessions for stakeholders in Portsmouth and Southampton to meet the candidates • Offer and contract negotiation, ensuring the offer is legislation compliant • We will ensure the successful on-boarding and will stay in touch. • Ensure inclusion of PHE and Faculty of Public Health in case of Director of Public Health role
Feedback	<ul style="list-style-type: none"> • Provide candidate feedback at all stages, if and when requested