

## STAFFING SUB-COMMITTEE REMIT

### 1. Role

- 1.1. West of Scotland Housing Association's Board has overall responsibility for ensuring WSHA is adequately resourced and effectively managed to meet its objectives and fulfil its obligations and ultimately deliver its business plan
- 1.2. In accordance with WSHA's Rules and Standing Orders, the Board has delegated authority to appoint a Staffing Sub-Committee to ensure these affairs are managed appropriately.
- 1.3. This remit sets out the areas in which authority has been delegated to the Staffing Sub-Committee. Where there is any question about the extent of the Staffing Sub-Committee's responsibilities, the matter is referred to the WSHA Board for decision.

### 2. Constitution

- 2.1. WSHA is a full member of Employers in Voluntary Housing (EVH). The Board is required to meet its obligations to comply with the annual EVH Service Level Agreement and with the employer's obligations under EVH Terms & Conditions of Employment. The Staffing Sub-Committee will support the Board in achieving this and will comply with EVH membership requirements and the contractual rights of WSHA employees which include the framework of such a sub-committee.
- 2.2. If the Board changes its EVH membership status, this remit will be reviewed at that time. The Board notes that withdrawing from EVH membership would require employee consent, or potentially a termination and re-engagement process in the absence of such consent, because of the contractual nature of the EVH Terms and Conditions).
- 2.3. The Staffing Sub-Committee will:-
  - be constituted formally as a Standing Sub Committee of Management
  - have sufficient authority and resources, including the right of access to obtain all the information it considers necessary and to consult with any professional advisors it consider necessary

- have full delegated power to administer appropriate stages of the Disciplinary Procedure, Grievance Procedure and Redundancy Procedure under the EVH Terms and Conditions
- have delegated authority to review the Association's pension scheme arrangements

### **3. Membership**

- 3.1.** Members of the Staffing Sub-Committee will be appointed by the Board, from its own membership, at its first meeting following the Association's Annual General Meeting (AGM). The Staffing Sub-Committee will appoint a Chair at the first Staffing Sub-Committee meeting following the AGM. The Chair of the Staffing Sub-Committee will not be the same as the Chair of the Association. The Staffing Sub-Committee will consist of four members of the WSHA Board and the quorum will be three excluding co-optees.
- 3.2.** Appointment of the Chair of the Staffing Sub-Committee must be approved by the Board.
- 3.3.** Membership will remain constant throughout the period of office, as far as possible, to ensure stability, consistency of treatment for employees and to enable members to gain experience in dealing with staffing matters.
- 3.4.** In exceptional circumstances, for example in order to ensure impartiality at different stages of a disciplinary or grievance process, the Staffing Sub-Committee may co-opt suitably experienced Board members from out with the Staffing Committee.
- 3.5.** The CEO and the HR/OD Manager will advise and support the Staffing Sub-Committee and will liaise with the Chair over the preparation of the agenda, minutes and papers. Whilst the CEO and the HR/OD Manager will generally advise and support the Staffing Sub-Committee, the Board may seek or authorise the Staffing Sub-Committee to seek appropriate professional independent support and guidance thought necessary from time to time.

### **4. Meetings**

- 4.1.** The Staffing Sub-Committee will meet as required to perform responsibilities and in any event shall meet a minimum of twice each year.

### **5. Agenda, Minutes and Reporting**

- 5.1.** The agendas for meetings will be agreed with the Staffing Sub-Committee Chair and will be circulated to all members, together with appropriate reports, seven days before a meeting.

- 5.2. If a Sub Committee member would like to add a new agenda item to a future meeting agenda, they should notify the Chair of the Sub Committee who will arrange for it to be added to the Agenda Planner.
- 5.3. Agendas, Minutes and Reports relating to the Staffing Sub-Committee meetings will be stored as confidential documents.
- 5.4. Minutes of the Staffing Sub-Committee will be presented to the next Board for noting and relevant extracts of the minutes marked as confidential. Any matter that is referred to the Board for approval or decision will be subject of a separate paper that will be circulated and prepared with the Board papers.
- 5.5. The Chair of the Staffing Sub-Committee will present an annual report to the Board that describes the activities of the Committee over the year and highlights matters of significance.

## **6. Key Responsibilities**

- 6.1. In accordance with the Association's Scheme of Delegation and Internal Regulations the CEO has responsibility for ensuring staff disciplinary procedures are managed in line with legislation and contractual rights as set out in the EVH Terms and Conditions of employment.
- 6.2. The CEO has responsibility for
  - dismissal of all staff with the exception of staff at a Director level:
  - approval of settlements of employment-related claims where the proposed settlement sum is less than £29,999. (For the avoidance of doubt proposed settlements at a level above £29,999 will be referred to the Staffing Sub-Committee.
- 6.3. The Staffing Sub-Committee has authority for dismissal of Directors, including the CEO, in line with the Terms & Conditions of employment;
- 6.4. In compliance with the terms of the EVH Service Level Agreement and employer's responsibilities under EVH Terms & Conditions of Employment, the Staffing Sub-Committee is responsible for administering:
  - Disciplinary Procedure Stage 3 (Dismissal), that is, where there is no sustained improvement in the standard of conduct/performance of an employee whilst a final written warning remains live or where there are allegations of gross misconduct leading to a formal hearing being conducted:
  - Grievance procedure Stage 3, that is, where an employee's grievance has not been satisfied as a result of Stage 1 (response by Line Manager) and Stage 2 (Senior Officer investigation) of the procedure:

- In the case of a disciplinary or grievance matter relating to the CEO, the Staffing Sub-Committee must refer this immediately to WSHA Board Chair, who will decide with the Staffing Sub-Committee on the appropriate composition of the Staffing Sub-Committee and other professional expertise or advice required to support investigations and decision making;
- In cases of formal, serious complaint against the Chief Executive the Chairperson of WSHA will notify the Scottish Housing Regulator of the complaint and the action being taken to handle the complaint;
- approval of settlements of employment-related claims where the proposed settlement sum exceeds £30,000 but is less than that equivalent to one year's salary.

**6.5.** The JNC Appeal Chair is the final stage of the internal disciplinary and grievance procedure available. The Secretary to the JNC appeal will send a copy of guidance notes. The JNC Appeals Chair is the final stage of the disciplinary procedure, whose decision is final.

**6.6.** The Staffing Sub-Committee has delegated authority and responsibility for agreeing voluntary severance payment to an employee which is outside the terms and conditions of their contract provided;

- It arises directly from a decision to terminate the employee's contract of employment;
- Payment is delegated to the Staffing Sub Committee to a maximum amount approved by the Board;
- That the total sum of the non-contractual payment and benefit does not exceed, in the opinion of our employment adviser, the total cost of a successful application by the employee to a Court or Tribunal (including the likely level of compensation that might be awarded by a court or tribunal and associated costs to the organisation to participate in the tribunal)
- Payment does not exceed the equivalent of one year's salary for the employee
- That this payment is instead of (rather than additional to) any redundancy entitlement
- The outcome is reported to the Board

**6.7.** The Staffing Sub-Committee also has delegated authority and responsibility for:

- The performance appraisal of the Chief Executive along with the Chair of the Board and reporting the outcomes to WSHA Board:

- Reviewing Local Conditions of Employment at least every three years and making recommendations to the WSHA Board on their continued use or the changes proposed
- Review and recommendations to the Board for approval of Key human resources policies
- To work with the CEO and HR/OD Manager on projects on an ad-hoc basis according to need e.g. organisational restructure and employee consultation details and making recommendations to the Board. Specific delegation to work on such projects will be approved by the WSHA Board on a case by case basis.

**6.8.** The staffing sub committee also has delegated responsibility for:

- Carrying out an annual review of the Association's pension scheme arrangements
- Reporting the outcome of the review to the Board for consideration and action where required.

## **7. Code of Conduct**

**7.1.** Members of the Staffing Sub-Committee will comply with the Code of Conduct signed annually following the AGM. During the course of its work members will access highly sensitive and personal information and from time to time be invited to enter into a non-disclosure agreement with a member of staff. Any breach of the non-disclosure agreement will result in action being taken to remove the committee member from the Board, and therefore the Staffing Sub-Committee under rule 44.5 of the Association's Rules. Members who have been removed from Committee cannot stand for re-election for a period of five years.

**7.2.** Given the key responsibilities of members of the Staffing Sub-Committee, members of the Sub-Committee will ideally collectively possess a blend of key experience, skills and expertise relevant to the sub committee's remit. In particular, members with a background in / experience of staff management, HR, employment law, training, equalities, and / or policy management may be suited to this appointment. An outline person specification is attached to this remit which may influence selection onto the Sub-Committee.

## **8. Risk**

**8.1.** The Staffing Sub-Committee will make the WSHA Board aware of any perceived risk to the Association along with recommendations on addressing the risk.

## **9. Sub-Committee member commitment and obligations**

- 9.1.** It will be appreciated that the decision-making remit of this sub committee entails significant decisions for employees whose continued employment and livelihoods may be at stake. Where such circumstances arise, HR support and guidance will be provided. However, decision-making responsibility will ultimately lie with the Sub-Committee and it will be for the Sub-Committee to explain its decisions in writing to the employee, as well as to account for their decisions, where required, during any appeal proceedings before the JNC Chair or any proceedings brought in the forum of the employment tribunal or court. This may entail attending in a representative or witness capacity on behalf of the Association at any JNC Chair appeal hearing and / or attending as a witness in a public employment tribunal hearing to give evidence to the tribunal or employment judge on processes followed and decision-making.
- 9.2.** Every effort will be made to support the Sub-Committee with appropriate administrative and HR support, and, where appropriate, legal advice to assist with decision-making. However, the recent case of *Ramphal v the Department of Transport* is a clear reminder from the Employment Appeal Tribunal that it is not the role of HR to influence decision-making but only to advise on 'law and procedure'. The Staffing Sub-Committee must 'own' its own decisions.
- 9.3.** Where the Sub-Committee is required to administer the appropriate stage of the grievance or disciplinary procedure, an additional investment of time in reading the associated papers and in deliberating the issues and evidence thoroughly before reaching a decision will be required from time to time. It will be critical that all members of the Staffing Sub-Committee will be (i) available and willing to commit to this additional investment of time; and (ii) be impartial and also free from any appearance of bias in relation to any matters on which they are required to adjudicate.
- 9.4.** Any potential problem with availability or conflict of interest of a sub committee member in relation to a particular employment procedure must be identified at the earliest opportunity so that appropriate measures may be taken. The EVH Terms and Conditions bind the Association to contractual timescales and the opportunity to vary these can be limited. By their very nature, it is unfortunately not possible to predict the timing of grievance and disciplinary procedures although a minimum of ten days' warning will usually be given to sub committee members of any hearing under the disciplinary or grievance procedure over which they require to preside.

## **10. Review of Remit**

- 10.1.** This remit shall be reviewed and amended at least every three years and presented to the WSHA Board for approval.
- 10.2.** If the Board changes its EVH membership status, this remit will be reviewed at that time.

**10.3.** The remit of the Staffing Sub-Committee cannot be amended without the approval of the WSHA Board.