

Report for: Staffing & Remuneration Committee, 23rd July 2018

Title: Staffing & Remuneration Committee's Terms of Reference

Report authorised by : Mark Rudd, Assistant Director, Corporate Resources

Lead Officer: Ian Morgan, Reward Strategy Manager

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** N/A

1. Describe the issue under consideration

- 1.1 The purpose of this report is to inform Members of the Terms of Reference relating to the functions of the Staffing & Remuneration Committee.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

That the Committee note the report and the Terms of Reference attached at Appendix A.

4. Reason for Decision

- 4.1 In July 2017, Full Council agreed a report received from the Standards Committee which outlined revisions to the Council's Constitution. The attached Terms of Reference are those agreed by Full Council last year and are presented here for information.

5. Alternative Options Considered

None.

6. Background information

- 6.1 In April 2017, Members of this Committee agreed to the dissolution of the Council and Employee Joint Consultative Committee (CEJCC) as a sub-committee of the Staffing & Remuneration Committee and its reconstitution as an informal body. The CEJCC's constitution afforded voting rights to trade union representatives when only elected Members are entitled to vote at sub-committees of a Council committee.
- 6.2 The options considered were either to retain the status of CEJCC as a sub-committee and remove all non-elected members (thereby taking away the mechanism for trade union engagement) or to dissolve it as a sub-committee and reinstate it as an informal body, with trade unions retaining voting rights.
- 6.3 The Committee agreed to reinstatement as an informal body and it ceased to be a sub-committee of the Staffing & Remuneration Committee from April 2017. Part 3, Section B of the Council's constitution was duly amended and agreed by

Full Council in July 2017. The Committee's terms of reference were also updated and agreed by Full Council in July 2017 and are attached at Appendix A.

- 6.4 The Committee's responsibilities include making recommendations to Council on the appointment and dismissal of the Head of the Paid Service, and on the dismissal of the Chief Finance Officer and Monitoring Officer. It also is responsible for the appointment of Chief and Deputy Chief Officers (other than the Head of the Paid Service), and for deciding whether to dismiss Chief and Deputy Chief Officers (other than the Head of Paid Service, Chief Finance Officer and Monitoring Officer). A "Chief Officer" is defined as a statutory chief officer or a non-statutory chief officer who, as respects all or most of the duties of the post, reports directly to the Head of the Paid Service. A "Deputy Chief Officer" is defined as an officer who, as respects all or most of the duties of the post, reports directly to a chief officer.

In addition, the Committee's functions include -

- Determining the terms & conditions and pay structures for all staff except pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers' Pay and Conditions Documents
 - Approving procedures for the appointment and dismissal of all staff
 - Approving HR policies and considering procedures in relation to employment
 - Considering and approving the remuneration or severance packages of £100,000 or over made to Chief or Deputy Chief Officers
- 6.5 Appeals from staff against dismissal will be heard and determined by a sub-committee, the Dismissal Appeals Sub Committee, save where the continued employment of the employee would contravene the law and subject to the limitation that the Sub-Committee will hear and determine appeals resulting from posts becoming redundant only where these affect Chief and Deputy Chief Officers.

7. Contribution to strategic outcomes

Not applicable.

8. Statutory Officers' comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities

Assistant Director of Corporate Governance

There are no legal implications arising from this report

Chief Finance Officer

This report is for the Staffing & Remuneration Committee to note and there are no financial implications arising from this report.

9 Use of appendices

Appendix A: Terms of Reference 2017

10 Local Government (Access to Information) Act 1985

Not applicable

APPENDIX A

TERMS OF REFERENCE: STAFFING AND REMUNERATION COMMITTEE

The Staffing & Remuneration Committee has the following functions and responsibilities: -

- a) To exercise the functions which are stated not to be the responsibility of The Executive in Regulation 2 and Schedule 1 paragraphs H and I of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate legislation further amending these Regulations as follows:
 - (i) Paragraph H – Pensions; Determining the Council’s policy statement of discretions as “Employing Authority” under the Local Government Pension Scheme Regulations 2013 and the Teachers’ Pension Regulations 2010.
 - (ii) Paragraph I – Miscellaneous; Determining the terms and conditions of service for all staff, including procedures for dismissal.. The Committee agrees the terms and conditions of employment, and the pay structure for for all posts with the exception of pay and other terms and conditions for teachers which are fixed under statute by the Schoolteachers’ Pay and Conditions Documents.
- b) To make recommendations to Council on the appointment and dismissal of the Head of the Paid Service; and the dismissal of the Chief Finance Officer and Monitoring Officer in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001
- c) To consider matters relating to the conduct and capability of the Head of the Paid Service, in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001.
- d) To determine whether or not the Head of the Paid Service, Chief Finance Officer and Monitoring Officer should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations, 2001.
- e) To exercise functions in respect of the appointment and dismissal (including the terms of release) of Chief and Deputy Chief Officers in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001.
- f) To approve the remuneration levels (other than those associated with National Pay Awards) for the Head of the Paid Service, and Chief and Deputy Chief Officers.

- g) To approve procedures for appointment and dismissal of staff
- h) To consider and approve any remuneration or severance payments to Chief and Deputy Chief officers of £100,000 or more in accordance with guidance issued under section 40 of the Localism Act 2011 and with the Local Authorities (Standing Orders) (England) Regulations 2001.
- i) To consider policies, procedures and schemes relating to employment matters including pay and grading structure and changes to employee terms and conditions of employment.
- j) To approve all human resources policies including pay and grading structures, and changes to employees terms and conditions of employment and to approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.
- k) To approve those human resources policies and procedures that the Council recommends to school governing bodies for adoption in respect of school based employees.

Membership

The Committee will be made up of 5 members of the authority. In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 the Committee must include at least one member of the Cabinet. When carrying out the function of appointment or dismissal of Chief or Deputy Chief Officers,, the relevant Cabinet Member is invited and entitled to sit and vote as a substitute Member for one of the substantive Members of their Group on the Committee. The quorum of the Committee shall be a minimum of three members.

Sub-committees

Dismissal Appeals Sub Committee

To hear and determine appeals against dismissal from employment in respect of all staff employed by the Council, save where the continued employment of the employee would contravene the law and subject to the limitation that the Sub-Committee will hear and determine appeals resulting from posts becoming redundant only where these affect Chief and Deputy Chief Officers. Members who sit on this Committee must not have had any prior involvement in any decision upon which the appeal is made.

Revised: 24 July 2017