

PART 3-B3: TERMS OF REFERENCE OF THE EMPLOYMENT COMMITTEE

These terms of reference are to be read alongside Article 8 of Part 1 and the Employment Procedure Rules in Part 4 of this Constitution.

1.0 *Role*

- 1.1 The Employment Committee is responsible for discharging or delegating all staffing matters relating to West Surrey Council during the Shadow Period, including the formulation of employment policies, terms and conditions, and workforce planning.

2.0 *Functions*

- 2.1 The Employment Committee is responsible for:
- a. formulating and approving policies, terms, and conditions of employment for the employees of West Surrey Council, for adoption before vesting day;
 - b. overseeing the development of a workforce strategy for West Surrey Council and ensuring that it is aligned with the Implementation Plan;
 - c. preparation of the annual Pay Policy statement to be agreed by the Shadow Authority.
 - d. overseeing the process of recruitment of the permanent senior workforce of West Surrey Council during the shadow period;
 - e. formulating policies for the management of the transfer of staff from Surrey County Council and the West Surrey councils to West Surrey Council on and from Vesting Day, having regard to the requirements of the Transfer of Undertakings (Protection of Employment) Regulations 2006 and all other applicable legislation;
 - f. with regard to the Head of Paid Service,
 - i. setting the performance objectives,
 - ii. commissioning and undertaking an annual performance review process, and
 - iii. determining the remuneration,
 - g. monitoring the equalities implications of workforce decisions during the Shadow Period; and

- h. such other staffing functions relating to West Surrey Council as the Shadow Authority may delegate to it.

2.2 The Employment Committee has no role in relation to the employees of Surrey County Council or the West Surrey councils, except in respect of employees seconded or otherwise engaged to support the work of the Shadow Authority.

3.0 Membership

3.1 The Employment Committee consists of 15 councillors. The membership of the Employment Committee must include two members of the Shadow Executive.

3.2 Membership will reflect the political composition of the Shadow Authority in accordance with sections 15 to 17 of the Local Government and Housing Act 1989.

3.3 The Chair and Vice Chair will be elected and appointed, as appropriate, by the Committee at its first meeting.

3.4 Quorum: 5 councillors.

4.0 Senior Officer Employment Sub Committee

4.1 The Employment Committee establishes a Senior Officer Employment Sub-Committee.

Functions

4.2 The Senior Officer Employment Sub Committee is responsible for:

- i. undertaking the selection process for, and recommending to the Shadow Authority the appointment of, the permanent Head of Paid Service, Monitoring Officer, and Chief Finance Officer of West Surrey Council in accordance with article 33(2) of the 2026 Order and the Employment Procedure Rules which can be found in Part 4-4 of the Constitution;
- j. undertaking the selection process for such other senior appointments as the Employment Committee may determine; and
- k. such other functions in relation to senior employee appointments as the Employment Committee may delegate to it.

Membership

4.3 The Senior Officer Employment Sub Committee consists of 7 councillors, appointed from the membership of the Employment

Committee, including the Chair of the Employment Committee. The Sub Committee must include one member of the Shadow Executive

4.4 Quorum: 3 councillors.

5.0 Investigating and Disciplinary Sub Committee

5.1 The Employment Committee establishes an Investigating and Disciplinary Sub Committee.

Functions

5.2 The Investigating and Disciplinary Sub-Committee conducts disciplinary proceedings in relation to the Head of Paid Service, Monitoring Officer, and Chief Finance Officer of West Surrey Council in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and in accordance with the Employment Procedure Rules in Part 4-4 of this Constitution.

Membership

5.3 The Investigating and Disciplinary Sub Committee consists of 5 councillors, appointed from the membership of the Employment Committee. It must include at least one member of the Shadow Executive.

5.4 Quorum: 3 councillors.

6.0 Independent Persons Panel

6.1 The Shadow Authority establishes an Independent Persons Panel.

Role

6.2 The Independent Persons Panel provides the statutory independent element required under the Local Authorities (Standing Orders) (England) Regulations 2001 as amended. Its role is to consider any proposal for dismissal of the Head of Paid Service, Monitoring Officer, or Chief Finance Officer of West Surrey Council arising from the Investigating and Disciplinary Sub-Committee's recommendation. The Independent Persons Panel will review the Investigating and Disciplinary Sub Committee's recommendation and prepare a report for a meeting of the Shadow Authority.

Membership

- 6.3 The Independent Persons Panel consists of not fewer than 2 persons who are independent within the meaning of the 2001 Regulations as amended. Members of the Panel are not councillors nor employees.

7.0 Appeals Sub-Committee

- 7.1 The Employment Committee establishes an Appeals Sub-Committee.

Functions

- 7.2 The Appeals Sub-Committee hears appeals by the Head of Paid Service, Monitoring Officer, or Chief Finance Officer of West Surrey Council against any disciplinary decision of the Investigating and Disciplinary Sub Committee short of dismissal imposed by the Investigating and Disciplinary Sub Committee and takes a decision either to confirm the action or to impose no sanction or a lesser sanction.

Membership

- 7.3 The Appeals Sub-Committee consists of 5 councillors, none of whom were involved in the original disciplinary proceedings. A member of the Shadow Executive must be a member of the Appeals Sub-Committee.