

Staffing Committee

Agenda

Date: Thursday, 24th April, 2014
Time: 10.00 am
Venue: Committee Suite 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not required to give notice of the intention to make use of public speaking provision, however, as a matter of courtesy, a period of 24 hours notice is encouraged.

4. **Staffing Committee Terms of Reference Review** (Pages 1 - 6)

To receive an update on the review of the Staffing Committee Terms of Reference

5. **Corporate Leadership Board - Performance Management** (Pages 7 - 10)

To consider the arrangements for the establishment and running of the Corporate Leadership Board Appraisal Board

CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting: 24th April 2014
Report of: Julie Davies, Head of People and OD
Subject/Title: Staffing Committee Terms of Reference Review

1.0 Report Summary

1.1 To update the Committee on progress with the review of Staffing Committee Terms of Reference, following work that is being progressed by the Council's Constitution Committee in consultation with the Chairman of Staffing Committee.

2.0 Recommendations

2.1 To note the report, and

2.2 To provide feedback to be submitted to the next Constitution Committee on the suggested terms of reference as attached at Appendix 1 to this report.

3.1 Reasons for Recommendations

3.1 To ensure Members have the opportunity to feedback to the Chairman of the Committee any comments and views regarding the proposed terms of reference.

4.0 Wards Affected

4.1 No specific wards affected.

5.0 Local Ward Members

5.1 Not applicable.

6.0 Policy Implications

6.1 None directly relating to this report however, a number of HR Policies and Procedures will need to be updated once the revised Terms of Reference are approved by Council.

7.0 Financial Implications (Authorised by the Chief Operating Officer)

7.1 No direct implications arising from this report.

8.0 Legal Implications (Authorised by the Head of Legal Services and Monitoring Officer)

8.1 The Staffing Committee itself does not have the delegated powers to amend the Terms of Reference. The Council's Constitution Committee has established a working group to review the Terms of Reference, in consultation with the chairman of Staffing committee.

9.0 Risk Management

9.1 In reviewing any terms of reference, care would have to be taken to ensure that these terms do not conflict or overlap with existing terms of reference of other committees or portfolio holders or contravene constitutional or statutory requirements in relation to them. In particular, under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Amendment Regulations 2001, power to appoint and dismiss staff is not a function of the executive and therefore can be delegated to Staffing Committee.

9.2 Other HR policies and procedures, and matters such as corporate culture, management structure, employee relations and communications are not necessarily concerned with appointment and dismissal of staff and not within Schedule 1 accordingly, these remain an executive function.

10.0 Background

10.1 A Motion proposed at Council on the 18th July 2013 requested a review of the Staffing Committee's terms of reference with a view to widening its remit to encompass matters that are normally entailed in the work of a Staffing Committee such as corporate culture, employee relations and communications, senior appointments, disciplinary matters and management structures

This Motion was passed to the Council's Constitution Committee for consideration and a report was presented to the Committee on the 21st November 2013 outlining the current remit of the Staffing Committee, taking into account the Terms of Reference as detailed in the Council's Constitution, and the practice of the committee since its inception in 2009. It also considered practice in other authorities.

10.2 Following this report, a Constitution Member Working Group was established, in consultation with the Chairman of Staffing Committee, to progress the review of the terms of reference. The first of these meetings took place in December and supplementary information was requested. A further meeting was held on the 3rd March to explore some proposed terms of reference and these are detailed in Appendix 1.

10.3 The Current Terms of Reference

10.4 Cheshire East Borough Council Staffing Committee, which consists of 8 members, has the following Terms of Reference:

- *i) undertaking the selection process for the appointment and formulating recommendations to the Council re the appointment and dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.*
- *ii) the designation of an officer to act as Monitoring Officer and Chief Finance Officer In accordance with the legislation and the appropriate procedures set out in the Staff Employment Procedure Rules.*
- *iii) undertaking the selection, appointment and dismissal procedures for any staff where so required by law (It should be noted that the Chief executive has powers to appoint all other staff).*
- *iv) hearing and determining appeals by staff under the relevant HR Policies and procedures, including through any appointed subcommittee.*
- *v) hearing and dealing with disputes registered with the Council by recognised Trade Unions.*

10.5 The Committee Rules state that in discharging the functions, powers and duties under Responsibility for Functions, the Committee has full delegated powers to take these decisions (subject to any special restrictions).

10.6 In addition to the Terms of Reference, the Staff Employment Procedure Rules (SEPR) apply. These detail the requirements relating to the Head of Paid Service and other Statutory, Chief and Deputy Officers which the Staffing Committee must follow and provide that the Staffing Committee is responsible for the suspension of sick pay and matters relating to fixed term contract.

10.7 Comparisons with other organisations

10.8 Comparisons with other organisations are useful in providing a context, although it is noted that where there is a will to identify a more appropriate model of working for our organisation, there is no constraint imposed to follow suit. Comparisons with 12 other Local Authorities illustrate a variety of arrangements in place. In general, although there are many variations on the name of this Committee, the terms of reference for Staffing Committee in Cheshire East are in keeping with others and appear to be very 'typical'. A small number have additional elements of responsibility, including agreeing the pay policy and other issues relating to the determination of pay. In some authorities, the Trade Unions are only invited to Part 1 (Open) of their Staffing Committee and only attend if there is a relevant report on the agenda.

10.9 Proposed Terms of Reference

10.10 The Constitution Committee has recommended the adoption of the CIPFA template for all Terms of Reference in order to ensure consistency and best practice across Committees. As such, the proposed terms of reference for Staffing Committee follow this style.

10.11 At a recent constitution Working Group discussion, Constitution Committee Members discussed a range of items for consideration for the terms of reference for Staffing Committee. Those recommended by the group for further consideration are included in the draft TOR at Appendix 1. Staffing Committee Members are asked to consider these Terms of Reference.

11.0 Summary

11.1 It is recommended that Members determine those matters that they wish to include so as to provide clarity and a constitutional basis for the review of Staffing Committee Terms of Reference. These views can then be fed back to the Constitution Committee via the Chairman of Staffing Committee.

Name: Julie Davies

Tel No: 01270 686328

Email: Julie.s.davies@cheshireeast.gov.uk

Draft Terms of Reference for Staffing Committee

Statement of Purpose

The Council's Staffing Committee is responsible for all Non-Executive Human Resources functions (as defined by relevant legislation) and shall receive reports relating to Human Resources, Organisational Development, Employee Equality, Health, Safety and Welfare of Employees they can challenge back and make recommendations to the Corporate Leadership Board or Cabinet as appropriate.

Functions of the Committee

1. **Human Resources (HR)** - Holding management to account for the effective development of the Council workforce development strategy.
2. **Performance Appraisal** - Holding management to account for the effective establishment of processes and procedures to support good staff performance.
 - 2.1 To establish and run Performance Appraisal Boards for the Council's Corporate Leadership team.
 - 2.2 Such a Board comprises a cross party group of Members from the Staffing Committee and allows substitutes to attend as and when.
3. **Employee Equality** – Review the implementation of equality objectives that they are set and met.
4. **Health, Safety and Welfare of Employees** – Review a report to account for the health, safety and welfare of Council staff.
5. **Recruitment, Selection and Dismissal Process** – To undertake the recruitment and selection process for the appointment of senior officers that form part of the Council's of Corporate Leadership Board and make recommendations to Cabinet and Council.

6. Staffing Appeals - to hear Staffing Appeals by establishing a Sub-Committee as and when required.

6.1 To hear Appeals from staff in the following circumstances:

- Appeals against dismissal where the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissal, except for any disciplinary matters relating to the Council's Head of Paid Service, Monitoring Officer and Chief Financial Officer, which shall be dealt with as set out in the Staff Employment Procedure Rules in Part 4 of this Constitution.
- Appeals against a grievance where the Council's HR policies and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of the grievance.
- Exceptionally where both sides agree referral to Members is appropriate.

7. Reports of HR Performance

7.1 To receive reports on performance measures assessing the effectiveness of current HR and Health and Safety arrangements relating to the following

- Employee Data
- Sickness Absence
- HR Casework
- Health and Safety Accident Records
- Health and Safety Training

CHESHIRE EAST COUNCIL

Staffing Committee

Date of Meeting:	24 April 2014
Report of:	Chief Executive
Subject/Title:	Corporate Leadership Board – Performance Management

1.0 Report Summary

- 1.1 On the 10th April, at a meeting of full Council, Members agreed to delegate responsibility for the establishment of a Corporate Leadership Board (CLB) appraisal board to the Council's Staffing Committee.
- 1.2 This report sets out a number of considerations and recommendations for Staffing Committee to consider in light of this.

2.0 Recommendation for Staffing Committee:

- 2.1 Staffing Committee is asked to consider the content of this report and make recommendations for moving forward with the development of an appraisal board.

3.0 Reasons for Recommendations

- 3.1 Staffing Committee Members, through the delegation, will be required to take a lead role in developing and implementing a challenging and robust approach to managing and assessing the performance of the Council's senior leadership team, which can then be used to underpin the approach to and payment of performance related pay.

4.0 Wards Affected

- 4.1 Not applicable.

5.0 Local Ward Members

- 5.1 Not applicable.

6.0 Policy Implications

- 6.1 Any decisions relating to the pay and remuneration of Chief Officers must comply with the Pay Policy Statement for 2014/15, which was agreed at Council in February.

7.0 Financial Implications (Authorised by the Chief Operating Officer).

7.1 There are no direct financial implications associated with this report; Senior Management Pay and Reward has been budgeted for as part of the budget setting process.

8.0 Legal Implications (Authorised by the Head of Legal Services & Monitoring Officer)

8.1 Any decisions relating to the pay and remuneration of Chief Officers must comply with the Pay Policy Statement for 2014/15, which was agreed at Council in February.

9.0 Risk Management

9.1 Staffing Committee are required to implement a fair and equitable process for managing the performance of the Council's Senior Leadership Team in order to mitigate the risk of challenge relating to senior management pay and reward in the future.

10.0 Recommended CLB Appraisal Board Members

10.1 in order to have a cross party representation, the following Members are recommended for consideration on the board:

The Deputy Leader	(Cllr D. Brown)
Leader of Labour Group	(Cllr D. Newton)
Leader of the Independent Group	(Cllr B. Murphy)
Chairman of the Staffing Committee	(Cllr R. M. Domleo)
Cllr David Marren	

It is proposed that the Chairman of Staffing Committee is also the Chairman of the appraisal board.

10.3 For clarity, as stated in the Pay Policy Statement, CLB comprises the following officers:

Chief Executive – Mike Suarez
Director of Strategic Commissioning – Lorraine Butcher
Chief Operating Officer (151 Officer) – Peter Bates
Director of Public Health – Heather Grimbaldeston
Director of Adult Social Care and Independent Living – Brenda Smith
Director of Children's Services – Tony Crane
Head of Legal Services and Monitoring Officer - Anita Bradley
Director of Economic Growth and Prosperity – Caroline Simpson
Head of People and Organisational Development– Julie Davies

10.4 Suggested Process

- 10.5 Given the time required to establish an Appraisal Board and where we are in the performance year, it is recommended that the Appraisal Board will work on the 2014/5 council year and will leave appraisals for the year 2013/14 to the existing system and manager / grandparent manager reporting arrangements.
- 10.8 It is recommended that, with the exception of the Chief Executive who reports to the Leader of the Council, CLB appraisals should continue to mirror the existing PDR system with the involvement of a “parent manager” i.e. the immediate line manager of the CLB member, but not the final sign off by the “grandparent” manager i.e. the line manager of the ‘parent’ manager, as would normally happen. Typically, the appraisee would prepare a self-assessment as the starting point of the process, which will then lead to the production of a Development Plan and Performance Objectives. The “parent” manager will consult with colleagues as required and then carry out the appraisal. It is recommended that the Appraisal Board, or a three person “sub panel” if that approach is agreed, would then take the place of the “grandfather” manager.
- 10.9 It is recommended that the Chief Executive’s appraisal would be carried out entirely by the appraisal board, with input from the Leader.
- 10.10 As with all other staff eligible for Performance Related Pay, it is recommended that the appraisal board would continue to use the Council’s existing performance ratings for mid-year and end of year reviews. The end of year ratings could then be used to determine any performance related pay awards. The amount of performance related pay awarded for each performance rating is detailed below:
- A. Has demonstrated evidence of excelling against most of the objectives and behaviours:
100% of Performance Related Pay awarded
 - B. Has demonstrated evidence of achieving and exceeding on some of the objectives and behaviours.
50% of Performance Related Pay awarded
 - C. Has demonstrated evidence of broadly meeting and achieving the objectives and expected behaviours.
No performance related pay. Set stretch objectives for the following year.
 - D. Has demonstrated evidence of broadly meeting the expected behaviours and some of the objectives.
No performance related pay. Set stretch objectives for the following year.

- E. Has failed to demonstrate the expected behaviours and fallen short of the basic requirements for an employee

No performance related pay – capability proceedings may follow. A strong development plan and key milestones set for improvements to be evidenced.

10.11 Suggested timescales for the appraisals of CLB members is as follows:

Objectives agreed – no later than **April** for all CLB members

Half year review - no later than **October**

End year formal assessment – **March**

11.0 Recommendations

11.1 Staffing Committee are requested to:

11.2 Consider the report and agree, in principle, to the implementation of a CLB appraisal board.

11.3 Consider the suggested membership of an appraisal board and recommended approach for 2014/15.

11.4 Determine the next steps for taking this forward following the Council meeting on the 10th April.

12.0 Access to Information

12.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Julie Davies

Tel No: 01270 686328

Email: Julie.s.davies@cheshireeast.gov.uk