

Subject:	Employment/Restructure Delegations to Employment Panel
Reason for briefing note:	This briefing note identifies the proposed changes to future reporting at Employment Panel.
Responsible officer(s):	Terry Baldwin
Senior leader sponsor:	Alison Alexander
Date:	Employment Panel 24 January 2017.

SUMMARY

This briefing note:

- Proposes changes to employment and recruitment report considered by Employment Panel.
- Identifies the procedure to be adopted for approval of recruitment to Chief Officer (Managing Director or Directors) and Deputy Chief Officers (Deputy Directors and Heads of Service) posts.

1 BACKGROUND

1.1 In November 2016 Employment Panel agreed, subject to approval at full Council in February 2017, to delegate authority to Directors, in conjunction with the Head of Human Resources, for payments relating to employment matters up to £25,000, this covers:

- To approve and/or resolve, having regard to affordability and sound decision making, all other staffing issues not covered by delegations to staff where the financial implications for the authority is £25,000 or less.
- To deal with matters where there are financial implications, employment tribunal complaints, and other formal employment law claims, notices or casework, and to settle potential and/or actual tribunal matters.
- Requests for early retirement or voluntary redundancy, under the Borough's Life Choices policy.

1.2 Employment Panel receive reports prior to and post the appointment of to a Chief Officer/Deputy Chief Officer level role. Employment of some officer positions can be delegated at point of approval of position. This will improve timeliness of appointment and reduce duplicative discussion.

2 KEY IMPLICATIONS

Restructure reports to Employment Panel

2.1 Current procedure requires any payments above £5,000 to be signed off at Employment Panel. Therefore all service restructures of whatever level are reported to Employment Panel if the redundancy cost is estimated to be £5,000 or more. This is irrespective of the total number of staff being made redundant. Employment Panel, in November 2016, agreed to increase the amount requiring approval to £25,000, subject to full Council approval in February.

- 2.2 Consequently Employment Panel will receive the reports on restructure where the:
- Redundancy payment to any one individual is more than £25,000 or
 - Total number of redundancies is five or more.

2.3 Restructures outside of these two requirements, will require approval from the Managing Director, relevant Director and Head of Human Resources.

Requests to Appoint Directors, Deputy Directors and Heads of Service

2.3 There are two potential scenarios regarding the appointment of Directors and Heads of Service:

- **A new role is created as part of a restructure**

In these cases it is recommended that the Employment Panel report setting out the proposed restructure seeks delegated responsibility to create the position and undertake recruitment to any new Head of Service role. The delegation would be to the relevant Lead Member and the Chair of Employment Panel, in consultation with the Managing Director and the Head of Human Resources. If this approval is given, there would be no further requirement to submit a report to Employment Panel, following a successful recruitment campaign, requesting permission to recruit to the new Head of Service role.

- **Like for like replacement following the resignation of the post holder**

The recruiting manager will obtain agreement from the relevant Lead Member, chair of Employment Panel, Managing Director, Head of Human Resources and Director to recruit. If a suitable candidate is identified, make an offer of employment as long as it is within the salary band and agreed budget for the service. There will be no requirement for a report to be submitted to Employment Panel.

2.4 The current procedure specifies that following Employment Panel approval to appoint a Director, Deputy Director or Head of Service, there is a further requirement to contact members of Cabinet and seek their views. The wording in the constitution states:

An offer of employment as a Director or Deputy Chief Officer shall only be made where no substantial and justified objection from any Member of the Cabinet has been made to the appointment.

2.5 There has been no occasion recorded where Cabinet have made any substantial or justified objection to the appointment and it is proposed to remove this requirement for further approval for Heads of Service appointments.

2.6 If these proposals are accepted by Employment Panel there will be a requirement to alter the constitution. Table 1 identifies the proposed amendments, highlighted, to the constitution which will require full Council approval:

Table 1 – delegations requiring a change to the constitution

Section	Version 16.2 - April 2016
Part 6 D	<p><i>D5.1 Purpose</i></p> <p>(i) To approve any payment of monies other than that stated in the contract of employment or any employment policy to any officer of the Council where such payment is in excess of £25,000 (whether singularly or collectively).</p> <p>(ii) To consider representations on employment relation matters from</p>

Section	Version 16.2 - April 2016
	<p>recognised Trade Unions.</p> <p>(iii) To determine overall HUMAN RESOURCES policies for all staff employed by the council.</p> <p>(iv) To approve significant revisions, defined as the redundancy sum to be paid to any one individual is more than £25,000 or there are five or more potential redundancies, to the number and functions of the Council's directorates or any other significant changes of a similar magnitude, subject where appropriate to consultation with the Trade Unions and other similar organisations involved.</p> <p>(v) To determine arrangements for the appointment and conditions of service of the Managing Director (who is appointed, on recommendation, by Council) and the Directors and Heads of Service in accordance with Part 8B.</p> <p>(vi) To determine arrangements for the conditions of service of all other Council employees.</p> <p>(vii) To monitor the cost effectiveness of Human Resources management across the Council's services.</p> <p>(viii) To determine the Council's Pay and Benefits Policy and annual pay awards under the Council's local schemes.</p> <p>(ix) To establish and monitor Corporate Health and Safety policies for the Council.</p> <p>(x) To establish and monitor Equal Opportunities policies for the Council.</p> <p>(xi) To establish and monitor the Council's training and staff development policies.</p>
	<p>4 APPOINTMENT OF DIRECTORS AND DEPUTY CHIEF OFFICERS OF SERVICES</p> <p>1. Under the terms of this Constitution, the Strategic Director - Adult, Children and Health Services, the Head of Finance (Section 151 officer) and Monitoring Officer are statutory chief officers, according to the terms of Section 2(6) Local Government and Housing Act 1989.</p> <p>2. The Strategic Director - Corporate and Community Services and Strategic Director - Operations and Customer Services are determined to be non statutory chief officers, according to the terms of Section 2 (7) of the Local Government and Housing Act 1989.</p> <p>3. Deputy Directors or "Heads of Service" are determined to be "Deputy Chief Officers" in accordance with Section 2 (8) of the Local Government and Housing Act 1989.</p> <p>4. Where a Director or Deputy Chief Officer is proposed to be appointed</p> <p>a) Employment Panel will appoint Directors and Deputy Chief Officers in accordance with the provisions set out in the Local Government & Housing Act 1989. Employment Panel may delegate the recruitment of a Director or Deputy Chief Officer, where it is a 'like for like' recruitment with the same grade and salary scale being used, to the relevant Lead Member, who should also be a member of cabinet and the chair of employment panel, in consultation with the Managing Director, Head of Human Resources and service Director.</p> <p>b) An offer of employment as a Director or Deputy Chief Officer shall only be made where no substantial and justified objection from any Member of the Cabinet has been made to the appointment.</p> <p>c) The views of the Managing Director will always be taken into account in any appointment of a Director or Deputy Chief Officer.</p>

3 NEXT STEPS

- 3.1 Employment Panel to agree the revised wording to the constitution, subject to full Council approval, as set out in 2.5.