



Committee: Joint Personnel Committee
Date: Thursday 1 September 2011
Time: 7.00 pm
Venue: Springfields, Towcester, Northants NN12 6AE

Membership

Councillor Barry Wood (Chairman)	Councillor Mary Clarke (Vice-Chairman)
Councillor Ken Atack	Councillor Caryl Billingham
Councillor Rebecca Breese	Councillor Rupert Fordham
Councillor Rosie Herring	Councillor Victoria Irvine
Councillor Leslie F Sibley	Councillor G A Reynolds

Substitutes

Councillor Ann Addison	Councillor Norman Bolster
Councillor Stephen Clarke	Councillor George Parish
Councillor Blake Stimpson	Councillor Lawrie Stratford

AGENDA

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

Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.

3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

4. Urgent Business

The Chairman to advise whether they have agreed to any item or urgent business being admitted to the agenda.

5. Minutes (Pages 1 - 4)

To confirm as a correct record the Minutes of the meeting held on 13 July 2011.

6. Update Report on the Management Restructuring (Pages 5 - 10)

Report of Chief Executive

Summary

To update the Joint Personnel Committee on progress on the management restructuring and to propose the basis for incremental progression.

Recommendations

The Joint Personnel Committee is recommended to:

- (1) Note the contents of the report.
- (2) Approve the proposals for incremental progression for the posts in Joint Management Team.
- (3) Note that the recommendations for the appointment of the statutory officers will require consent from both Councils.

7. Interview Briefing

Representatives from Veredus and the Democratic, Scrutiny and Elections Manager (Cherwell) will brief Members on key elements to consider for the conduct of the interviews for the shared management team.

8. Exclusion of the Press and Public

The following items of business contain exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

- 1 Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual

- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Members are reminded that whilst the following items have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Schedule 12A of that Act.”

9. Consideration of Applications, if any, for Early Retirement and Voluntary Redundancy (Pages 11 - 16)

10. Long-Listing of Applications for the Posts of Shared Directors

Please note the closing date for these posts is 30 August 2011. Due to this, it is not possible to supply the relevant information at the time of publication, however the information will be circulated under separate cover as soon as it is received from Veredus.

Information about this Meeting

The agenda, reports and associated documents for the above hearing together with the Licensing Hearing Procedure are available at Bodicote House, Bodicote, Banbury, Oxfordshire OX15 4AA or on the Council's web site www.cherwell.gov.uk;

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or (01295) 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform

the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the assembly point as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact James Doble, Legal and Democratic Services james.doble@cherwell-dc.gov.uk (01295) 221587

Sue Smith
Chief Executive

Published on Tuesday 23 August 2011

Agenda Item 5

Cherwell District Council

Joint Personnel Committee

Minutes of a meeting of the Joint Personnel Committee held at Springfields, Towcester, Northants NN12 6AE, on 13 July 2011 at 7.00 pm

Present: Councillor Barry Wood (Chairman)
Councillor Mary Clarke (Vice-Chairman)

Councillor Ken Atack
Councillor Caryl Billingham
Councillor Rebecca Breese
Councillor Rupert Fordham
Councillor Rosie Herring
Councillor Victoria Irvine
Councillor G A Reynolds

Also Present: Councillor Stephen Clarke

Apologies for absence: Councillor George Parish

Officers: Sue Smith, Chief Executive
James Doble, Democratic, Scrutiny and Elections Manager
Jo Atkinson, External Legal Advisor
Janet Beaumont, External HR Advisor

11 **Declarations of Interest**

There were no declarations of interest.

12 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

13 **Urgent Business**

There was no urgent business.

14 **Minutes**

The Minutes of the meeting held on 14 June 2011 were agreed as a correct record and signed by the Chairman.

15 **Review and Implementation of the Joint Senior Management Structure**

The Chief Executive submitted a report to consider feedback from the consultation period since 14 June 2011 and to finalise arrangements regarding recruitment and implementation. The Chief Executive outlined the consultation process where staff responses had been logged and were included as an appendix to the report, together with a comprehensive report received from the trade unions.

In introducing the report the Chief Executive advised that following a review by both councils Section 151 officers that it was in the best interest of both councils for staff to stay with their current employer. Any new external appointments this year should be employed by South Northamptonshire Council due to the lower employer pension costs. The employing authority for new shared staff would then be reviewed on an annual basis. It was agreed that no further work would be commissioned on this issue at this time.

It was clarified that the Joint Personnel Committee would appoint Directors and Heads of Service, with only the Section 151 and Monitoring Officer appointments requiring approval by both full Councils in September 2011.

With regard to special responsibility allowances, the review had highlighted a mixed picture with some authorities paying and others not. Information had been sought by accessing web sites and consulting both Hay and the National Local Government Employers (part of the Local government group). Where an allowance was paid there was no standard rate. Currently Cherwell District Council paid allowances of £5300 each to the Section 151 and Monitoring Officers, whilst South Northamptonshire Council paid £2500 each to the Section 151 and Monitoring Officers and the Chief Planning Officer. Following discussion Members agreed that a special responsibility allowance of £2,500 should be paid to the Section 151 and Monitoring Officers only irrespective of whether this role was held by a Director, Head of Service or other officer.

The Chief Executive reported that there had been some misinformation regarding assimilation and confirmed that appointments would be made having taken account of an employee's current salary and allowances as well as skills, qualifications and experience. It was noted that successful applicants would not be appointed below their current salary for a similar level role and the Committee had total flexibility to appoint within the scales as appropriate.

Within the salary scales increments would be £1000 for Heads of Service and the three further posts in scope and £2500 for Directors

The Chief Executive noted that during the consultation period there had been many queries and concerns regarding the salary ranges. Members considered this issue at length and noted the strength of feeling expressed.

Members acknowledged that expectations had been raised by the way the financial modelling had been developed for the approved business case

which, when compiled in December 2010, had used the highest salaries with a plussage of 10% for indicative purposes only. It was confirmed that there had never been an intention by Members to disadvantage valued staff members and therefore it was agreed that the upper level of the Head of Service pay scale should be raised to £73,000 and raised to £47,000 for the three further posts. It was noted there would not be any disadvantage to the current holders of Director posts in the proposed pay scales.

Members acknowledged the potential issues regarding the use of two different job evaluation schemes in the future and welcomed the offer from the trade unions to work jointly to address this in the medium term.

Members noted staff concerns regarding the titles of the three further posts in scope and in response agreed to change these to be titled 'manager'.

Members considered and adopted the voluntary redundancy/early retirement and application timetable as set out in the report. In view of the need to prepare a business case on voluntary redundancy and early retirement the Chief Executive confirmed she would be urging staff to apply earlier than the deadline of 30 August 2011 in order for information to be prepared in time for the meeting on 1 September 2011. It was however noted that due to these timescales information might not be available until the day before the meeting.

The Chief Executive confirmed that the revisions to the ring fencing, which enabled all at risk staff to apply for all posts as previously recommended by the Committee, would be agreed by both Councils in July. It was agreed that 'at risk' letters would be issued to all staff in scope.

Lastly, it was confirmed that following a competitive tendering exercise with submissions from 7 companies, Veredus had been appointed to run the recruitment process and briefings would be arranged to support staff throughout the application and appointment process.

Resolved

- (1) (a) That in line with the business case presented to both Councils in December 2010, all staff appointed to the Joint Senior Management Team continue to be employed by their existing employer.
- (b) That any external appointments to the joint senior management team be employed by South Northamptonshire Council to take advantage of the reduced cost of employment.
- (c) That it be agreed future business cases for sharing services will determine who the employing authority should be at that point in time and based on employer pension costs, the merits contained within those business cases and the number of staff likely to be involved.
- (d) That future appointments that are not to the shared senior management team or part of further shared service initiatives continue to be employed by the authorities they will be working for. That the whole scale transfer of staff from one authority to another is not recommended at this stage.

- (e) That a full actuarial report not be sought at this time.
- (2) That it be noted that when making appointments to the new roles in the shared arrangements it will be imperative to bear these roles in mind and ensure future allocation of those roles either within the shared structure or to relevant posts within the Head of Service teams.
- (3) That a special responsibility allowance of £2,500 should be paid to the Section 151 Officer and Monitoring Officer only irrespective of whether this role is held by a Director, Head of Service or other officer.
- (5) That the titles of the three further posts in scope be changed to 'manager' in light of the consultation responses.
- (6) That it be agreed that within the salary scales increments would be £1000 for Heads of Service and the three further posts in scope and £2500 for Directors.
- (7) That in light of the consultation responses the upper level of the Head of Service pay scale should be raised to £73,000 and for the three further posts raised to £47,000.
- (8) That the timetable and process set out in the annex to these minutes (as out in the minute book) be noted.

The meeting ended at 8.21 pm

Chairman:

Date:

Joint Personnel Committee

Update Report on the Management Restructuring

1 September 2011

Report of Chief Executive

Purpose of Report

To update the Joint Personnel Committee on progress on the management restructuring and to propose the basis for incremental progression

This report is public

Recommendations

The Joint Personnel Committee is recommended to:

- (1) Note the contents of the report
- (2) Approve the proposals for incremental progression for the posts in Joint Management Team
- (3) Note that the recommendations for the appointment of the statutory officers will require consent from both Councils

1. Introduction

- 1.1 Following the meeting of the Joint Personnel Committee (JPC) on 13 July 2011, a report was presented to both Council meetings on 26 and 27 July seeking approval for the two items which were not within the remit of JPC, namely the proposal for the structure and the change to the ring fencing. Both of these items were agreed and therefore recruitment to the new structure can proceed.
- 1.2 Application packs setting out details of how to apply have been issued to staff in scope along with a copy of the JPC report. Further information on the recruitment process is given in the section below.

2. Details

- 2.1 Four support workshops have been held to take candidates through the competency based process, which were attended by all but one person.
- 2.2 The process includes online assessments, the submission of a curriculum vitae and a supporting statement, and a technical interview with Veredus. The outcomes of the assessments will be presented to Members at the meeting of JPC on 1 September by Jonathan Clark and Anna Jay-Booth of Veredus. Their reports are under separate cover in view of the confidential nature of the contents.
- 2.3 There remains the matter of how to allow progression through the grade which Members need to make a decision on before appointments are made.

I have considered a number of options:

- Service on 1 April each year
- Skill level/competence
- Performance-either individual, team or organisation

Each has advantages and disadvantages but I am inclined to recommend that we combine a number of approaches in respect of the Joint Management Team.

I propose that progression is at 1 April each year subject to the overall organisation objectives being met as detailed within the corporate plan and subject to there being no individual performance issues. In the latter case, incremental progression will be withheld pending improvement which would be monitored within an individual performance improvement plan. In the former, there would be no incremental progression within the Joint Management Team.

For individuals who are performing exceptionally there will be the ability to accelerate progression within the range. The length of the ranges will allow the development of a career graded approach for new appointments, if appropriate, with competence milestones to allow individuals to grow into the full role and accelerate within the range.

Market factors may affect the appointments within the ranges. A regular review will be carried out with a report to members annually which will highlight any potential equalities issues in the management of the grading structure.

2.4 Equalities

Further to the comments from an employee representative I have reviewed the equalities aspects of the work undertaken on the

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business case to date. The Business Case agreed in December 2010 included a risk assessment which did not cover equalities aspects, neither was a full equality impact assessment undertaken at the time.

The Equality Act requires Local Authorities to carry out equality impact assessments. Procedures are already in place in both Councils. As part of the future review process I will build equality impact assessments into the requirements of any potential shared arrangements and ensure that members are informed.

I will also present an updated risk register following the appointment process which will include a section relating to equalities. In order to address the particular concerns raised relating to the new joint management structure and recruitment process I would offer the following information:

- When the business case was agreed in December 2010 the proposal was to ring fence at each level. At the time there were 5 male Directors, 5 female and 10 male Heads of Service and 2 male and 6 female managers.
- Opening up the ring fence, as approved by the two Councils at their meetings in July, has enabled all employees in scope to apply for any role which has in effect allowed the potential for a change in the dynamics.
- The issues raised regarding salary ranges agreed for the new joint management team have broadly been dealt with. We have utilised a professional company (Hay Group) to evaluate the roles on an independent basis. We have market tested the ranges including advice from the national Local Government group and we have taken account of the consultation and have adjusted the market factors accordingly
- The current recruitment process provides a fair and equitable competency based approach which is being led by independent staff from Veredus.
- At appointment stage, account will be taken of skill and experience along with current salary.
- Applicants have been asked to complete equalities monitoring forms which will cover all aspects of equalities, not just gender, and a report will be submitted to JPC once the appointments have been completed.
- Work is already in hand jointly with the trade unions to map any issues arising from the current use of two different job evaluation schemes and where the new salary structure might impact on other employees across both Councils. Members have committed to address concerns arising from that review.

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- Ongoing monitoring reports will be provided on a regular basis to update Members in relation to all equalities matters, both service and employment related.

2.5 HR Policies and Procedures

An agreement was reached with the trade unions to postpone further work on policies and procedures until the recruitment process has been completed. Work is however, ongoing relating to the need for a new joint contract of employment.

As part of the review of resources at the end of September we will need a prioritised action plan to address the requirement to quickly move towards joint arrangements in view of the potential risks of continuing with two and potentially three sets of terms and conditions. The following list is not exhaustive, but gives a flavour of the challenges ahead:

- Grading and Incremental Progression
- Annual pay – CDC have local negotiations, SNC refer to the national award but apply local definitions.
- Grievance Procedure
- Discipline Procedure
- Capability Procedure
- Mileage Allowances
- Training and Development arrangements
- Payroll (pension was agreed at JPC on 13 July 2011)
- Appraisal Systems
- Equality Monitoring
- Welfare Support
- Recruitment Advertising
- Data Protection

- 2.6 The terms of reference for the Joint Personnel Committee provide the delegation to the Joint Personnel Committee to appoint to the new management structure, with the exception of the statutory officer appointments which require the consent of both councils. Therefore a report will be presented to the September meetings of both Councils regarding the recommendations from Joint Personnel Committee for the appointment of the Section 151 Officer and the Monitoring Officer.

3. Conclusion and Reasons for Recommendations

- 3.1 The management restructuring process is proceeding in line with the business case. Members are asked to agree the recommendations regarding incremental progression at this stage so that the information is available for candidates prior to the formal interviews taking place in September.
- 3.2 The Joint Personnel Committee will make recommendations on the appointment of the two statutory officers (Section 151 Officer and Monitoring Officer) but each appointment will require the approval of both Councils and therefore is not a delegated decision.

Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** To agree the recommendations
- Option Two** To amend the recommendations
- Option Three** To not agree the recommendations

Key Considerations

(Financial, Legal and Risk and other implications e.g. Equalities, Human Resources, Data Quality, Risk, Crime and Disorder and Environmental where relevant)

Financial Implications: There will be financial implications arising from the adoption of incremental progression however at this stage these cannot be quantified. Once the recruitment process has been completed it will then be possible to calculate the impact of any incremental progression against the savings to be delivered.

Comments checked by Karen Muir, Corporate System Accountant / Deputy 151 Officer (CDC), 01295 221559, karen.muir@cherwell-dc.gov.uk and Beth Baines, Accountancy Manager / Deputy Section 151 Officer (SNC) 01327 322223, beth.baines@cherwell-dc.gov.uk

Legal Implications: The development of the shared management team has been supported by independent Legal and HR advice to ensure parity of treatment and

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to avoid the possibility of legal challenge. Harmonisation of HR policies/procedures and a clear and transparent pay progression scheme are necessary to ensure a consistency of treatment for all employees.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation / Interim Monitoring Officer (CDC) 01295 221687, nigel.bell@cherwell-dc.gov.uk and Chetna Nathasingh, Manager – Legal Services (SNC) 01327 322213, chetna.nathasingh@southnorthants.gov.uk

HR Implications No additional comments as all HR issues are highlighted within the report.

Comments checked by, Paula Goodwin, HR Projects and Policy Manager (CDC) 01295 221735, paula.goodwin@cherwell-dc.gov.uk and Karen Rogers, Assistant Human Resources Advisor (SNC), 01327 322327, karen.rogers@southnorthants.gov.uk

Wards Affected All

Corporate Priorities All

Portfolio Holder/Lead Member Councillor Mary Clarke – Leader, South Northamptonshire Council
Councillor Barry Wood – Leader, Cherwell District Council

Key Decision No

Document Information

Appendix No	Title
	None
Background Papers	
Business Case approved by both Councils December 2010 Report to SNC Council 27 July 2011 Report to CDC Council 26 July 2011	
Report Author	Sue Smith, Shared Chief Executive
Contact Information	0300 0030100 sue.smith@cherwellandsouthnorthants.gov.uk

By virtue of paragraph(s) 1, 2, 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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