



Notice of a public meeting of

Staffing Matters & Urgency Committee

To: Councillors Aspden (Chair), D'Agorne (Vice-Chair),
Hook and D Myers

Date: Monday, 17 February 2020

Time: 5.30 pm

Venue: The King John Room (GO59) - West Offices

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Exclusion of Press and Public

To consider the exclusion of the press and public from the meeting during consideration of the following:

Annex A to Agenda Item 5 (Achieving Efficiencies and Pensions with Exit Discretions) on the grounds that it contains information relating to individuals and the financial affairs of particular persons. This information is classed as exempt under paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. **Minutes** (Pages 1 - 8)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 20 January 2020.

4. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is on **Friday 14 February 2020 at 5.00pm**. Members of the public can speak on agenda items or matters within the remit of the committee.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

5. **Achieving Efficiencies and Pensions with Exit Discretions** (Pages 9 - 18)

The report and business case considers an early retirement request and provides Members with the necessary information upon which to make an informed decision.

6. **Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer

Louise Cook

Contact details:

- Telephone – (01904) 551031
- Email - louise.cook@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

Meeting	Staffing Matters & Urgency Committee
Date	20 January 2020
Present	Councillors Aspden (Chair), D'Agorne (Vice-Chair), Hook and D Myers

51. Declarations of Interest

At this point in the meeting, Members were asked to declare if they had any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda.

At a later stage in the meeting, during consideration of Agenda Item 6 (Appointment of Sub-Committee for Appointment of Assistant Director of Housing and Community Safety), Cllr D'Agorne declared a prejudicial interest in that his partner would be a panel member and he abstained from the discussion.

There were no further declarations of interest.

52. Exclusion of Press and Public

Resolved:

- (i) That the press and public be excluded from the meeting during the consideration of Annex A and B to Agenda Item 9, (Redundancy) on the grounds that they contained information relating to individuals and the financial affairs of particular persons. This information is classed as exempt under Paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).
- (ii) At a later stage in the meeting Members agreed that the press and public be excluded from the meeting during the consideration of Agenda Item 6, (Appointment of Sub-Committee for

Appointment of Assistant Director Housing and Community Safety) on the grounds that the discussion regarding the recruitment of an agency to support the Sub-Committee contained exempt Information as described in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that information relating to the financial or business affairs of any particular person (including the authority holding that information).

53. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 9 December 2019 be approved and then signed by the Chair as a correct record.

54. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn, a local resident, raised concerns with the Chief Officer recruitment process, (Agenda Item 6, Annex C of the report) and she also thanked Officers for including the workforce profile as an agenda item. She suggested that the forward plan should include:

- An update on the current position of all staff who were employed through an agency, consultants, Work With York or on interim arrangements, particularly staff that had been working under these conditions for over 12 months.
- A report that highlighted City of York Council's recruitment model, as jobs advertised were very rarely seen on social media, particularly twitter.

She concluded by questioning if a report to monitor the sickness absence consultancy process would be provided bi-annually?

55. Interim cover for the Chief Executive

Further to the original decision Staffing Matters and Urgency Committee made in August 2019 and further consideration in October 2019, Members considered a report that provided an

update and recommendations on the continued provision to cover the Head of Paid Service duties in the ongoing absence of the Chief Executive.

The Head of HR gave an update and confirmed that should the Chief Executive return to work the interim arrangements would cease with immediate effect or be reviewed again in April 2020, if the Chief Executive remained absent.

Resolved:

- (i) That Option 1, as detailed in the report, be agreed and arrangements with the current interim be continued.
- (ii) That the additional supplements for Interim Head of Paid Service and Section 151 Officer, as detailed in Option 1 of the report, be paid.
- (iii) That all interim arrangements would cease with immediate effect upon the return of the Chief Executive, be noted.
- (iv) That the interim arrangements in April, if the Chief Executive remains absent, be reviewed.

Reason: To provide suitable cover in the absence of the Chief Executive.

56. Appointment of Sub-Committee for appointment of Assistant Director Housing and Community Safety

Cllr D'Agorne abstained from the discussion for this item.

Following the resignation of the current post holder Members considered a report that made proposals to permanently recruit to the post of Assistant Director of Housing and Community Safety.

The Corporate Director of Health, Housing and Adult Social Care was in attendance and she informed Members that this Chief Officer appointment required an executive search facility and the establishment of an Appointments Sub-Committee, to enable them to conduct the recruitment process, select and appoint a candidate.

In answer to Members questions the Head of HR confirmed that the Appointments Sub-Committee generally enlisted which recruitment agency should support them but that this Committee could consider the perimeters of the budget and agree an agency to recruit. It was agreed that this discussion would take place under exclusion of press and public and be considered as exempt Information as described in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that the information relates to the financial or business affairs of any particular person (including the authority holding that information).

The Chair confirmed that 2 Liberal Democratic and 1 Labour representatives should form the panel and not a member from each main party as stated in recommendation (i) of the report. The Chair also confirmed that one Liberal Democratic place would be nominated to the Green Party to allow Cllr Craghill, as Executive Member for Housing and Safer Neighbourhoods, to Chair the Appointments Sub-Committee.

Resolved:

- (i) That the filling of this post and remuneration package for the Assistant Director posts at a job evaluated salary of £71,521 to £79,459 be approved.
- (ii) That an Appointments Sub-Committee consisting of three members, (2 Liberal Democrat (1 to be nominated to the Green Party) and 1 Labour) be established.
- (iii) That the Appointments Sub-Committee consists of Cllrs Waller, Craghill and Pavlovic and that the Executive Member for Housing and Safer Neighbourhoods (Cllr Craghill) acts as Chair.
- (iv) That a recruitment agency be engaged, subject to the agreement of Staffing Matters and Urgency Committee, to support the Appointments Sub-Committee with the recruitment and selection process.

- (v) That the Appointments Sub-Committee be authorised to conduct the final interviews, select a successful candidate and make an offer of employment subject to the necessary employment procedures

Reason: To allow appointment to the Assistant Director post to be made.

57. Workforce Profile as at 30 September 2019

The Committee considered a report that provided the workforce profile, as at the end of quarter two of 2019/2020.

The Head of HR and Head of Business Intelligence presented the report and informed Members of the key performance indicators and it was noted that this data would be provided to the Committee bi-annually.

Members discussed the statistics in relation to reasons for leaving, sickness days and Work With York total and long term assignments, where Officers confirmed that the next Workforce Profile could also include the following narratives:

- Further statistical data regarding the TUPE transfer out figure that was reported as a reason for leaving in 2017/18.
- Further data analysis and comparator data around age, and sickness absence, including the continued ongoing work across the Council and from the external contract that provided the new day one absence service.
- Long term Work With York assignments data and the Council's ongoing response to reduce the numbers.

Following discussions, Officers stated that the Customer & Corporate Services Scrutiny Management Committee received a quarterly attendance and wellbeing dataset update and in answer to Members questions they confirmed that:

- Work With York total and long term assignment figures did include casual staff.
- Advice would be sourced from the Monitoring Officer and from the Council's Constitution, which was

currently under review, regarding this Committees terms of reference.

- Constructive conversations would take place with employees to encourage more equalities data to be provided.

Members thanked Officers for their report.

Resolved:

- (i) That the workforce profile be noted, received on a bi-annual basis and updated to include the narratives stated above.
- (ii) That advice be obtained from the Monitoring Officer regarding referrals to Customer & Corporate Services Scrutiny Management Committee and this Committees terms of reference, subject to the Council's Constitution review.

Reason: In order to provide an overview of the workforce profile.

58. Work Plan

The Committee considered its draft work plan for the municipal year 2019/20.

Resolved: That the work plan be approved.

Reason: To keep the Committee's work plan updated.

59. Redundancy

Members considered a report which detailed the expenditure associated with the proposed dismissal of three employees on the grounds of redundancy.

The background and detailed case surrounding the proposals were contained in the individual business cases, attached as confidential annexes to the report.

Resolved: That the expenditure associated with the proposed dismissal of three employees on the grounds of

redundancy, as detailed in Annexes A and B of the report, be noted.

Reason: In order to provide Members with an overview of the expenditure.

Cllr Aspden, Chair

[The meeting started at 5.30pm and finished at 6.20pm].

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Staffing Matters & Urgency Committee**17 February 2020**

Report of the Director of Governance and Head of HR

Achieving Efficiencies and Pensions with Exit Discretions**Summary**

1. It is proposed that Staffing Matters and Urgency Committee (SMU) receive a paper in March, to consider proposals to make efficiency savings across the Corporate Management Team (CMT) structure.
2. However, prior to receiving this report, a member of CMT has come forward and requested to be considered for early retirement.
3. The report and business case attached considers this request and provides Members with the necessary information upon which to make an informed decision.

Background

4. In December 2018, SMU agreed to a revised structure for Customer and Corporate Services. This has been partly implemented, the Director of Governance is in post, however the Director of Finance post has not been established yet due to the ongoing absence of the Chief Executive.
5. SMU during 2019 agreed the interim arrangements to cover the Head of Paid Service function and have regularly reviewed this decision.
6. The current administration has asked for options to be considered to deliver efficiencies from within the Corporate Management Team and to ensure that services are delivered against the Council's priorities in the Council Plan.
7. Whilst it would be normal practice to come to SMU with a proposed structure we have had a request from a member of CMT to be considered for early retirement.
8. This request is included in Annex A, and is exempt from the public session because it contains information relating to an individual (Local Government Act 1972, Schedule 12a).

9. As a member of the team has come forward to be considered for early retirement, it is believed that this should be given serious consideration, as this will enable the options to be considered in a more timely manner and allow the efficiencies to be achieved at an earlier point and which may mitigate the potential for compulsory redundancy in this area.
10. The Head of HR, Director of Governance and the acting / interim S151 Officer, have considered the proposal and looked at a potential structure going forward. It is anticipated that a minimum £50,000 per annum can be made in efficiencies and this will be published in due course.

Option

11. To consider and approve the attached business case for early retirement with pension discretion.

Budget

12. The initial review of the budget based on a high level review of the structure would make efficiencies of around £50,000 per annum.

Consultation

13. Consultation will be in line with the City of York Council's Transformation Policy. In addition as the proposed restructure affects statutory position Staffing Matters and Urgency Committee are engaged. Trade unions have been notified.

Council Plan

14. Restructuring will contribute to delivering the Council Plan and its priorities, enabling the Council to remain proactive and fit for purpose for the future.

Implications

Financial

15. There are financial implications to be considered. The full details of the retirement option is considered within the private business case. The costs can be accommodated within existing budgets.
16. The proposed structure will make efficiencies of around £50,000 per annum.

Human Resources (HR)

17. There are a number of HR implications. The Council's transformation policy must be adhered to during the process to ensure fair and equitable treatment of all staff affected.

Equalities

18. There are no equalities implications at this time, however, the Council needs to have due regards to the public sector equality duty, which will be kept under review.

Legal

19. Pursuant to the Council's constitution, SMU is empowered to exercise all functions concerning staffing matters other than specific circumstances relating to the Council's statutory officers (Head of Paid Service, Monitoring Officer and S151 Officer). These specific circumstances relate primarily to the appointment and dismissal of the statutory officer which are prescribed for in the constitution as follows:

- a. If a statutory officer is made redundant this has to go to Full Council for approval, under section 4D of the constitution as redundancy is a form of dismissal – 5.4 "additional rules apply in respect of any proposed dismissal of the Section 151 Officer or the Monitoring Officer. Full Council must approve any decision to dismiss either of these Officers".
- b. Approval has to be obtained on exit payments for any officer which is over £100k (inc pension strain cost). The Council needs to be aware that there will be public and press interest in such payments and to mitigate, where possible, the direct impact on this.

20. In this instance, these provisions do not apply as a member of CMT is seeking early retirement.

21. The Council must ensure that its employment policies and procedures are followed so as to avoid any future legal challenge.

Crime and Disorder, Information Technology and Property

22. There are no identified implications.

Risk Management

- 23. The timing of any restructures is key as we have had an approach to consider early retirement then it seems appropriate to carry out this activity now.
- 24. This is a key area of the Council and integrated into the members, along with active public involvement. There will be public interest and we have to ensure the confidentiality of staff involved in the restructure is maintained even to the pressure of outside parties.

Recommendations

- 25. It is recommended that the Committee:
 - i) Agrees to the retirement request as attached in Annex A.
 - ii) Request to receive the proposed structure for CMT in March 2020.

Reason: To allow efficiencies to be made across the CMT structure.

Author:

Trudy Forster
Head of HR
Human Resources
Tel: 01904 553984

Chief Officer Responsible for the report:

Janie Berry
Director of Governance

Report X **Date** 30/01/2020
Approved

Specialist Implications Officer(s):

Wards Affected: All X

For further information please contact the author of the report

Annexes:

Annex A – Confidential Business Case

Abbreviations:

CMT – Corporate Management Team
SMU - Staffing Matters and Urgency Committee

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

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