

Cheltenham Borough Council

Council – 27 March 2017

2020 Joint Committee – Withdrawal of employment matter delegations

Accountable member	Councillor Roger Whyborn, Cabinet Member Corporate Services
Accountable officer	Pat Pratley, Head of Paid Service
Ward(s) affected	None
Key/Significant Decision	No
Executive summary	<p>1.1 On 19 October 2015 Council approved a number of recommendations with regard to the formation of the 2020 Partnership Joint Committee (Joint Committee) and the delegation of services and functions to it including employment matters.</p> <p>1.2 On 11 October 2016 Cabinet approved the 2020 Partnership business case in so far as it related to this authority for the provision of GO Shared Services (GOSS) and ICT functions, and also approved the transfer of those services to a local authority company. At the same time, Cabinet also agreed to withdraw this authority's Revenues (including Council Tax), Benefits and Customer Services from the Joint Committee with effect from 14 November 2016.</p> <p>1.3 Having now approved a 3 company model for the provision of services to all the partner councils the Joint Committee is in the process of progressing appointments for both non-executive and executive directors. Having registered the company the proposal is that the Articles and the Members Agreement will be agreed by 1 April 2017- with the Contract for Services to be agreed prior to the business support company coming into operation.</p> <p>1.4 The intention is for the company to operate in "shadow" form for a period of time post 1 April and ahead of services and staff formally transferring to the company/ies in the autumn. During this period the Joint Committee will remain in existence and undertake the functions and activities delegated to it.</p> <p>1.5 In light of the fact that this authority has no staff which will transfer to the new companies and, in particular, this authority's HR policies and procedures relating to its own staff are currently delegated to the Joint Committee, it is being recommended that these delegations are withdrawn.</p>
Recommendations	<p>It is recommended that Council</p> <ol style="list-style-type: none">1. Agrees to withdraw, from 1 April 2017 the following delegations from the 2020 Partnership Joint Committee<ol style="list-style-type: none">a) HR policies and procedures

	<p>b) Pay and grading policy</p> <p>c) Total reward policy (including financial and non-financial benefits</p> <p>2. Authorises the Head of Paid Service, in consultation with the Borough Solicitor, to complete appropriate legal documentation as necessary to facilitate the implementation of the recommendations in this report.</p> <p>3. Authorises the Democratic Services Manager, in consultation with the Borough Solicitor, to make such changes to the Constitution as are necessary to reflect and facilitate the implementation of the recommendations in this report.</p>
Financial implications	<p>There are no direct financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote@cheltenham.gov.uk, 01242 264125</p>
Legal implications	<p>The Authority entered in to an Inter- Authority Agreement on 11 February 2016 which delegated the services referred to in this report to a Joint Committee. The Authority now seeks to withdraw the delegations mentioned by mutual agreement with the partner councils.</p> <p>Contact officer: shirin.wotherspoon@teWKesbury.gov.uk, 01684 272017</p>
HR implications (including learning and organisational development)	<p>There are no immediate HR implications arising from the content of this report. If approved, the decision to withdraw the delegated authority will mean that the Councils pre-joint committee process for approving HR policies and procedures will re-start. Where the Council's operating model permits, and to ensure previous business efficiencies within the shared HR function are maintained, the standard common GO HR developed policies will continue to be adopted.</p> <p>Contact officer: julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
Key risks	<p>Decisions relating to employment matters for this authority's staff can be made by the Joint Committee despite this authority having no direct employees within GOSS or ICT nor intending for any of its staff to become employees of the companies.</p>
Corporate and community plan Implications	<p>2020 Partnership falls within the purview of providing services which deliver value for money to meet the needs of the authority's customers.</p>
Environmental and climate change implications	<p>There are no implications arising directly from this report.</p> <p>Contact officer: gill.morris@cheltenham.gov.uk</p>
Property/Asset Implications	<p>There are no direct property implications resulting from the withdrawal of the delegations relating to the outlined employment matters</p> <p>Contact officer: david.roberts@cheltenham.gov.uk</p>

2. Background

- 2.1** On 19 October 2015 Council approved a number of recommendations with regard to the formation of the 2020 Partnership Joint Committee (Joint Committee) and the delegation of services and functions to it, including employment matters.
- 2.2** On 11 October 2016 Cabinet approved the 2020 Partnership business case in so far as it related to this authority for the provision of GOSS and ICT functions, and also approved the transfer of those services to a local authority company. At the same time, Cabinet also agreed to withdraw this authority's Revenues (including Council Tax), Benefits and Customer Services from the Joint Committee with effect from 14 November 2016.
- 2.3** The Joint Committee has now approved a company model comprising 3 companies, it has registered the companies and is now in the process of progressing appointments for both non-executive and executive directors. Work has progressed to finalise and complete the Articles of Association and Members Agreement in consultation with the Leader, Cabinet Member for Corporate Services, s151 Officer and Borough Solicitor in order to enable the companies to commence operation in their 'shadow' form from 1 April 2017.

3. Functions and activities delegated to the 2020 Partnership Joint Committee

- 3.1** In October 2015 Council delegated a number of functions and activities to the Joint Committee outlined in Appendix 6 to the Council report.
- 3.2** Specifically regarding employment matters Council delegated the following functions to the Joint Committee to apply to all staff employed by the partner councils;

HR policies and procedures

Pay and grading policy

Total reward policy (including financial and non-financial benefits)

- 3.2** In light of the fact that this authority has no staff which will transfer to the new companies and, in particular, that this authority's employment matters are currently delegated to the Joint Committee, it is being recommended that these delegations are withdrawn.

3.3 Reasons for recommendations

- 3.3** As a consequence of decisions made last October, and the ultimate cessation of the Joint Committee at some point in the autumn, steps need to be taken to withdraw those delegations outlined in the recommendation.

4. Alternative options considered

- 4.1** The employment matter delegations could be left with the Joint Committee until it ceases to exist however this means that in the meantime this authority cannot make its own decisions, with regard to its HR policies and procedures, pay and grading policy or total reward policy.

5. Consultation and feedback

- 5.1** Consultation has taken place with the Leader, this authority's 2020 Partnership Joint Committee members and trade union and employee representatives. Consultation has also taken place with the Partnership Managing Director.

6. Performance management –monitoring and review

- 6.1** This authority has a Joint Liaison Forum which is chaired by the Head of Paid Service and which provides a means of informal engagement with trade union and employee representatives. The forum is used to share new and emerging policies as well as considering changes to employment legislation/best practice which may impact on current policies. This forum has continued to review policies since these were delegated to the Joint Committee.
- 6.2** HR performance information arising out of the implementation of policies, eg, sickness absence, appraisal completion rates, health and safety data are reported and monitored by the Senior Leadership Team.

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Appendices	1. Risk Assessment
Background information	1. 2020 Vision – 13 October 2015 (Cabinet Report), 19 October 2016 (Council Report) 2. 2020 Partnership Local Authority Company – 11 October 2016 (Cabinet Report), 17 October 2016 (Council Report)

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If employment matters remain delegated to the joint committee then the authority has cannot make its own decisions regarding these matters	Pat Pratley	27.3.17	2	2	4	Reduce	Withdraw employment matters delegation from the 2020 Joint Committee	27.3.17	Julie McCarthy	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											