

When a council delegates recruitment or staff management responsibilities to a committee (with or without a sub-committee), legal responsibility for the decisions and actions of the staffing committee (or sub-committee) remains with the council as a whole. Whether or not a council delegates its responsibilities as an employer and recruiter to a staffing committee or a staffing sub-committee, the Data Protection Act 1998 imposes obligations about the council's use of information about individual staff members and candidates for jobs at the council. Chapter 4 explains a council's statutory obligations under the Data Protection Act 1998. From another perspective, if a staffing committee decided to withdraw an offer of employment after it had been accepted, the council not the committee is at risk of a breach of contract claim. If a staffing sub-committee unfairly dismisses an employee, the unfair dismissal claim will be against the council, not the sub-committee.

Below is an example of a council's terms of reference for a committee that it appointed to discharge its staffing functions.

SUTTON PARISH COUNCIL STAFFING COMMITTEE | TERMS OF REFERENCE

Purpose of staffing committee:

This committee is appointed to make decisions about all staffing matters, subject to budget and expenditure limits decided by the finance committee.

Terms of Reference

1. To establish and keep under review the staffing structure in consultation with the Finance Committee.
2. To draft, implement, review, monitor and revise policies for staff.
3. To establish and review salary paycales for all categories of staff and to be responsible for their administration and review.
4. To oversee the recruitment and appointment of staff.
5. To arrange execution of new employment contracts and changes to contracts.
6. To establish and review performance management (including annual appraisals) and staff training programmes for staff.
7. To oversee any process leading to dismissal of staff (including redundancy).
8. To keep under review staff working conditions, and health and safety matters.
9. To monitor and address regular or sustained staff absence.
10. To make recommendations on staffing related expenditure to the Finance Committee.
11. To consider any appeal against a decision in respect of pay.
12. To consider a grievance or disciplinary matter (and any appeal).
13. To supervise and performance manage the Clerk's work, to administer his leave requests, record and monitor his absences, and handle grievance and disciplinary matters and pay disputes.