

STAFFING AND APPEALS COMMITTEE - MINUTES

Date: Tuesday, 31st March 2015

Time: 2.00 p.m. – 3.10 p.m.

Place: Room 128, Shire Hall, Cambridge

Present: Councillors P Brown, P Bullen, P Downes, D Harty, B Hunt, G Kenney, L Nethsingha (Vice-Chairwoman), K Reynolds, J Schumann (Chairman), S van de Kerkhove and J Whitehead

Apologies: None

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES – 17th DECEMBER 2014

The minutes of the meeting held on 17TH December 2014 were confirmed as a correct record and signed by the Chairman.

12. PAY POLICY STATEMENT 2014/15

The Committee received a report to enable it to review the data currently published on senior employee remuneration to ensure compliance with both the Local Government Transparency Code 2014 and chapter 8 of the Localism Act 2011. Under the Localism Act 2011, Local Authorities were required to prepare a Chief Officer Pay Policy Statement for each financial year and this had been included as Appendix 1 to the report. It was considered appropriate to be first reviewed by the Staffing and Appeals Committee before going on to Full Council for approval.

Paragraph 2.1 provided details of the salaries information published on the Council website with paragraph 2.2 setting out the additional information published following changes to the Local Government Transparency Code. Section 3 and Appendix 3 of the report provided details of senior officer pay highlighting that one senior officer was paid £150,000 or above and 83 senior officers earned £50,000 or above. It was stated that the mean average salary was £23,723 compared with £24,035 in March 2012 with the pay multiple remaining constant at 1:8. as detailed in Appendix 1. It was highlighted that the Fair Pay Review 2010 had recommended that the pay ratio should not be more than 1:20; and the Council was therefore well within this range.

With reference to The Policy Pay Statement, the Head of People highlighted additions such as the pay award update (paragraph 4.3 and paragraph 4.5 titled 'Individual Salary Level – Progression through the Development Points'.

The Head of People raised an issue orally, not included in the report, regarding a change only just announced by Government which would require changes to the Council Constitution in relation to the process around the dismissal of senior staff

who were politically exposed. The change impacted on the Committee's functions and had a direct relationship to Section 6 of the Chief Officer Pay Policy report titled 'Termination of Employment'. The legislative change affected posts such as the Chief Executive/Head of Paid Service, the Monitoring Officer, and Chief Finance Officer, resulting in Councils no longer having a requirement to have a Designated Independent Person (DIP) involved in the disciplinary process and a replacement process recommended. It was suggested that this might require a reconvened Committee to first consider the change, before final approval by the Council, to comply with the legislation which it was indicated came into force on 11th May 2015.

In discussion Members suggested that due to current outside commitments, reconvening a further Committee at short notice would be a challenge and was not favoured. In addition, as the legislation changed an important part of the Constitution that required more detailed consideration via a written report, and bearing in mind the timescale in relation to seeking any change by Council, there was support to continuing with the current arrangement as an interim position.

Councillor Nethsingha moved and Councillor Downes seconded an additional recommendation based on the above and following a vote:

It was resolved unanimously

that the Council should seek to keep its current arrangements on the process around the dismissal of staff for a period of six months, after which there should be a further review by the Committee. The Head of People was asked to refer to this in the Pay Policy on this basis.

During discussion, Members of the Committee raised a number of points / questions were answered on issues raised by them, including:

- On the question of whether there were any organisations which got near to a 1.20 ratio this was not known, although it was pointed out that the ratio was for all public bodies, so there may be some outside of Local Government.
- In answer to a query, details were provided of the Council's appraisal scheme with it being explained that there was now no longer automatic progression through the development points. Assurance was given that pay increases had to satisfy strict criteria involving performance being assessed against four bands, and only those staff judged to have highly effective /exceptional performance qualified for a pay increase, with only 25% of staff receiving such enhancements. The scheme now applied to every employee, including all Corporate Leadership Team members.
- Explanation was requested regarding how the mean salary was calculated. It was confirmed that the calculation was based on all staff, including senior officers, calculated on contractual salaries and was the preferred method advised by the LGA. **As further clarity was sought from some Members, there was a request to provide the Committee with details of the calculation Action: Martin Cox undertook to provide the detail outside of the meeting.**

- There was a request that Members of the Committee be provided with details of the Transparency Code. **Action: Quentin Baker.**
- Whether the Council undertook Equal Pay Audits. In response it was clarified that while no longer a legal requirement, these were undertaken when there were proposals to change aspects of the Council salary structure. There had been no recent pay structure changes. In further discussion it was agreed that a report with details on the previous Equal Pay audit should be an item on the next Committee agenda. **Action: Martin Cox.**
- In respect of issues around the implementation of the minimum wage, it was confirmed that this part of the Council's pay structure was linked to national pay negotiations and The Council ensured that there was a gap so that the lowest pay band was above the minimum wage level. In respect of a question on the living wage, it was clarified that there was no Council policy in relation to operating the living wage, with the Chief Executive reminding Members that this had been the subject of at least two motions in recent years, none of which had been approved.

It was unanimously resolved:

- a) To recommend to Council the agreement of the Pay Policy Statement 2014/15 as set out in Appendix 1 of the officer report.
- b) That the Council should seek to keep its current arrangements on the process around the dismissal of staff for a period of six months after which there should be a further review by the Committee.

(Note: since the meeting it has been clarified that the Local Authorities (Standing Orders) England (Amendment) Regulations 2015 requires that Councils' standing orders must be amended by no later than the first ordinary (Council) meeting of the authority falling after 11th May. For this Council the first Council meeting after the Annual meeting in May will be on 21st July and is preceded by an appropriate Constitution and Ethics Committee on 23 June. To comply with b) above, there would also need to be a Staffing and Appeals Committee to meet in early June to consider a formal report and make recommendations for any changes).

13. EXCLUSION OF PRESS AND PUBLIC

It was resolved that the press and public be excluded from the meeting on the grounds that the next report on the agenda contained exempt information under Paragraphs 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed (information relating to the financial affairs of any particular person (including the authority holding that information)).

14. SENIOR MANAGEMENT STRUCTURE IN CHILDREN, FAMILIES AND ADULTS

The Committee considered a report on proposals regarding the senior structure of the Children, Families and Adults directorate. As a result of the impending retirement of the Service Director: Children's Social Care, a decision was sought on how to proceed with the recruitment to this role.

The Chairman requested that the report was taken in sections relating to the specific recommendations.

Post of Service Director: Children's Social Care

It was highlighted that a fundamental part of the Council's statutory responsibilities for Children's Services related to duties to safeguard vulnerable children and young people, with much of the operational responsibility rested with the Service Director. The Executive Director made the case that in order to work effectively, it was crucial that the Service Director roles were occupied by high quality individuals who were comfortable at working at a strategic level, but also had a good grasp of operational detail. In the case of the post of Service Director: Children's Social Care, it was not considered suitable for someone to be offered the position, without having detailed working experience at a very senior level in the area.

The report indicated that the choice for recruiting the Service Director: Children's Social Care Direct was either through a) direct recruitment using a Search and Selection agency to identify suitable candidates at an estimated cost of £20,000 with final selection to be made by a Committee panel, or b) through a review of the structure of the senior team and establishing interim arrangements.

On being put to the vote, the proposal to recruit via an executive search route was supported by 10 votes to 1 against and

It was resolved:

- a) To agree to recruit the post of Service Director, Children's Social Care, via an executive search route.

Permanent Appointments to Posts of Service Director Older People and Mental Health Services and Service Director: Enhanced and Preventative Services

The experience since the transfer of these services had shown the need to make the post of Service Director: Older People and Mental Health Services a permanent post for the reasons set out in the confidential report.

It was unanimously resolved:

- b) To make permanent the appointment of Charlotte Black to the post of Service Director, Older People's Services, and Sarah Ferguson to the post of Service Director, Children's Enhanced and Preventative Services on the terms noted.

Formalising the Deputy Role to the Executive Director of Children, Families and Adults (ED of CFA)

It proposed that this role should now be formalised as a permanent feature. The report indicated that if Charlotte Black was to leave the Deputy role, the opportunity would be offered to the existing Service Directors and would be appointed by the Chief Executive and Executive Director for CFA. This was queried and it was suggested as an amendment by Councillor Downes and duly seconded, that in the

same way the Committee was being asked to agree to making the Deputy to the ED of CFA permanent, any further change should also be agreed by the Committee. This amendment was unanimously agreed.

On being put to the vote, the recommendation as amended, was unanimously agreed and

It was resolved:

- c) To make permanent the additional responsibility of Deputy to the Executive Director of CFA to Charlotte Black and should she leave, the opportunity would be offered to the existing Service Directors with the final appointment to be signed off by this Committee.

Chairman /woman
29th June 2015