

CHESHIRE EAST COUNCIL

REPORT TO: 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
Portfolio Holder:	Cllr Moran

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 2014/15 and beyond (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 must consist of 7 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. *See Appendix 1 for further information.*

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 working group via the Chairman of Staffing Committee.

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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