

APPENDIX 4

(Constitution pages 105/106)

(Original recommendations to Committee track changes in green, additions made by Committee highlighted yellow, new changes track changed purple, deletion made by this report highlighted in green).

PART 3

RESPONSIBILITY FOR FUNCTIONS

STAFFING COMMITTEE

8 Members

Statement of Purpose

- 1 The Staffing Committee is a key component of Cheshire East's corporate governance. It provides an independent and high level focus on ~~the~~ Human Resources, Organisational Development and Health & Safety matters affecting ~~the~~ Council.
- 2 The purpose of the Staffing Committee is
(a) to provide independent assurance to the members of the adequacy of the HR service and staffing related matters;
(b) ~~to appoint Chief Officers~~with regard to the Head of Paid Service, Monitoring Officer and s151 Officer (Statutory Officers):
 - To undertake the recruitment and selection process in accordance with the Staff Employment Procedure Rules; and
 - Make a recommendation to the Council to approve the proposed appointment before an offer of appointment is made to that person.
(c) appoint/dismiss the Statutory Chief Officers, namely:
 - The Director of Children's Services (Chief Education Officer),
 - Director of Adult Social Services; and
 - Director of Public Health.

including undertaking the recruitment and selection process.

(d) to appoint/dismiss the Executive Director of Economic Growth and Prosperity
including undertaking the recruitment and selection process.

~~(c)~~ (e) to approve “in year” salary or other benefit increases to the Head of Paid Service.

~~(d)~~ (f) following any process leading to the receipt of additional benefits by senior officers, to review how the process was carried out.

~~(e) to consider any restructuring arrangements affecting statutory posts recommended to the Committee by the Head of Paid Service.~~

Functions of the Committee

Recruitment and Selection

3 With regard to Statutory Officers:

- To undertake ~~the~~ recruitment and selection process in accordance with the Staff Employment Procedure Rules ~~for the appointment of all permanent members of the Corporate Leadership Board~~; and
- make a ~~formulating~~ recommendations to the Council to approve the proposed appointment before an offer of ~~regarding the~~ appointment is made to that person. ~~and dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.~~

4 ~~To approve the designation of an officer to act as Monitoring Officer and Chief Finance Officer, in accordance with legislation and the appropriate procedures to make a recommendation to the Council to approve the dismissal of any of the Statutory Officers prior to notice being given to that person, and provided that the procedure set out in the Staff Employment Procedure Rules has been complied with.~~

5. appoint/dismiss Statutory Chief Officers and the Executive Director of Economic Growth and Prosperity.

HR Policies

65.1 To approve all human resources policies including pay and grading structures (except those that must be approved in law by the council and the implementation of national terms and conditions which will be undertaken by the Chief Executive/Head of Paid Service), employees' terms and conditions of employment, including changes to those terms and conditions and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and any other relevant pension scheme.

- ~~65.2. To have the opportunity to review the Council's HR Policies and Procedures as required and to make recommendations to the Portfolio Holder. It is noted that the authority to approve HR Policies remains with the Executive~~
To make recommendations to Council in relation to the annual Pay Policy Statement and any amendments to such statement.
- 65.3 To make recommendations to Council in relation to decisions affecting the remuneration of any new post whose remuneration is or is proposed to be or would become £100,000 p.a. or more.
- 65.4 To make decisions in relation to proposed severance packages with a value of £100,000 or more.

Appeals

- 76 For a Staffing Appeals Sub Committee;
- -to consider appeals against dismissal from Statutory Chief Officers and Non-Statutory Chief Officers.
 - at the discretion of the Head of Paid Service in consultation with the Chair of the Staffing Committee, to consider appeals on the grounds of grievance or dismissal from Staff. in the following circumstances:
- ~~Appeals against dismissal~~
 - ~~Appeals against grievance~~
 - ~~Appeals against policy (but only the first appeal where the appeals are based on the same issues/circumstances)~~
 - ~~Group appeals covering more than one Department~~
 - ~~Appeals which have initially been heard by the Chief Executive, e.g. appeals raised by members of the Senior Management Team~~
 - Exceptionally where both sides agree referral to Members is appropriate

~~Corporate Leadership Board Appraisal Board~~

- ~~7 To establish and oversee an Appraisal Board for all members of the Corporate Leadership Board.~~

Organisational HR Performance

- 8 To receive regular updates on HR and Health & Safety performance information measures, as detailed below, on a quarterly basis in order to assess the effectiveness of current Human Resources, Organisational Development and Health & Safety policies and practices arrangements. These will include as a minimum:
- Headcount Data
 - Sickness Absence

- Turnover
- HR Casework (including disciplinary, grievance and capability)
- Health and Safety Accidents Records
- Health and Safety Training

(Constitution pages 129/131/134-136)

(Original recommendations to Committee track changes in orange, additions made by Committee highlighted yellow, new additions shown track changed purple and deletions shown highlighted in green).

SCHEME OF DELEGATION TO SENIOR OFFICERS

1.0 INTRODUCTION

- 1.10 Any power delegated or cascaded under this Scheme can be exercised by the Chief Officer and in all cases by the Chief Executive personally. The Chief Executive may take the powers of any -Chief Officer and delegate it elsewhere for a temporary period.

STAFFING

- 1.22 The Chief Executive in consultation with the Leader and the Chair of Staffing Committee is authorised to consider and implement major staffing pay and organisational reviews and to report the outcome to Staffing Committee.

122A Subject to the exceptions below, the Head of Paid Service is authorised:

- to appoint and dismiss the Chief Officers subject to and in accordance with the Staff Employment Procedure Rules,
- to deal with the full range of employment and staff management issues as set out above in relation to Chief Officers.

Exceptions:

Recruitment and dismissal of Statutory Officers, Statutory Chief Officers and the Executive Director of Growth and Prosperity shall be undertaken only via Staffing Committee, including the approval of job descriptions and person specifications.

- 1.22BA Chief Officers are authorised to deal with the full range of employment and staff management issues, below Chief Officer Corporate Leadership Board level including but not limited to appointments, terms and conditions (other than those negotiated nationally) training, discipline, dismissal, performance, progression, promotion, shifts and working hours, grievance, grading, emoluments, expenses, allowances, sick pay, leave, equal opportunities and health and safety in accordance with approved policies and the Staff Employment Procedure Rules. This delegation shall not include:

- making a post redundant,
- conducting appeals against dismissal
- conducting appeals on the outcome of grievance hearings

~~Note: Recruitment of Chief Officers shall be undertaken only via Staffing Committee, including the approval of job descriptions and person specifications~~

~~1.23 Chief Officers are authorised, subject to prior notification of the Head of HR and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures except where the restructure:~~

- ~~▪ Involves the loss of one or more posts not currently vacant~~
- ~~▪ Involves the regrading of posts or the grading of new posts~~
- ~~▪ Involves the changes to existing National or Local Agreements and policies~~
- ~~▪ Cannot be achieved within delegated powers in respect of budgets~~

~~This delegation will be exercised in accordance with paragraph 1.8 of the scheme of delegation to officers approved by Council on the 14th May 2014 which reads as:~~

~~*“Before taking delegated decisions, all officers are under a duty to satisfy themselves that they have the duly delegated power to do so and that they have undertaken appropriate consultation, including consultation with Portfolio Holders. Appropriate advice must be taken where the matter involves professional or technical considerations that are not within the officer’s sphere of competence.”*~~

~~Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.~~

- 1.23 The Chief Executive and Chief Officers are authorised, subject to the advice prior notification of the Head of Human Resources and Organisational Development and prior consultation with all appropriate parties affected by the decision, including any Trade Union, to implement changes to staffing structures.

Except where the restructure:

- Involves the loss of one or more posts not currently vacant
- Involves the re-grading of posts or the grading of new posts
- Involves changes to existing National or Local Agreements and policies
- Cannot be achieved within delegated powers in respect of budgets

Decisions in respect of matters identified as exceptions above are delegated to the Chief Operating Officer in consultation with the Head of Human Resources and Organisational Development for determination.

The delegations in paragraph 1.23 will be exercised in accordance with paragraph 1.8 of the scheme of delegation to senior officers.

- 1.24 The Chief Executive and Chief Officers are authorised to enter into reciprocal arrangements for the authorisation and appointment of Officers to facilitate cross-border co-operation in the discharge of delegated functions with any other local authority and to transfer enforcement functions to another enforcement authority, subject to approval by Cabinet.
- 1.33 Whenever legislation is amended or replaced by new provisions, then the relevant delegated authority in this scheme applies to those new provisions. Whenever new legislation relevant or related to the functions exercised by the Chief Officer is introduced that Officer will have the delegated authority to exercise powers or otherwise take action under that legislation until such time as the Council, Cabinet, a committee or the Chief Executive decides who to allocate responsibility for the new legislation to.

NOTE: It is expected that formal delegation will be approved within 6 months.

2.0 CHIEF EXECUTIVE

- 2.1 The Council's Chief Executive is the Council's Head of Paid Service appointed by Council. Under Section 4 of the Local Government and Housing Act 1989 the responsibility of the Head of Paid Service is to make proposals to the Authority about the manner in which the discharge of the Authority's functions are co-ordinated and the numbers, grades and organisation of staff required and the proper management of those staff. In respect of the Chief Executive role the responsibility is to develop for Member approval a strategic vision and to provide strategic leadership for the Council.
- 2.2 ~~Within the following areas-~~ The Chief Executive is empowered to operate all the services of the council Authority and except where powers, duties and functions are delegated to a member decision-making body or Cabinet member elsewhere by the Council, to exercise all powers, duties and functions of the council, including those delegated to other officers but not limited to the following:
- 2.3 To act as the Authority's Proper Officer in respect of the following under the Local Government Act 1972 unless stated:
- Declaration of acceptance of office by chairman, vice-chairman or Councillor (Section 83)
 - Receipt of resignation of office by person elected (Section 84)
 - Keeping the roll of Freeman (Section 248 (2))

- Convening Council meeting to fill casual vacancy in office of chairman (Section 88(2))
- Signature of summons to Council meetings and receipt of notices to which summons to meeting is to be sent (Schedule 12 para 4)
- Receipt of notice of casual vacancy of Councillor (Section 80 (1) (b) of the Local Government Act
- The Electoral Registration Officer for the registration of electors under Section 8 of the Representation of the People Act 1983
- The Returning Officer for the election of Councillors for the District and Parishes within the District under Section 35 of the Representation of the People 1983 Act
- The Acting Returning Officer at UK Parliamentary elections; the Local Returning Officer at European Parliamentary Elections and for the Police and Crime Commissioner Elections
- Compile list of Politically Restricted Posts under Section 2 of the Local Government and Housing Act 1989
- Receipt of Notices relating to political groups (Section 15 – 17 of the Local Government and Housing Act 1989)

- 2.4 To be the Authority's principal officer representative and to promote its good image and reputation
- 2.5 To undertake the communications, marketing and media functions of the authority and promote good public relations
- 2.6 To exercise the powers and responsibilities of any Chief Officer in his or her absence.
- 2.7 To lead and direct the strategic management of the Authority
- 2.8 To ensure the effective pursuit and achievement of the Authority's objectives
- 2.9 To ensure the Authority's activities are carried out with maximum effectiveness and efficiency
- 2.10 To discharge emergency planning and civil protection functions
- 2.11 To take such steps (including the incurring of expenditure where necessary) as may be required in the event of any national or local emergency requiring immediate action by the Authority
- 2.12 To sign settlement agreements for employees/ex-employees, in consultation with the Leader of the Council and Chairman of the Staffing Committee

- 2.13 Subject to 1.23 above, ~~To~~to approve the pay, terms and conditions of service and training of any employee except where an approval would be contrary to the provisions of the annual Senior Officer Pay Policy Statement which is reserved to the full Council or where an approval falls within the responsibilities of the Staffing Committee or would be contrary to the employment policies of the Council.
- 2.14 ~~To determine the number, grade, title and nature of temporary staff, including Chief Officers, appointed by the Council.~~
- 2.15 To make decisions affecting the remuneration of any existing post whose remuneration is or is proposed to be or would become £100,000 p.a. or more In consultation with the Leader and Chairman of the Staffing Committee..