



Report to:	Finance, Resources and Corporate Committee
Date:	5 December 2024
Subject:	Employment Panel
Director:	Alan Reiss, Chief Operating Officer
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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If the report does contain exempt information, what is the reason for exemption: <i>(indicate in the adjacent box the relevant paragraph of Schedule 12A, Local Government Act 1972, Part 1 – see Access to Information Rules)</i>	

1. Purpose of this Report

- 1.1 The purpose of this report is to update Members, following the decision of the Combined Authority 31 October 2024, of the new arrangements for those matters reserved to the Combined Authority with regards to the appointment, discipline and dismissal of senior officers (namely, Directors and above and statutory officers).

2. Recommendations

- 2.1 That the Finance, Resources and Corporate Committee notes the contents of this report together with the **Appendices 1 to 4**, that explain the arrangements for the new Employment Panel.

3. Information

Appointment, Discipline and Dismissal of Senior Officers

Proposed Changes

- 3.1 At a meeting of the Combined Authority held on 31 October 2024, it was recommended and approved, that the Combined Authority retains ultimate responsibility for the process of appointment, discipline and dismissal of the three Statutory Chief Officers (Head of Paid Service, Monitoring Officer, and the Section 73 Chief Finance Officer).



- 3.2 To ensure member involvement and oversight of other senior roles, it was recommended and approved that an Employment Panel be created which supports the Combined Authority by making recommendations in relation to the Statutory Chief Officer HR processes, whilst acting as decision maker in relation to the appointments of Executive Directors and Directors together with Executive Director HR processes. Director level HR processes including any appeal process involving Directors would be managed under the remit of the Head of Paid Service and Executive Directors.

Employment Panel

- 3.3 It was proposed and agreed that the power to convene the Employment Panel rests with the Chief Executive. In the event that an Employment Panel needs to be convened in relation to the Chief Executive, or in the event the Chief Executive is absent or otherwise unavailable, this will fall to the Chief Operating Officer, or the Monitoring Officer.
- 3.4 The agreed Terms of Reference for the Employment Panel are attached at **Appendix 1**. Members will note that each Employment Panel will be drawn from 3 members of the Finance, Resources and Corporate Committee (FRCC), but with the ability to co-opt members to that panel in the event of FRCC members being conflicted or unavailable. Co-opted members are to be drawn from a pool of co-optees to be agreed by the Combined Authority. The pool the Combined Authority would draw from would be constituent Council Members, sitting on similar HR or staffing panels or committees.
- 3.5 As noted above, the Employment Panel shall require a quorum of 3 voting members drawn from the Finance, Resources and Corporate Committee (FRCC), or from a list of co-optees agreed by the Combined Authority in the event of FRCC members being conflicted or unavailable. It is proposed that any decision of the Employment Panel will be determined by way of a simple majority.

Outcomes of the Combined Authority Decision

- 3.6 **Appointment of the Chief Executive/Head of Paid Service** – The Employment Panel would be required to make a recommendation to the Combined Authority on the appointment of a Chief Executive/Head of Paid Service. The Combined Authority would then make the final decision on a Chief Executive appointment. The determination of salary and performance management of the Chief Executive/Head of Paid Service is to be managed in the same way.
- 3.7 **Appointment of other Statutory Officers** – This process is to be carried out by an Employment Panel with the Chief Executive (or nominated representative) being invited to attend in an advisory capacity, to the extent that the Employment Panel would be required to make a recommendation to the Combined Authority on the appointment of other Statutory Officers. The Combined Authority would then make the final decision on Statutory Officer appointments. Whilst determination of salary, performance management and the outcome of any grievance processes would fall to the Chief Executive, the Panel will have a role in any appeals processes where applicable under HR policy.

- 3.8 **Appointments of Executive Directors/Chief Operating Officer and Directors (excluding Statutory Officers)** are not to be reserved to the CA/Committee – This process is also carried out by an Employment Panel with the Chief Executive (or nominated representative) being invited to attend in an advisory capacity. The Employment Panel would be given authority to appoint. Whilst determination of salary, performance management and the outcome of any grievance procures would fall to the Chief Executive, the Employment Panel will have a role in any appeals processes where applicable under HR policy.
- 3.9 **Appointments of temporary or interim Executive Directors or Directors (excluding Statutory Officers)** are not to be reserved to the CA/Committee – Appointment to these roles would fall to the Chief Executive or below to enable the Chief Executive to ensure appropriate senior resource is in place to deliver the Authority's priorities in a timely manner.
- 3.10 **Dismissal or disciplinary proceedings brought against the Chief Executive/Head of Paid Service and Statutory Officers** – This remains reserved to the Combined Authority, albeit consideration of the matter is to be delegated to an Employment Panel.
- 3.11 **Dismissal or disciplinary proceedings brought against the Executive Directors** – This would be delegated to the Chief Executive (subject to any conflict of interest) with appeals against dismissal being delegated to the Employment Panel.
- 3.12 **Disciplinary and dismissals below Executive Director/Statutory Officer level** are not to be reserved to the Combined Authority/Panel. These would be heard by Executive Directors and appeals heard by the Chief Executive.
- 3.13 See **Appendix 2** for table setting out proposed delegated authority to determine discipline of Chief Officers.
- 3.14 Grievance against these officers is also to be dealt with in a similar way, however given the first stage in the process is a meeting with the aggrieved employee not a hearing (as with disciplinary matter) there is scope for more of the process to be undertaken within the officer structure. See **Appendix 3** for table setting out proposed delegated authority for handling grievances.
- 3.15 Appendix 4 applies the same principles to the application of the current draft Performance Capability Policy to Chief Officers.

4. Risks and Mitigations

- 4.1 The introduction of clear and transparent proportionate processes in relation to the application of HR policies and procedures in relation to Chief Officers provides a level of certainty and consistency to future arrangements ensuring a robust framework and appropriate safeguards.

5. Tackling the Climate Emergency Implications

5.1 There are no climate emergency implications directly arising from this report.

6. Inclusive Growth Implications

6.1 There are no inclusive growth implications directly arising from this report.

7. Equity and Diversity Implications

7.1 Recruitment to all roles within the Combined Authority is undertaken in an open and transparent way in line with the principles of the Combined Authority's Equity, Diversity and Inclusion Plan.

8. Financial Implications

8.1 There are no financial implications directly arising from this report.

9. Legal Implications

9.1 There are no legal implications directly arising from this report.

10. External Consultees

10.1 Unison has been consulted in the options appraisal of the procedure for Chief Officer appointment, discipline and dismissal, and their feedback sought in formulating the final procedure. In addition, the proposals have been shared with constituent council Heads of Legal/HR for input and review.

11. Background Documents

11.1 There are no background documents referenced in this report.

12. Appendices

- Appendix 1 - Employment Panel Terms of Reference
- Appendix 2 - Proposed policy matrix to determine discipline of senior/Chief Officers
- Appendix 3 - Proposed policy matrix for handling grievances of senior/Chief Officers
- Appendix 4 - Proposed policy matrix for handling performance and capability issues of senior/Chief Officers