



Notice of a public meeting of

Staffing Matters and Urgency Committee

- To:** Councillors Aspden (Chair), D'Agorne (Vice-Chair),
Hook and Kilbane
- Date:** Monday, 18 October 2021
- Time:** 5.30 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

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:

Appendix A to Agenda Item 10 and Appendix A and B to Agenda Item 11 on the grounds that they contain 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 - 4)

To approve and sign the minutes of the meeting of the Staffing Matters & Urgency Committee held on 20 September 2021.

4. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is at **5.00pm on Thursday, 14 October 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services on the details at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission.

The meeting can be viewed live and on demand at www.york.gov.uk/webcasts. During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

5. Report in the Public Interest: Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments (Pages 5 - 46)

This report seeks approval of the guidance that has been prepared following the Public Interest Report relating to the use of settlement agreements including special severance payments

(included in the Exit Strategies Guidance attached at Appendix A).

6. People Directorate - Appointment of Sub-Committee for appointment of Corporate Director People and cover for current vacancies (Pages 47 - 58)

This Report makes proposals to permanently recruit to the post of Corporate Director People and outlines cover arrangements for the current vacancies in People Directorate.

7. Changes to Membership of Committees, Joint Committees administered by other Councils, Regional Local Authority Bodies and Other Bodies (Pages 59 - 62)

At the Annual Council meeting on 27 May 2021, appointments were made to Committees, Sub-Committees and Outside Bodies for the 2021/22 municipal year. Further changes are required to the membership, as set out in the report.

8. Work Plan (Pages 63 - 64)

To consider the Committee's draft work plan for the municipal year 2021-22.

9. Urgent Business

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

10. Redundancy (Pages 65 - 74)

This report advises the Committee of the expenditure associated with the proposed dismissal of a number of employees on the grounds of redundancy.

11. Pension or Exit Discretion (Pages 75 - 86)

This report advises the Staffing Matters and Urgency Committee of the expenditure associated with pension or exit discretions in accordance with council policy for noting.

Democracy Officer
Angela Bielby

Contact details:

- Telephone – (01904) 552599
- Email - A.Bielby@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 میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Staffing Matters and Urgency Committee
Date	20 September 2021
Present	Councillors D'Agorne (Vice-Chair), Hook, Kilbane and Ayre (substituting for Cllr Aspden)
Apologies	Councillor Aspden

19. 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. None were declared.

20. Exclusion of Press and Public

Members enquired about what information could be included in the public covering report and whether in certain cases the department area and how many exits are being noted. Officers confirmed that they could review what information can be published outside of the private annexes.

Resolved:

- i. That the press and public be excluded from the meeting during the consideration of annexes to Agenda Items 8 and 9 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. Officers to review what additional information regarding a redundancy, retirement and settlement agreements can be published outside of the private annexes.

Reason: To ensure the Committee can consider in private information relating to individuals and the financial affairs of particular persons, while also consider if additional information can be placed into the public domain.

21. Minutes

Resolved: That the minutes of the Staffing Matters and Urgency Committee held on 16 August 2021 be approved and then signed by the Chair as a correct record.

22. Public Participation

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

Cllr Warters questioned the partiality of the Monitoring Officer and raised a complaint made against the Monitoring Officer, he asked that the Committee maintain oversight of the complaint. He also raised questions about the partiality of the Council's administration, he noted a number of standards issues which he questioned the outcome of and how they were run, as well as, procedural issues relating to full council.

Gwen Swinburn highlighted the role of the Committee in the disciplinary role of chief officers of the Council and questioned why the Action Plan in relation to the Public Interest Report lacked disciplinary actions against any Chief Officers. She also questioned standards and complaints against Members and suggested that some Members faced additional scrutiny. Finally she noted her concerns about the Monitoring Officer and that she had made a report of misconduct in public office.

23. Emergency Retention Protocol

Members considered the Emergency Retention Protocol. Officers highlighted the role of the protocol could have in retaining key skills within the Council and noted current issues around the retention of staff in particular Children and Waste services. Officers noted that authorisation of use would be held by Chief Officers and that it would be used carefully to avoid unintentional impacts on equal pay at the Council.

The Committee raised concerns about how the policy could impact staff moral in areas which did not receive the additional payment. Members also questioned whether the policy would disproportionately benefit chief officers. Officers noted the protocol could be used in a variety of circumstances when needed such as to all HGV drivers or too one specific individual in a team where the Council was at risk of losing particular skills.

How the protocol would be triggered was discussed and it was confirmed that Chief Officers would with team managers determine whether the protocol should be used to maintain staff. For example it was noted that

should a team have several staff departures the protocol could be triggered to ensure additional staff are retained.

Monitoring of the use of the protocol was considered and it was confirmed additional work would be required to determine all reporting, it was noted that it would be part of the 3 monthly updates to the Council's Pay Board. Members also enquired about how they could review the protocol and whether a specific budget had been identified for its use. Officers confirmed that the payments would come from the departments existing budget. Members also agreed to receiving four updates per year.

Resolved:

- i. Approved the emergency retention protocols detailed within this paper and noted that a quarterly updates would be brought back to the Committee;
- ii. Agreed to the development of a retention policy as part of the pay policy.

Reason: To ensure the council is able to retain key skills in the workforce which are under pressure, to meet the Organisational Development Plan.

24. Work Plan

Members considered the Committee Work Plan for 2021/22 it was noted that depending on the outcome of the Audit and Governance Committee, then the Committee could be considering the Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments at the 18 October 2021 meeting.

Resolved:

- i. Agreed the Committee work plan.

Reason: To ensure that the committee has a planned programme of work in place.

25. Urgent Business

A concern was raised about staffing levels within the Local Plan team ahead of the plan returning from examination. While it was noted that concerns had not been raised with the Executive or Chief Officers, it was noted that officers would enquire to ensure staffing is sufficient to ensure the delivery of the Local Plan.

Resolved:

- i. Officers to ensure staffing is sufficient to ensure the delivery of the Local Plan.

Reason: To ensure the Local Plan is sufficiently staffed.

26. Redundancy

Members considered a report which advised them of expenditure associated with redundancies. Details of the proposals and their implications were set out in the business cases in exempt Annex A.

Resolved:

- i. That the expenditure associated with the proposed redundancies as detailed in the report annexes be noted.

Reason: So that the Committee has an overview of expenditure associated with pension or exit discretions.

27. Pension or Exit Discretion

Members considered a report which advised them of expenditure associated with pension or exit discretions. Details of the proposals and their implications were set out in the business cases in exempt Annexes A.

Resolved:

- i. Note the expenditure associated with each proposal as detailed in the annexes.

Reason: In order to provide an overview of expenditure.

Cllr A D'Agorne, Chair

[The meeting started at 5.31 pm and finished at 6.13 pm].



**STAFFING MATTERS & URGENCY
COMMITTEE****18 October 2021**

Report of the Head of HR & OD

**Report in the Public Interest: Exit Strategies: Guidance on the use
of Settlement Agreements including Special Severance Payments****Summary**

1. In accordance with Recommendations detailed within the Report in the Public Interest dated 19th April 2021, guidance has been prepared for approval by the Staffing Matters & Urgency Committee relating to the use of settlement agreements including special severance payments (included in the Exit Strategies Guidance attached at Appendix A).
2. Audit & Governance Committee has considered this guidance on 8 and 29 September and recommendations have been taken on board.
3. If approved by the Staffing Matters and Urgency Committee, this will be implemented immediately with training & development for Officers. This training has already commenced on 7 October 2021.
4. In accordance with Recommendations detailed within the Report in the Public Interest dated 19th April 2021, guidance has been prepared for noting by the Staffing Matters & Urgency Committee relating to approval process for pay discretions. This will be included within the constitution and therefore will go through the relevant approval process.

Recommendations

5. The Staffing Matters & Urgency Committee is recommended to:

- a. Approve the Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments and agree to its adoption and immediate implementation; and
- b. That the Head of HR liaise with the Executive and the Corporate Management Team to ensure consistent compliance with the Guidance, training key Officers across Corporate Leadership Group and Human Resources.
- c. To note the pay discretions presented to committee, and that this will progress for approval within the constitution.

Reasons for the recommendations

6. To ensure compliance with the recommendations detailed by the Council's External Auditor in the Report in the Public Interest dated 19th April 2021.

Options

7. The Staffing Matters & Urgency Committee can chose not to accept the recommendations contained within this report however to do so would hinder the Council's ability to comply with the Action Plan prepared in response to the Report in the Public Interest.

Background

8. On 4th May 2021, Council received a Report in the Public Interest dated 19th April 2021, and in doing so agreed an Action Plan to address the recommendations contained therein.
9. Of those, Recommendations One, Two and Five related to the Council's framework for the management of exit strategies and the use of special severance payments.
10. In response the Council has now, following consultation with the Trade Unions, Internal Audit and with taking into account external legal advice produced the draft Guidance which appears as Appendix One to this report. This Guidance also takes into account the recently published guidance from MHCLG relating to exit payments.
11. Audit & Governance Committee were asked to review the attached guidance at Appendix A and consider a recommendation

to this Committee in their meeting on 8 September 2021. The recommended amendments to be made and these were taken on board and the updated document returned to Audit & Governance Committee on 29 September, where they agreed the content with a minor amendment which has been made for version 5. For reference the original settlement agreement is attached in Appendix C.

12. The pay discretion document, contained in Appendix 2, details the approval process and control measures in place around pay discretions across the council. This will be included within the constitution.

Consultation

13. The Trade Unions have been consulted on the guidance in appendix one and the pay discretions in Appendix 2. Their comments have been taken into consideration and they are content for the documents to be progressed.
14. Internal Audit has been consulted with regarding the guidance and appendix A, and agree for it to progress. At the time of publishing this report we are still awaiting the comments regarding appendix B. A verbal update will be provided at the meeting on 20 September 2021.
15. Audit & Governance have considered this document twice in September, (8 and 29). Recommendation's from Audit & Governance have been taken on board and reflected in the updated guidance.

Implications

16. **Financial** - none directly related to this report but decisions made in accordance with the Guidance and Pay Discretions will be the subject of financial consideration on a case by case basis.
17. **Human Resources (HR)** - none directly related to this report but decisions made in accordance with the Guidance and Pay Discretions will be the subject of staffing and employment related considerations on a case by case basis.
18. **Equalities** - none directly related to this report but decisions made in accordance with the Guidance and Pay Discretions will be the subject of any equality considerations on a case by case basis.

19. **Legal** – the Council is required to take all steps to ensure compliance with the Action Plan approved in response to the Report in the Public Interest and compliance with the Action Plan is monitored by the Audit & Governance Committee. Specialist external employment law advice has been received in respect of the Guidance to ensure it complies with relevant legislation and the Statutory Guidance issued by the MHCLG.
20. **Crime and Disorder, Information Technology and Property** – none directly arising from this report

Author:

Trudy Forster, Head of HR
& OD

Chief Officer responsible for the report:

Janie Berry, Director of Governance

Report	X	Date	<i>6 October</i>
Approved			<i>2021</i>

Specialist Implications Officer(s): Janie Berry, Monitoring Officer
Debbie Mitchell, Chief Finance Officer

Wards Affected: *List wards or tick box to indicate all* **All**

For further information please contact the author of the report

Background Papers:

Report in the Public Interest dated 19th April 2021, and received by Full Council on 4th May 2021, together with the Action Plan approved by Full Council on 4th May 2021.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MIId=13092&Ver=4>

Audit & Governance Papers 8 and 29 September 2021.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=13015&Ver=4>

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=437&MIId=13152&Ver=4>

Appendix

Appendix A - Exit Strategies: Guidance on the use of Settlement Agreements including Special Severance Payments.

Appendix B – Pay Discretions

Appendix C – Original Settlement Agreement Advice

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Exit Strategies

Guidance on the use of Settlement Agreements including Special Severance Payments

DOCUMENT INFORMATION & REVISION HISTORY

Title	Exit Strategies - Guidance on the use of Settlement Agreements including Special Severance Payments
Contact for Enquiries	Trudy Forster

Issue No	Issue Date	Author(s)	Nature of Amendment
V1	12/08/21	Trudy Forster	Original version written by Trudy Forster Changes made by Sam Healy (Barrister, Dere Street Barristers) – Accepted Changes Made by GMB – Accepted
V2	17/08/21	Trudy Forster	Changes made by Internal Audit
V3	19/08/21	Trudy Forster	Changes made by HR to item 4.4
V4	10/09/21	Trudy Forster	Changes made by Trudy Forster, Janie Berry and Debbie Mitchell following A&G Committee feedback Changes made by Sam Healy (Barrister, Dere Street Barristers)
V5	6/10/21	Trudy Forster	Changes made at 6.11 following A&G Feedback

This guidance applies to all employees of CYC, including Chief Officers

1. Definitions:

Settlement Agreements – (formerly known as Compromise Agreements)	A legally binding agreement signed by employer and employee resolving a dispute between them, such as the terms on which the employee’s employment is ended.
Special Severance Payments	Additional payments made to employees beyond what they are entitled to under their contracts of employment or statutory law.
Confidentiality Clause (often referred to as non-disclosure agreements or ‘NDAs’)	A clause in a Settlement Agreement that prevents the unauthorised disclosure by the employee of confidential information relating to their employment or its termination.
Statutory elements of pay	Those elements of pay that the employee is owed as a matter of statutory law applicable to all employees in the UK. For example, the right to be paid for annual leave or the right to receive a minimum amount when made redundant (so-called ‘statutory redundancy’)
Contractual Payments	Those elements of pay that the employee is owed under their contract of employment. For example, the normal remuneration paid for work done.
Best Value Duty	The best value duty, as set out in section 3 of the Local Government Act 1999 (“the 1999 Act”), provides that “ <i>A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness</i> ”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

Chief Officer	Chief Officer at City of York Council are all staff on posts at Assistant Director, Director, Corporate Director and Chief Operating Officer
Statutory Officers	Head of Paid Service – Chief Operating Officer Monitoring Officer – Director of Governance Section 151 Officer – Chief Finance Officer/AD Finance
Legal Advice	Legal advice may come from within the council where the advice is for non-chief officers Legal advice will be sought from external independent legal advisers where the payment is for a chief officer.

2. Reference docs

Cabinet Office Guidance on Settlement Agreements, Special Severance Payments on Termination of Employment and Confidentiality Clauses
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817156/Cabinet-Office-guidance-on-settlement-agreements-special-severance-payments-on-termination-of-employment-and-confidentiality-clauses.pdf

Guidance on Public Sector Exit Payments: Use of Special Severance Payments
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/989770/SPECIAL_SEVERANCE_GUIDANCE_v3_FINAL.pdf

MHCLG Guidance

Statutory guidance on the making and disclosure of Special Severance Payments by local authorities



SSPSG.pdf

3. Introduction

- 3.1 There are numerous reasons why people leave employment, from normal resignation by the employee through to dismissal of the employee by the employer.

- 3.2 The majority of the cases are straight forward, follow normal processes and do not result in any additional payments (Special Severance Payments).

However, there are a smaller number of cases where the contract of employment is terminated through dismissal by the employer or more complicated circumstances where the contract is terminated by mutual consent of the employer and employee.

- 3.3 It is in these cases where the council must ensure that any additional payments (Special Severance Payments) being made, over and above Contractual and statutory payments, are in line with legislation and the 'Best Value Duty'.
- 3.4 There are contractual and statutory elements of pay that have to be paid upon an exit, regardless of the reasons for the exit. Examples include outstanding annual leave and the minimum statutory redundancy payment, where the post held by the employee is being made redundant.
- 3.5 Special Severance Payments do not fall into the category of payments that the council is obliged to pay a departing employee and do not usually represent value for money. As such, they should only be used in truly exceptional circumstances and after following due process. The size of any Special Severance Payment must be kept as small as possible in order to provide value for money for the taxpayer and the economic rationale for the payment must be clear. Where a Special Severance Payment is made there must be complete transparency about that fact and the reasons why it is being made.
- 3.6 The council should not be using Special Severance Payments as a soft option. For example, to avoid management action or disciplinary processes against an employee, unwelcome publicity, embarrassment or reputational damage for the council
- 3.7 As a council we need to ensure that before making a Special Severance Payment we follow the correct approval process and that those making the decision have all the relevant the information upon which to make a properly informed decision.
- 3.8 Where a Special Severance Payment is to be made to an employee, the council will agree a written Settlement Agreement with that employee. Any Settlement Agreement may include a Confidentiality Clause, but only where legal advice is to the effect that it is proportionate, reasonably necessary and in the best interests of the council to do so. The precise contents of a Confidentiality Clause will vary from case to case. A Confidentiality Clause cannot be used to prevent an employee from making a protected disclosure (so-called 'whistleblowing').
- 3.9 The purpose of this guidance then is to:
 - Set out the Council's view that Special Severance Payments do not

usually represent value for money and should only be considered in truly exceptional circumstances

- Set out the criteria that the Head of Paid Service should consider in deciding if there are exceptional circumstances in which it may be appropriate to make a Special Severance Payment, in conjunction with the Section 151 Officer and Monitoring Officer.
- Clarify the approval process for making a Special Severance Payment
- Clarify the disclosure and reporting requirements where Special Severance Payments are made.

3.10 This guidance does not cover Special Severance Payments made in maintained schools. School Governing Bodies are responsible for those decisions.

4. Reasons for Leaving

4.1 Employees can leave employment through a number of routes, the primary one being resignation. However, there are occasions where staff will be dismissed by the employer or where there is a mutual agreement between employer and employee to end the employment relationship.

4.2 Resignation

Where an employee has resigned, this exit will be progressed through the completion of the leaver's paperwork, found at the following link: <https://colin.york.gov.uk/besupported/hr/leaving-the-council-1/leavers-procedure/>. In terms of payment, the employee will usually only be entitled to their normal earnings up to the date of their resignation and any outstanding holiday entitlement. Line Managers are encouraged to work with employees who are resigning to use their annual leave prior to their leave date. Payment of outstanding leave should be by exception.

4.3 Retirement

Normal Retirement

Where an employee retires and has access to their pension with no discretion, this exit will be progressed through the completion of the leaver's paperwork found here. As with a resignation, the employee is usually entitled to their normal earnings up to the date of their retirement and any outstanding holiday entitlement.

Where staff retire and have access to their pension with a discretion the Pension Discretion policy should be followed.

<https://colin.york.gov.uk/media/419742/cyc-pension-discretions-policy-statement-2021-final-published.pdf>

Early Retirements in the efficiency of the service

These are early retirements that will facilitate an increase in the efficiency of the business unit in question, for example through the introduction of more effective working methods or the provision of an opportunity to introduce new skills into service delivery. Normally, the business case will demonstrate how the additional costs arising out of the early retirement can be met within the first five years from the date of retirement.

4.4 **Ill Health Retirement**

Where a member of staff retires through ill health, there is a discrete process to follow. This is explained in the Manager's Toolkit which is found in the Attendance Management page:

<https://colin.york.gov.uk/besupported/hr/absence-leave-and-flexible-working/attendance-management/>

4.5 **Dismissal**

Where an employee has been dismissed following a disciplinary/dismissal process hearing, the employee will usually receive all statutory and contractual pay elements. Where an employee is dismissed, it will usually be with notice although the employer may instead elect to make a payment in lieu of notice ('PILON'). This is where the employer pays the employee what they would have received during the notice period without the employee being required to work. Where the employee is dismissed for gross misconduct, they will not usually be entitled to be dismissed with notice or to receive PILON.

There may be instances following a dismissal where it is appropriate to enter into a Settlement Agreement with the employee. For example, to prevent the employee bringing a claim before an Employment Tribunal and receiving compensation from such. This may give rise to the making of a Special Severance Payment to the employee dependent upon the circumstances and the protection of the council.

4.6 **Redundancy**

Redundancies are a form of dismissal, and can happen when an employee's job no longer exists. This may be due to needing to reduce the workforce, close part of the business, or when certain work is no longer needed. If an employee is made redundant they may be eligible for redundancy pay and other certain rights such as time off to look for work. There are two forms of redundancy:

Compulsory Redundancy

This is where the employee does not agree to being made redundant and the decision is one taken by the employer. The Council will try to minimise the

need for compulsory redundancies but there may be occasions when this is unavoidable.

Voluntary Redundancy

Where redundancies are planned, one of the measures the council can take to avoid compulsory redundancies is to seek volunteers in the first instance. This is known as Voluntary Redundancy, where both employer and employee agree that the employment should be ended by way of redundancy. Where the council is running a specific voluntary redundancy programme it will be publicised and employees informed.

4.7 *Mutual termination of contract of employment*

There are instances where both parties wish to terminate the contract of employment. In these cases of mutual termination there will usually be a Settlement Agreement reached between the parties and this may include the making of a Special Severance Payment. As part of a mutual termination the council is normally required to pay contractual and statutory pay elements to the employee.

5. Special Severance Payments

5.1 Special Severance Payments are paid to employees outside of normal statutory or contractual entitlements when leaving employment in public service, whether they resign, are dismissed or there is a mutual termination of employment.

5.2 Special Severance Payments are any payments on termination of employment which do not correspond to an established contractual, statutory or other right. The types of payments which are Special Severance Payments will vary according to an employees' circumstances, and therefore the examples below are illustrative only. In the case of any doubt as to whether a payment constitutes a Special Severance Payment, approval should be sought from the Employment Law adviser

5.3 Any payment in respect of which the right to payment is disputed by the employer, in whole or in part, should be treated as a Special Severance Payment which requires approval.

5.4 The following types of payments are likely to constitute Special Severance Payments:

- Any payments reached under a Settlement Agreement other than those amounting to statutory elements of pay or contractual payments. For example, payments proposed to be made in return for the employee not bringing legal proceedings or discontinuing existing proceedings;
- The value of any employee benefits or allowances which are allowed to

continue beyond the employee's agreed exit date;

- Write-offs of any outstanding loans;
- Any paid special leave, such as gardening leave;
- Any honorarium payments or gifts;
- Any hardship payments;
- Any payments to employees for retraining related to their termination of employment.

5.5 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- Pay in lieu of notice (PILON), depending on the contractual basis for the payment;
- Pension strain payments arising from employer discretions to enhance standard pension benefits.

5.6 The following do not constitute Special Severance Payments:

- Statutory redundancy payments;
- Contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise;
- Payment for untaken annual leave;
- Payments ordered by a court or tribunal.

6. CYC Approval Process

6.1 Special Severance Payments when staff leave employment of the council should be exceptional. They require Statutory Officer (Head of Paid Service, Section 151 and Monitoring Officer) approval because they are novel, contentious and potentially repercussive.

6.2 Where the Special Severance Payment is being made for a Chief Officer, approval is required from the Statutory Officers mentioned above and from the Staffing Matters and Urgency Committee.

6.3 Where the Special Severance Payment is being made for the Head of Paid Service, the Monitoring Officer will lead through the process, seeking approval from the Section 151 and Staffing Matters and

Urgency Committee. Where the Special Severance payment is for the Monitoring Officer or Section 151 then the Head of Paid Service will lead through the process. In both cases supported by the Head of Human Resources, taking into account the JNC Handbook.

6.4 ***Process for Approval***

It is important to ensure that Executive Member approval is sought before any offers of a Special Severance Payment, whether oral or in writing, are made to an employee. The process required to seek approval is as follows:

6.4.1 Chief Officer completes the Business Case at Annex A.

6.4.2 The form requires approval from of the relevant Executive Member and Officers, Finance Manager, HR Manager, Head of Paid Service, Chief Finance Officer and Monitoring Officer.

6.4.3 Where the Special Severance Payments relates to a Chief Officer, following the completion and approvals at Annex A, the form including the details upon which to make a decision is submitted to the Staffing Matters and Urgency Committee for its approval.

6.5 The council must ensure that Special Severance Payments are transparent and negotiated avoiding conflicts of interest. This is especially important in respect of Chief Officers.

6.6 ***Criteria for the assessment of cases***

The Business Case (Annex A) must be completed in full before any approval and decision is made. This business case must be sufficiently strong to be subject to scrutiny and all relevant information included upon which a decision can be made.

6.7 ***Completion of the Business Case (Annex A)***

The Business Case must include consideration of the matters set out below.

6.7.1 Overview of the department / team in which the individual works, including:

(a) Key deliverables

(b) Size of workforce

6.7.2 The terms of employment and any contractual clauses relevant to the proposed Special Severance Payment.

6.7.3 The business reasons for the proposed Special Severance Payment, e.g. to settle a grievance or employment tribunal claim.

6.7.4 Key dates and decisions that led to the need of a Special Severance Payment.

6.7.5 The total cost of the exit payment proposed to be made to the employee, clearly stating the Special Severance Payment separately to contractual and statutory elements of pay.

6.8 ***Financial Considerations***

There must be evidence that the cost of the Special Severance Payment represents value for money and that the Best Value Duty will be fulfilled. The economic rationale for the Special Severance Payment should be clear and include consideration of:

- (a) Whether the departure of the employee from the council can be achieved at a lower cost to the council, including whether the employee would be prepared to leave receiving statutory and contractual payments only;
- (b) Any efficiency savings from workplace reform, such as reduction in posts etc.;
- (c) Associated repercussive risks / conduct issues to the delivery of the organisation's objectives.

6.9 Where relevant, independent legal assessment of an organisation's chances of winning or losing an employment tribunal claim and the potential value of any award that may be made.

6.10 ***Non-financial considerations***

There must be evidence that all options other than Special Severance Payments have been exhausted including:

- (a) Evidence that, where relevant, a performance improvement plan in line with internal performance management processes has been considered and not unreasonably discounted. Special Severance Payments should not be used to avoid performance management processes.
- (b) Evidence of good performance of the individual if the exit is not performance related.
- (c) Evidence of other measures to prevent the exit, including full efforts made to perform reasonable adjustments or where relevant, redeployment within the council.

6.11 Consideration should be given to the circumstance and number of other Special Severance Payments agreed in the last 12 months and those the payment of which is pending.

6.12 *Repercussive Risk*

There should be evidence of consideration of the wider impact on the council of the proposed Special Severance Payment and whether it is likely to set a precedent for future cases. For example:

- (a) Evidence that the Special Severance Payment represents a one-off cost (to resolve a specific issue);
- (b) Evidence of consideration of the impact of making a Special Severable Payment on the wider workforce, including whether such is likely to encourage further claims by employees;
- (c) Evidence of the completion of a lessons learnt exercise and measurable improvement plan (including dates) to reduce the risk of the council having to make further Special Severance Payments. This is linked with the action required in paragraph 6.15 (c).

6.13 *Particular considerations for Special Severance Payments*

Any payment proposed as part of a Settlement Agreement in excess of contractual, statutory and other entitlements is a Special Severance Payment and authorisation must be given by Statutory Officers and/or the Staffing Matters & Urgency Committee before such a settlement is agreed.

6.14 Where there is a dispute between the council and employee or ex-employee, the council should consider, at an early stage, the likelihood of an employment tribunal or other claim and seek legal advice on the potential costs involved. The council must first consider non-financial avenues to resolve disputes in collaboration with the parties involved.

6.15 Proposals for Special Severance Payments, should consider the following (where appropriate):

- (a) Evidence of attempts to resolve a grievance before it escalates to an employment tribunal claim.
- (b) Precedents from other parts of the public sector may not always be a reliable guide in any given case;
- (c) Legal advice that a Special Severance Payment appears to offer good value for the council may not be conclusive since such advice may not take account of the wider public interest;
- (d) Even if the cost to the council of defeating an apparently frivolous or vexatious claim will exceed the likely cost of the proposed exit payment to the employee, it may still be desirable to take the case to formal proceedings given :
 - Winning such cases will discourage frivolous or vexatious claims and demonstrate that the council does not reward such claims.

6.16 The council's default approach is not to settle, we must ensure Special Severance Payments are only made in exceptional

circumstances and represent value for money. Special Severance Payments will only be considered if: Attempts to settle the dispute without Special Severance Payments have been made and either

- (a) Legal advice has been sought and clearly recommends settling the claim with the making of the proposed Special Severance Payment; or
- (b) Where legal advice is finely balanced, there is a clearly evidenced value for money case and settling is clearly the best course of action, satisfying the best value duty.

6.17 It is especially important that those individuals within the council who are the subject of complaints brought by an employee play absolutely no role in deciding whether a Special Severance Payment should be made to that employee. Special Severance Payments must not be used to avoid the dealing with complaints/grievances or to avoid unwelcome publicity or embarrassment.

7.0 Recording of Special Severance Payments

7.1 All approved Special Severance payments will be recorded within Finance. Any exit payment must be recorded and reported on an annual basis to central government.

8.0 Audits of Special Severance Payments

8.1 Staffing Matters and Urgency will approve or not, via the Business Case (Annex A) any Special Severance Payment for Chief Officers

8.2 All approved Special Severance Payments for any employee, excluding Chief Officers, will be noted at Staffing Matters and Urgency. Staffing Matters and Urgency will receive in private session a copy of the Business Case, Annex A.

8.3 Internal Audit will carry out a six monthly review of the Special Severance Payments made in the council and will report their findings to Audit & Governance on an annual basis.

8.4 Audit & Governance will receive an annual report from Internal Audit on the council's compliance with this framework and therefore the use of Special Severance Payments by the council.

8.5 This guidance will be reviewed by the Corporate Consultation/Negotiating committee (CCNC) on an annual basis and any amendments will be reported to Staffing Matters and Urgency. This process will incorporate **consideration of the information mentioned above** collated by Internal Audit **and Audit and Governance**.

Annex A

Proforma for Special Severance Business Cases

Special Severance Business Case	
Chief Officer Responsible	
Directorate and Team	
Date case is submitted	
Date decision is needed and why	
Executive Member – Name and Approval Date	
Confirm notification to Internal Audit Name and Date	
For Chief Officers confirm notification to External Audit Name and Date	
Finance Manager Name , Approval and Date	
HR Manager Name , Approval and Date	
Monitoring Officer Approval and signature, Date	
Chief Finance Officer Approval and	

Signature, date	
Head of Paid Service Approval and Signature	
For Chief Officers Date of Staffing Matters & Urgency Committee	
Circumstances of the Case	
Overview of the Case and Organisation	
<p><i>Please provide a brief case history, with key dates, summarising how the situation has come about. Specify organisations key deliverables, size and previous use of severance payments</i></p>	
Terms of employment	
<p><i>What are individual's terms of employment (length of service, current salary, contractual notice period, type of contract (e.g. fixed term, part time)?</i></p>	
Breakdown of proposed exit payment	
<p><i>Please list each type of payment separately e.g. Statutory redundancy, pay in lieu of notice, Special Severance Payment</i></p>	

Proposed ways of proceeding
<p><i>What is the individual's contractual entitlement, and why do you propose to make a Special Severance Payment? What is the scope for reference to tribunal (incl. summary of the legal assessment of the chances of winning or losing the case, potential consequences)? Other options considered?</i></p>
Financial Considerations
The value for money consideration underlying the proposed payment
<p><i>A Value for Money assessment is the process of comparing all the costs, including those of any alternative options, with potential efficiency savings from the proposal and any non-financial benefits, such as the impact on staff morale and the achievement of Council objectives. It is not possible to provide a comprehensive list of all the factors to take into account but some examples are provided below; break-down of costs, including legal costs; potential tribunal awards, efficiency savings from workplace reform and/or any associated repercussive risks e.g. conduct issues to the delivery of the organisation's objectives. It must provide a rationale for proposed level of settlement (with pay comparison i.e. x months' pay / y% of salary); costs of alternative options, and why a proposed settlement offer demonstrates the best value for money solution. When considering vfm, non-financial costs (i.e. effect on staff morale, achievement of business objectives, the impact of not agreeing the proposal, reputational risk and improving productivity) will also be considered.</i></p>

Non- Financial Considerations
Performance management
<i>Specify if performance has been an issue for the individual. Provide details of performance management procedures followed if applicable.</i>
Management procedures
<i>Specify measures taken to prevent the exit, including efforts to perform reasonable adjustments, resolve grievances or redeploy.</i>
Repercussive risk
Lessons learnt from this case
<i>Explain what lessons have been learned and how management systems have been/will be improved to avoid future occurrences of similar cases.</i>
Wider impact and potential precedents
<i>Explain whether this case might have an impact on or set a precedent for other existing or future cases.</i>
Any other useful information



Statutory guidance on the making and disclosure of Special Severance Payments by local authorities

Introduction

Most public sector workers enjoy statutory and contractual redundancy terms that are significantly better than the minimum statutory redundancy entitlement and are often higher than the value of redundancy payments made in the private sector. The Government is of the view that paying additional, discretionary sums on top of these entitlements (“special severance payments”) do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

This guidance forms part of the best value regime. The best value duty, as set out in section 3 of the Local Government Act 1999 (“the 1999 Act”), provides that “A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

Authorities subject to the best value duty (termed “best value authorities”) are defined in section 1 of the 1999 Act. A list of these bodies can be found on page 6 of this guidance.

This guidance also sets out the Government’s position on the use of Special Severance Payments made by local authorities.

The purpose of this guidance is to:

- Set out the Government’s view that Special Severance Payments do not usually represent value for money and should only be considered in truly exceptional circumstances
- Set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment
- Give examples of the truly exceptional circumstances in which Special Severance Payments may be appropriate
- Clarify the disclosure and reporting requirements for Special Severance Payments.

Redundancy payments can be an important mechanism to allow employers to reform and react to new circumstances in the workplace, but employers have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. They should also ensure that all relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented.

In the exceptional circumstances where it is decided that a Special Severance Payment should be paid, it is the responsibility of both individual employers and sponsoring departments to ensure their Special Severance Payments arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.

Chapter 1 – What is a special severance payment?

In the context of this guidance, Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employees' particular circumstances, and therefore the examples below are illustrative only.

It is established case-law¹ that such payments, where in accordance with legislation, may only be made where there is a convincing case that they are in the interests of taxpayers. Local authorities may not be generous at the expense of taxpayers and must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

The following types of payments are likely to constitute Special Severance Payments:

- a) Any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault;
- b) The value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date;
- c) Write-offs of any outstanding loans;
- d) Any paid special leave, such as gardening leave;
- e) Any honorarium payments or gifts;
- f) Any hardship payments;
- g) Any payments to employees for retraining related to their termination of employment

The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- a) Pay or compensation in lieu of notice (depending on the contractual basis for its payment);
- b) Pension strain payments arising from employer discretions to enhance standard pension benefits;

The following do not constitute Special Severance Payments:

- a) Statutory redundancy payments;

¹ In Re Hurlle-Hobbs's Decision (1944) 1 All E.R. 249

- b) Contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- c) Redundancy payments made in line with the requirements of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006;
- d) Payment for untaken annual leave;
- e) Payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation;
- f) Payments made to compensate for ill-health, injury or death of the worker.

Chapter 2 - Considerations for councils on potential Special Severance Payments

This Chapter provides guidance on relevant considerations for English local authorities in relation to making Special Severance Payments.

Local authorities must comply with the duty of Best Value explained in the introduction. In considering whether it is appropriate to make a Special Severance Payment, the Government expects local authorities to consider whether such a payment would be a proper use of public money.

Economy

Councils should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered;
- how the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers money appropriately;
- what alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services;
- the setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others);
- evidence for additionality, i.e. that those offered Special Severance Payments would not have, under any circumstances, been willing to leave with their statutory and contractual benefits alone.

Efficiency and effectiveness

In considering the impact of Special Severance Payments on efficiency and effectiveness, local authorities should:

- Seek legal advice on the prospects of successfully defending an employment tribunal claim, if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payments;
- Ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment;
- Consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money;
- Manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether cases should be settled from public funds.

Chapter 3 - Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments

There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office. This can apply to office holders as well as staff. These circumstances, which we expect to be truly exceptional and provide value for money, may be taken into account by local authorities in deciding whether or not to make a Special Severance Payment.

Authorities may consider a Special Severance Payment in order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas).

Authorities may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because winning such cases will discourage future frivolous or vexatious claims and demonstrate that the council does not reward such claims.

Chapter 4 - Accountability and disclosure

Accountability

The Government expects that any Special Severance payments should be personally approved and signed off by the Chief Executive Officer (CEX), with a clear record of the Leader's approval and that of any others who have signed off the payment.

A system of legal duties also requires councillors to spend public money with regularity and propriety. Under section 151 of the Local Government Act 1972, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers [the section 151 officer or Chief Finance Officer] has responsibility for the administration of those affairs". The section 151 officer has an important role in holding councils to account and has duties to alert councillors and the auditor in the case of unlawful expenditure.

This role is complemented and reinforced by authorities' duty under section 5 of the Local Government and Housing Act 1989 to appoint a monitoring officer, who must report to the council when any proposal, decision or omission is likely to lead to contravention of any enactment, rule of law or statutory code.

As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

Disclosure

Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. The availability of data on exit payments in the public domain by local authorities enables local accountability as well as effective management of public money and public confidence. In 2015, the Local Government Transparency Code was issued to increase democratic accountability through open access to information.²

MHCLG have initiated a new annual collection of data on exit payments (initially collecting data from 2014 – 2021) and the results will be published into official statistics and made available on the gov.uk website, subject to any necessary anonymisation or redaction to comply with data protection law. This data will help others to assess the number and level of exit payments made in local government.

Section 38 of the Localism Act 2011 requires the council to produce and publish a pay policy statement, which must include the authority's policies on termination payments. Further information on what the Localism Act 2011 requires can be found in existing guidance.³

In addition, Regulation 60 of the Local Government Pension Scheme Regulations 2013 requires local authorities to prepare a statement of its policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of

² Local Government Transparency Code 2015, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf

³ Openness and accountability in Local Pay: Guidance under Section 40 of the Localism Act 2011 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85886/Final_Supplementary_Pay_Accountability_Guidance_20_Feb.pdf

additional pension), Regulation 30(6) (flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulations 31 (award of additional pension)

As well as following existing guidance⁴ on reporting exit payments councils should also disclose in their annual reports all redundancy payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement). All reporting should be anonymised and comply with data protection law.

List of bodies this guidance applies to

- an English local authority, including
 - a county council in England, a district council or a London borough council
 - the Council of the Isles of Scilly;
 - the Common Council of the City of London in its capacity as a local authority;
 - the Greater London Authority so far as it exercises its functions through the Mayor.

- a National Park authority [for a National Park in England]
- the Broads Authority
- the Common Council of the City of London in its capacity as a police authority;
- a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a [metropolitan county fire and rescue authority in England]
- the London Fire Commissioner
- an authority established under section 10 of the Local Government Act 1985 (waste disposal authorities);
- an Integrated Transport Authority for an integrated transport area in England;
- an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
- a combined authority established under section 103 of that Act;
- a sub-national transport body established under section 102E of the Local Transport Act 2008;
- Transport for London

⁴ CIPFA, Code of Practice on Local Authority Accounting in the United Kingdom 2020/21

Pay Elements & Discretions

PIR Action Plan Recommendation 2

Decision notes should be maintained that document the factors that explain the case for the use of public funds under the scheme of delegation such as where payments exceed contractual elements.

The below table applies to all employees including Chief Officer

- CCNC refers to CNNC Pay Board

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
1	Payment in lieu of notice	PILON	Head of Service via email and Leavers form	Leavers Form Payroll	Chief Officer
2a	Sick pay	Extend full pay / Half Pay for non chief officers	Head of HR	Email / in writing the request for extension to be considered by the HHR Email trail to record sign off store on employees record	Section 151 and Head of Paid Service – via email
2b	Sick Pay	Extend Full / Half Pay for Chief Officers	Head of HR S 151 and HOPS Staffing Matters & Urgency	Email / in writing the request for extension to be considered by the HHR, S151 and HoPS Report (private session) to SMU, detailing request, recommendation Decision stored on personal file	SMU

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
3	Redundancy pay	<p>No discretion on normal redundancy pay where the redundancy has been agreed and dismissal progressed</p> <hr/> <p>Additional weeks to 104</p>	<p>Approval process for redundancy, including discretion and non discretionary elements – Chief Officer and Section 151</p> <p>Where the redundancy relates to a Chief Officer approval is via SMU</p>	<p>Business Case completed with approvals</p>	<p>SMU - note the non Chief Officer Redundancies</p> <p>SMU to approve Chief Officer Redundancies</p>
4	Outstanding Annual Leave	<p>Should be taken and only paid in exceptional circumstances. Must be able to justify why leave is unable to be taken.</p> <p>Contractually there is no discretion – must be paid if employee is unable to take prior to exit date, based on above.</p>	<p>Head of Service</p>	<p>Via email, justification to the Chief Officer of circumstances that prevent the employee from taking outstanding leave prior to exit.</p> <p>Leavers Form</p> <p>Payroll</p>	<p>Chief Officer</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
5a	Starting Salary – external applicants	<p>To start at a salary above point 1 of the scale</p> <p>Ability to match the current salary of the applicant (expected to go to the next incremental point)</p> <hr/> <p>There are some exceptions to this where the recruitment exercise has proved that this is the only suitable candidate and in order for them to accept an offer of employment a higher incremental point may be required.</p>	<p>Appointing Manager</p> <hr/> <p>Appointing Manager and Head of HR on behalf of CCNC Pay Board</p>	<p>Evidence of current salary</p> <p>Payroll</p> <hr/> <p>Email requesting the higher salary and reason for the request (mini business case)</p> <p>New Starter Form</p> <p>HR Business Support – Recruitment</p>	<p>Head of Service</p> <hr/> <p>CCNC Pay Board via email (due to meetings schedule and need to respond)</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
5b	Starting Salaries – Internal Applicants	<p>Expectation that they commence at L1 of new grade - no discretion required</p> <p>Where a member of staff has been acting up / seconded into the new role that they are successful for they maintained the level of pay – no discretion required, the secondment / acting up will count for incremental purposes.</p> <hr/> <p>There may be occasions when there are exceptions to this where the internal applicant may have requested a higher starting salary. Where this is the case then seek approval</p>	<hr/> <p>Appointing Manager and Head of HR on behalf of CCNC Pay Board</p>	<hr/> <p>Email requesting the higher salary and reason for the request (mini business case)</p> <p>New Starter Form</p> <p>HR Business Support – Recruitment</p>	<hr/> <p>CCNC Pay Board via email (due to meetings schedule and need to respond)</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
6	Market Supplements	New Request and Renewal After 2 Years: Where this is requested evidence of market rates and business case produced.	Application Form submitted to Chief Officer to Approve support for Market Supplement - then submitted to HR HR obtain relevant Market Data and discuss with Trade Unions HR Make recommendation to Support or reject and progress to CCNC Pay Board for approval	Application Form Market Data CCNC Pay Board Payroll	CCNC Pay Board via email (due to meetings schedule and need to respond)
7	Business Critical Retention Payments	Where this is requested evidence of retention issues produced, maximum 12 month retention	Application Form submitted to Chief Officer to Approve support for Retention case then submitted to HR HR consider evidence and discuss with Trade Unions HR Make recommendation to Support or reject and progress to CCNC Pay Board for approval	Application Form Relevant Evidence CCNC Pay Board Payroll	CCNC Pay Board via email (due to meetings schedule and need to respond)

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
8	Regrade of roles	<p>Job evaluation forms completed and outcome of panel shared with the Line Manager</p> <p>Line Manager has discretion not to implement and to do so they would need to remove the new elements added to the job description that resulted in the higher grade.</p> <p>Where the Line Manager accepts the new grade this is implemented from the date of the form being completed by the individual and line manager.</p> <hr/> <p>Discretion is considered where there has been disagreement in the effective date. Where this disagreement occurs, the Head of HR considers the evidence.</p>	<hr/> <p>The JE Panel provides the JE forms to the Head of HR to consider the evidence.</p> <p>HHR speaks with the Trade Unions</p> <p>CCNC Pay Board to approve</p>	<hr/> <p>JE Forms</p> <p>Relevant emails as evidence</p> <p>Decision of CCNC Pay Board</p>	<hr/> <p>CCNC Pay Board via email (due to meetings schedule and need to respond)</p>

	Pay Element	Discretion Available	Process for approval	Control Measures	Final Sign Off
9	Application of Allowances as agreed with Trade Unions	Application via the Line Manager as appropriate in line with guidance		Forms Self Service Payroll	Line Manager
10	Temporary Discretions to Allowance for business critical need	There are occasion where exception to normal allowances may be required to ensure statutory services are maintained	Relevant Line managers, Head of Service, HR and Trade Unions – often through a Task & Finish Group Reporting to CCNC Pay Board	Output from Task & Finish Group Approval from CCNC Pay Board	CCNC expected at a Scheduled meeting

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Protocol for Settlement Agreements and Non-Disclosure Clause

1. This protocol provides the process to follow when considering settlement agreements with members of staff. This will ensure that the correct approvals have been obtained and recorded and will ensure that we are able to provide assurance and oversight of the process to members.
2. Settlement agreements are legally binding contracts which can be used to end the employment relationship on agreed terms. Their main feature is that they waive an employee's right to make a claim to a court or employment tribunal on the matters that are specifically covered in the agreement. Settlement agreements may be proposed prior to undertaking any other formal process. They usually include some form of payment to the employee and may also include an agreed reference.
3. Settlement agreements are voluntary. Parties do not have to agree them or enter into discussions about them if they do not wish to do so. Equally the parties do not have to accept the terms initially proposed to them. There can be a process of negotiation during which both sides make proposals and counter proposals until an agreement is reached, or both parties recognise that no agreement is possible.
4. For a settlement agreement to be legally valid the following conditions must be met:
 - a) The agreement must be in writing;
 - b) The agreement must relate to a particular complaint or proceedings
 - c) The employee must have received advice from a relevant independent adviser on the terms and effect of the proposed agreement and its effect on the employee's ability to pursue that complaint or proceedings before an employment tribunal;
 - d) The independent adviser must have a current contract of insurance or professional indemnity insurance covering the risk of a claim by the employee in respect of loss arising from that advice;
 - e) The agreement must identify the adviser;
 - f) The agreement must state that the applicable statutory conditions regulating the settlement agreement have been satisfied.

5. Settlement agreements can be proposed by both CYC managers and employees. A settlement agreement proposal can be made at any stage of an employment relationship. How the proposal is made can vary depending on the circumstances but reasons for the proposal should be given when the proposal is made. The initial proposal may be oral although it must ultimately be put in writing. At this stage the conversation is protected and without prejudice.
6. The initial proposal should be considered by the Head of Service / Assistant Director, Legal, HR, and Finance. Where it is proposed to progress then the AD/Corporate Director should inform and gain approval from the Executive Member and from the Section 151 Officer/ Chief Executive. This will all be documented in the Settlement Agreement template, shown in Appendix 1.
7. Where the business case has been approved, as in paragraph 6 above, parties should be given a reasonable period of time to consider the proposed settlement agreement and a minimum period of 10 calendar days should be allowed to consider the proposed formal written terms of a settlement agreement and to receive independent advice, unless the parties agree otherwise.
8. Whilst not a legal requirement, CYC should allow employees to be accompanied at the meeting by a work colleague, trade union official or trade union representative.
9. Where a proposed settlement agreement based on the termination of the employment is accepted, the employee's employment can be terminated either with the required contractual notice or from the date specified in the agreement. The details of any payments due to the employee and their timing should be included in the agreement.
10. The Settlement Agreement Template (anonymised) will be sent to SMU for noting, after the agreement has been signed.
11. The use of a non disclosure clause within the settlement agreement may be used for the benefit of either CYC or the employee, but in general is included for the benefit of both parties. The clause is confidential and provides certainty and closure, whilst affirming the right of either party to make a protected disclosure (i.e. whistleblowing).

Template

Business Case – Settlement Agreements

Briefly outline the circumstances of the request to provide a settlement agreement. This should be very brief.

Please provide full details of the settlement proposal, not named individuals

Directorate:

Department:

Reason:

Overall total cost of the settlement:

Total cost and breakdown :

Please provide details of alternative courses of action and advantages and disadvantages of each. For example the potential cost (and resource) of following internal process.

Non Disclosure Clause

If this is included is there anything additional to the norm ?

Business Case prepared by:

Name of Manager:

Date:

Directorate Sign Off: Assistant Director / Director

To confirm date of discussion with Executive Member – signed below

Name of Manager:

Date:

Name of Executive Member

Date:

HR Comments:

Name:

Date:

Finance Comments

Name: ...

Date:

Legal Comments

Name: ...

Date:

Date submitted to Section 151 Officer / Chief Executive for approval:

Business case approved/not approved on

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Staffing Matters & Urgency Committee**18 October 2021**

Report of the Chief Operating Officer

People Directorate - Appointment of Sub-Committee for appointment of Corporate Director People and cover for current vacancies**Summary**

1. Following the resignation of the current Corporate Director People Services this paper makes proposals to permanently recruit to the post.
2. This report also provides committee with assurances of the cover arrangements for the current vacancies in People Directorate.
3. This report seeks approval to:
 - i. Establish an Appointments Sub-Committee for Chief Officer Appointments. To delegate sufficient powers to the Sub-Committee enabling them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

Background

4. This post is part of the senior management structure, (as approved by Staffing Matters and Urgency Committee in December 2020), reporting into the Chief Operating Officer.
5. The current Corporate Director of People has resigned and will leave the authority at the end of October 2021. Their last working day is 8 October due to outstanding annual leave.
6. Members of this committee were approached in September to ask approval to progress with the recruitment process outside of receiving formal approval at committee due to the timings. Approval was given and recruitment is being progressed, this can be halted if committee make a different decision.
7. Permission is sought to appoint permanently to this central role. This will enable the authority not only to discharge its statutory responsibilities in terms of adults and children's social care, but will

provide key strategic leadership in the delivery of some of the council's priorities.

8. A copy of the job description is attached at Annex A

Interim Arrangements to cover vacancies in People

9. Committee is aware that the current Assistant Director Childrens Social Care leaves the organisation on 5 November 2021. Committee agreed to the recruitment of the permanent post. The selection process takes place on 20 and 22 October. With the expectation an appointment will be made and the successful candidate will be in post by beginning of January 2022.
10. The process is being completed to recruit an interim AD from within our current officer cohort. Interviews are being carried out on 7 October.
11. The decision has been taken not to cover for the Corporate Director People in its entirety. In the interim period until a replacement commences, the Chief Operating Officer will directly line manage Director of Safeguarding, Director Prevention & Commissioning and the Interim DCS.
12. Anne Coyle has commenced on an interim basis to cover the Director of Children's statutory role from 1 October and has worked with the Corporate Director of People for a handover.
13. Michael Melvin (Director of Safeguarding) will also take over the Director of Adult Services statutory role from today on the same basis.
14. Amanda Jones joins us on the 15 November as the Assistant Director for Adult Services.
15. We believe the measure we have put in place provides the necessary support and direction needed to ensure service delivery is maintained across People Directorate and taking forward the key priorities.

Remuneration Package

16. The Committee is asked to confirm the pay package for this post which will be offered as part of the recruitment process. It is set at a job evaluated grade for Corporate Director with a salary of £101,661 to £112,067 with access to the standard set of Chief Officer Terms and Conditions. It is also proposed that relocation costs may be reimbursed

up to a maximum of £7383 as per the Council's policy. There are no other enhancements recommended for this role.

17. However we have had evidence that the market for this role is quite tight and that other Authorities remuneration is higher. Whilst the recruitment process is being progressed we can review the feedback from potential candidates and can raise with the sub-committee if there are any major concerns.

Appointments Committee

18. The council's Constitution allows for an Appointments Committee, including at least one member of the Executive, to interview applicants for a post and to determine who should be offered the vacant post.
19. It is requested that the Appointments Committee shall be made up of two members from Lib Dems and one member from Labour.
20. To attract the strongest field of candidates with the right knowledge and skills it is recommended that an external recruitment consultancy, that has experience and a proven track record in the sector, is engaged to support the Appointments Sub-Committee.

External Recruitment Consultancy

21. Once approval was given by the Committee outside of this meeting we obtained three quotes to carry out this work.
22. In assessment of the quotes against the specification, we have progressed with Resourcing Solutions, part of our neighbouring authority.
23. This work has commenced.

Consultation

24. Consultation has taken place with the Corporate Management Team as to the need for this appointment. It is requested the committee now nominate Members to participate in the Appointments Committee.

Options/Analysis

25. There are no alternative options for Members on the recruitment process to consider, other than simply not proceeding with the

recruitment to the post. The failure to create Appointment Committees at this stage would delay any subsequent appointment to the post.

Council Plan

26. Making an appointment to these posts will contribute to delivering the Council Plan and its priorities.

Implications

27. The following implications have been considered:
- **Financial** – The Assistant Director post is within the pay range £101,661 to £112,067. Including on costs this totals £131,963 to £145,595 for a full year. The cost of the post and associated recruitment costs will be managed within existing departmental budgets.
 - **Human Resources (HR)** – The job description for the Corporate Director People role has been subject to the Council's established job evaluation mechanism and a grade established for the post. The Appointments Committee is in line with the constitutional requirements for the recruitment and appointment of Chief Officers. The appointment will be carried out in accordance with the Chief Officer recruitment protocol.
 - **Equalities** - There are no equalities implications.
 - **Legal** – The Appointments Committee is created pursuant to S.102 (1)(c) of the local Government Act 1972 and its terms of reference are to exercise the functions of the Council in relation to the selection and appointment of the successful applicant in respect of the Assistant Director posts. The proceedings of the Appointments Committee are likely to be held mainly in exempt session due to the nature of the information that it will be considering.

In circumstances where the appointing committee agrees, without any member voting against, S.17 of the Local Government & Housing Act 1989 provides that the distribution of seats on a sub-committee need not comply with the political balance requirements contained in Part 1 of that Act.

The process of appointing officers of this level is regulated by the Local Authority (Standing Orders) (England) Regulations 2001. Amongst other things, these regulations require that an appointment

committee must include at least one member of the Executive and further, that no formal offer of appointment may be made until all members of the Executive have been informed of the details of the intended appointee, and have raised no objection within the specified period, (usually 5 clear days).

- **Crime and Disorder** – There are not crime and disorder implications.
- **Information Technology (IT)** – There are no IT implications.
- **Property** – There are no property implications.
- **Other** – There are no other implications.

Risk Management

28. The risk of no or delayed appointment could risk delivery against the Council Plan and its priorities.

Recommendations

29. It is recommended that committee:
- i. Establish an Appointments Sub-Committee for Chief Officer Appointments. To delegate sufficient powers to the Sub-Committee enabling them to conduct the recruitment process, select and appoint a candidate, subject to the requirements of the standing orders on appointment.

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

Contact Details

Author:
Trudy Forster
HHR & OD

Chief Officer Responsible for the report:
Ian Floyd, Chief Operating Officer

**Report
Approved**



Date 06/10/2021

Specialist Implications Officer(s)

Legal: Janie Berry – Director of Governance
Finance: Richard Hartle - Finance Manager

Wards Affected:

All



For further information please contact the author of the report

Annex:

A. Job Description –Corporate Director



Role Profile

JOB TITLE: Corporate Director of People
DIRECTORATE: People
REPORTS TO: Chief Operating Officer
DATE: Jan 2021

1 PURPOSE OF YOUR JOB

Provide Corporate leadership and strategic direction, inspire team working and high standards of service delivery across the whole Council ensuring that mechanisms are put in place to sustain, and improve performance to enable the Council to deliver the Council Plan.

To provide leadership and direct on matters related to Education, Childrens and Adult Social Care and other corporate priorities that enable the Council to achieve its objectives within the context of local and national policy.

To work in partnerships with statutory and voluntary organisations and agencies across the city and beyond, to facilitate a whole system approach to People, in Childrens and Adult social care, improving health and wellbeing outcomes for the residents of York.

To undertake the statutory roles of Director of Children's Services (DCS) and/or Director of Adult Social Services (DASS) and to discharge the statutory responsibilities set out in the Local Government Social Services Act 1970 (as amended) and in the Children's Act 2004, including responsibility for safeguarding and promoting the welfare of children and adults.

The specific areas of which the Corporate Director has strategic oversight and responsibility for include the following:

- Children's safeguarding and social care
- Adults' safeguarding and social care
- Education, Skills and SEND
- Youth services and youth offending
- Early intervention and prevention
- Complex families and chaotic adults
- Commissioning
- Joint working with health partners

2 DIMENSIONS AWAITING FINANCE

Revenue income	£54,366,333
Revenue expenditure	£132,311,000
5 yr Capital expenditure	£41,407,000

Direct reports	2
Indirect reports	650

3 PRINCIPAL ACCOUNTABILITIES

- a. Develop and maintain a corporate performance management regime ensuring the monitoring and reporting of performance, early identification of potential issues in order to take decisive and effective corrective action across all areas of Directorate.
- b. Develop strategic plans to set direction and key organisational objectives in respect of the holistic concept of Place on behalf of the City.
- c. Identify and work with key stakeholders to align priorities and resources to deliver improved partnership working and services that achieve better outcomes for York's citizens.
- d. Responsible for the oversight of safe, effective and efficient operation of all Directorate services and functions, so that the Council can meet its statutory duties and contribute to the delivery of council strategic objectives and support the council budget.
- e. In respect of the delivery of all projects within the Directorate ensure sound project management principals, risk appraisals, gateways and business case development is embedded thereby ensuring Members are properly advised and informed to make decisions necessary to deliver projects effectively and cost effectively on behalf of the Council.
- f. Responsible for openness and transparency in the development and delivery of services and projects including extensive and genuine engagement with the residents and stakeholder proportionate to the scale of the matter at hand.
- g. Support and deputise for the Chief Operating Officer in the corporate and strategic management of the Council. Lead, plan and deliver the Councils priorities including existing and new legal responsibilities and functions conferred upon the council.
- h. Facilitate corporate working across the Council, encouraging innovation and creativity to help build integrated service delivery and improvements and ensure a corporate response to the development of services.
- i. Represent the organisation at high levels with stakeholders across the Yorkshire Region and nationally, where applicable.
- j. Identify and work with key stakeholders to align priorities and resources to deliver improved partnership working and services that achieve better outcomes for York's citizens.
- k. To develop and maintain effective working relationship with Members of the Council and with other service teams within the Authority to ensure a corporate response to the development of services.

- l. Act as the Council's principal policy advisor in relation to Adult Social Care so that the direction and culture of the sector is responsive to a rapidly changing external environment.
- m. Provide strategic leadership and direction to the council and its partners:
 - On Safeguarding vulnerable adults from abuse and neglect;
 - By focussing efforts to reduce , prevent and delay the need for social care to increase capacity across the health and social care system; ;
 - To enable strength and asset based approaches to the integration and personalisation of social care services;
- n. Working with key partners in the NHS and community voluntary sector develop an integrated, whole system approach to meet the health and social care needs for the population of York. To ensure the sustainability of a health, housing and adult social care system through a “one team” approach to delivery.
- o. To be accountable for all statutory functions associated with the role of Director of Children’s Services as detailed in the DfE guidance, with specific responsibility for;
 - Safeguarding
 - Vulnerable children and young people
 - Fair access to services
 - Educational excellence
- p. To be accountable for all statutory functions associated with the role of Director of Adult Social Care, these responsibilities include:
 - Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - Professional leadership, including workforce planning;
 - Compliance with national standards;
 - Managing cultural change;
 - Promoting local access and ownership and driving partnership working;
 - Delivering an integrated whole systems approach to supporting communities;
 - Promoting social inclusion and wellbeing;

4 JOB CONTEXT

The role is part of the Corporate Management team and the post holder contributes to the strategic and operational management of the Council to ensure achievement of both directorate and corporate aims and objectives.

The postholder has to work closely with politicians of all parties, and undertake extensive public engagement to develop the strategic and delivery response to the service challenges, and public expectations within the legislative and statutory frameworks.

The role requires an extensive knowledge of the statutory environments within which the service operates and to be able to ensure the commissioning of the appropriate

specialist legal, financial and technical advice to ensure that service delivery and regulatory compliance are maintained across the functions the role is responsible for.

Strategically the post holder is responsible for oversight of multiple statutory roles which the Council fulfils and it is incumbent upon the post holder to be conversant with all these statutory roles and ensure that the appropriate resources, checks, balances and managerial structures are in place to ensure fulfilment of these obligations. These obligations therefore require the post holder to operate a comprehensive and effective performance management culture to ensure these duties are fulfilled.

This role is part of the emergency planning rota and the post holder is on call for out of hours emergencies.

This role is an Information Asset Owner and must carry out the responsibilities of an Owner as required and set out in the council's 'Information Governance/Data Protection Roles and Responsibilities Rules'.

The post holder deputises for the Chief Operating Officer as required as required.

5 IMPACT & INFLUENCE

Ensure that budgets are managed effectively within the corporate mechanisms to achieve value for money and outcomes are measured against corporate priorities, development milestones and performance targets

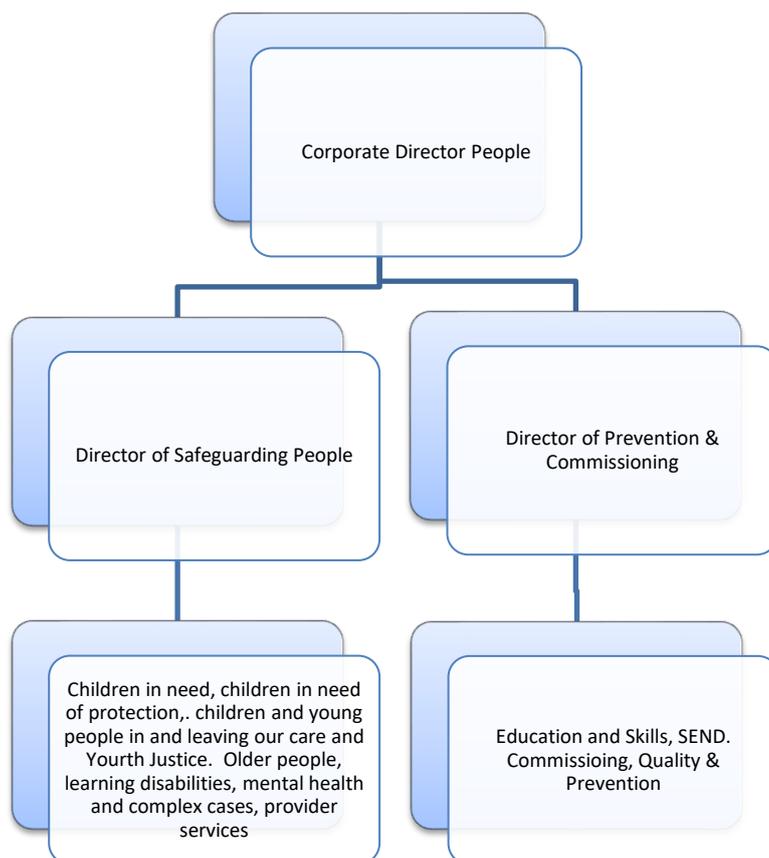
Hold services to account for their performance, overall budgets and service standards to ensure that services provided meet targets set within the corporate framework

Carry forward existing partnerships and lead work with partner agencies to establish strategic priorities for the Council seeking to align resources of all partner agencies with jointly agreed priorities that complement and reflect corporate priorities

Develop, mentor and appraise directly accountable staff and through directly accountable staff ensure employees are well managed, developed, motivated and empowered within the corporate framework

Recruit, manage, motivate and develop employees ensuring their health, safety and well-being at work, in order to ensure all aspects of service delivery are provided to the highest possible standard

6 ORGANISATION



7 COMPLEXITY OF THE JOB

To ensure the safeguarding of the City's most vulnerable residents in line with the statutory requirements as set out in the Local Government Social Services Act 1970 (as amended) and in the Children's Act 2004.

To coordinate and facilitate a thriving and successful democratically led City that delivers the expectations of residents within a national statutory framework. To oversee a coherent strategic approach across all the Directorate functions and facilitate the mobilisation of public, private and voluntary sector partners, Government and other stakeholders that responds to the current expectations of local residents.

The political will and ambitions affects direction, and the focus can change depending on the manifesto of leading parties, translating the administrations ambitions into reality is a key challenge for this role.

Working with Members, and getting decisions made for proposals, requires resilience, flexibility and a range of strategic and technical skills.

It is essential within the role to be able to facilitate effective corporate management ensuring that corporately and within the Directorate senior management team individuals are able to maximise their contribution, be challenged and appropriately coordinated success is measured in the success of all 700 plus staff not the personal accomplishments of the post holder. This concept extends to partnership working which requires sophisticated stakeholder management skills and strong personal credibility.

Dealing with stakeholders / public engagement and their expectations also requires excellent strategic and communication skills.

8 KNOWLEDGE SKILLS & EXPERIENCE

- Significant experience of senior leadership and management in public sector or equivalent complexity.
- Extensive experience and a proven track record in at least one of the following areas: education; children's safeguarding and social care; adults' safeguarding and social care; quality, prevention and commissioning.
- A thorough knowledge and understanding of the legislative frameworks and key practice developments relating to safeguarding of vulnerable people.
- Experience of leading major Children's and/or Adults initiatives, projects and/or programmes
- Experience of managing large and diverse operational portfolios
- Experience of leading complex partnership development, and a strong track record of partnership working to deliver ambitious change agendas
- Significant experience of identifying and mitigating corporate and project risks
- Significant experience of financial modelling and business case development
- Educated to degree level preferably in a relevant discipline
- Demonstrated evidence of significant service improvement through managing change including, staff engagement, capacity building, workforce modernisation and organisational reform.
- Experience in being able to build consensus, persuade, negotiate and influence without direct line management or control of resources
- Humility and the ability to facilitate the success and inspiration of others.

Substantial experience at senior management level, working in a political, complex, multi-functional organisation which should include:

- Experience of developing and delivering strategies to meet organisation objectives and achieve planned results
- Experience of strategic and operational resource management, with strong analytical skills and an aptitude for developing clear vision and direction to overcome complex problems
- Ability to manage large and complex public sector budgets with an emphasis on value for money and efficiencies.
- A detailed knowledge and understanding of leading edge service delivery and the ability to translate this into service transformation.
- Ability to provide visible and supportive transformational leadership, empowering, enabling, motivating and developing the workforce to achieve significant, sustainable service improvements and outstanding results.
- Ability to operate effectively within the democratic processes, with the political acumen and skills to develop productive working relationships with Council Members.
- Outstanding interpersonal and communication skills to relate effectively to employees, Council Members, the general public and other stakeholders to engender respect, trust and confidence.

9 ADDITIONAL INFORMATION

None.



Staffing Matters and Urgency Committee**18 October 2021**

Report of the Director of Governance and Monitoring Officer

Changes to Membership of Committees, Joint Committees administered by other Councils, Regional Local Authority Bodies and Other Bodies**Summary**

1. At the Annual Council meeting on 27 May 2021, appointments were made to Committees, Sub-Committees and Outside Bodies for the 2021/22 municipal year. Further changes are required to the membership, as set out below.

Background

2. Further to the appointments to Committees etc. made at the Annual Meeting, Staffing Matters & Urgency Committee has authority to deal any in-year changes or appointments to any Committees and Outside Bodies, and the following changes are put forward for consideration:

Children, Education and Communities Policy and Scrutiny Committee

Councillor Baker has indicated that she wishes to step down as Chair of this Committee, however Councillor Baker will still remain as a Member of the Committee.

The Liberal Democrats wish to appoint a second Substitute to this Committee. It is proposed that Councillor Orrell is removed as a Member of the Committee and is appointed as a Substitute and that Councillor Daubeney is appointed as a Member of the Committee to take the vacant Liberal Democrat seat on the Committee. It is proposed that Councillor Daubeney be appointed Chair of Children, Education and Communities Policy and Scrutiny Committee.

Customer and Corporate Services Scrutiny Management Committee

Councillor Hook is currently a Member of this Committee and Councillor Orrell is a substitute. The Liberal Democrats wish to swap the roles of these Councillors, which will mean that Councillor Orrell is appointed as

a Member of Customer and Corporate Services Scrutiny Management Committee and Councillor Hook is appointed as a Liberal Democrat substitute to the Committee.

Consultation

3. Normal processes to consult the relevant political Group have been applied to ensure the Group nominates the Members of their choice. No other consultation is specifically required in this instance.

Options

4. There are no alternative options available as this is simply for the Groups concerned to nominate appropriate candidates to either replace the Member concerned or to fill a position that has become available. This Committee will then consider and determine those nominations.

Council Plan

5. Maintaining an appropriate decision making and scrutiny structure and appointees that contribute to the Council delivering its core priorities set out in the current Council Plan, effectively.

Implications

6. There are no known implications in relation to the following in terms of dealing with the specific matter before Members:
 - Financial
 - Human Resources (HR)
 - Equalities
 - Crime and Disorder
 - Property
 - Other

Legal Implications

7. The Council is statutorily obliged to make appointments to Committees, Advisory Committees, Sub Committees and certain other prescribed bodies in accordance with the political balance rules. These rules may only be waived where no Member votes against the proposal.

Risk Management

8. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendation in this report.

Recommendations

9. Staffing Matters and Urgency Committee is asked to consider and approve the changes to committee and outside body appointments as set out in paragraph 2.

Reason: In order to make appropriate Council appointments to Committees and Outside Bodies for the remainder of the current municipal year.

Contact Details

Author:

Rachel Antonelli
Head of Democratic
Governance
rachel.antonelli@york.gov.uk

Chief Officer Responsible for the report:

Janie Berry
Director of Governance and Monitoring
Officer

Report **Date** 8 October 2021

Specialist Implications Officers

Not applicable

Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes: None

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**Staffing Matters & Urgency Committee
Draft Work Plan 2021-22**

21 June 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. Workforce demographics at 31 March 2021 <ul style="list-style-type: none"> • FTE • Equality Data • Absence and Well Being • Starters and Leavers • Reasons for leaving i.e. retirement, redundancy, dismissal, settlement agreement • Agency 3. Progress in implementing the new Corporate Leadership Group (CLG).
19 July 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
16 August 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
20 September 2021	<ol style="list-style-type: none"> 1. Emergency Retention Protocol 2. Redundancy, Retirement and Settlement Agreements
18 October 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements
15 November 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements

20 December 2021	<ol style="list-style-type: none"> 1. Redundancy, Retirement and Settlement Agreements 2. Workforce demographics at 31 March 2021 <ul style="list-style-type: none"> • FTE • Equality Data • Absence and Well Being • Starters and Leavers • Reasons for leaving i.e. retirement, redundancy, dismissal, settlement agreement • Agency
17 January 2022	1. Redundancy, Retirement and Settlement Agreements
15 February 2022	1. Redundancy, Retirement and Settlement Agreements
21 March 2022	1. Redundancy, Retirement and Settlement Agreements
25 April 2022	1. Redundancy, Retirement and Settlement Agreements
16 May 2022	1. Redundancy, Retirement and Settlement Agreements



Staffing Matters and Urgency Committee
18 October 2021

Report of Chief Operating Officer

Redundancy
Summary

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with the proposed dismissal of a number of employees on the grounds of redundancy.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases to be circulated at the meeting as annexes to this report.

Consultation

3. All of the proposed redundancies have been subject to consultation in accordance with the Council's statutory obligations.

Options

4. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy payments. The Committee does not have the power to make lower payments. By law the decisions as to whether or not to make an employee redundant rests with the Chief Operating Officer or Officers nominated by him.

Analysis

5. The analysis of each proposal can be found in the respective business case, however the information below provides an overview.

Directorate: People

Employee	Redundancy	Pension cost to CYC	Total
	£	£	£
Employee A	£6,759.82	0	£6,759.82

Employee B	£8,242.57	0	£8,242.57
Employee C	£8,457.61	0	£8,457.61
Total	£23,460	0	£23,457.61

Council Plan

6. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the Organisation Development Plan.

Implications

7. The implications of each proposal can be found in the respective business case.

Risk Management

8. The specific risks associated with each proposal and how they can be mitigated is contained in each business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendations

9. Staffing Matters and Urgency Committee is asked to:
- 1) Note the expenditure associated with the proposed dismissal of the employees on the grounds of redundancy detailed in the annexes.

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

Contact Details

Author:

Trudy Forster
Head of HR
Human Resources
Ext 3985

Chief Officer Responsible for the report:

Ian Floyd
Head of Paid Service

**Report
Approved**



Date

18 October
2021

Specialist Implications Officer(s):

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A

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

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Staffing Matters and Urgency Committee**18 October 2021**

Report of the Chief Operating Officer

Pension or Exit Discretion**Summary**

1. This report advises the Staffing Matters and Urgency Committee of the expenditure associated with pension or exit discretions in accordance with council policy for noting.

Background

2. The background and detailed case surrounding each proposal are contained in the individual business cases attached as confidential annexes to this report.

Consultation

3. All of the proposed pension or exit discretions have been subject to consultation in accordance with the Council's statutory obligations.

Approval

4. In accordance with the updated discretions policy the S151 officer has approved the attached business cases. The Committee has the power within the Council's procedures to approve discretionary enhancements to redundancy. The Committee does not have the power to make lower payments. By law the decisions as to whether or not to make an employee redundant rests with the Chief Operating Officer or Officers nominated by him.

Analysis

5. The analysis of each proposal can be found in the respective business case, however the information below provides an overview.

Employee	Costs to CYC £
Employee A	0
Employee B	0
Total	0

Council Plan

6. Whilst the actions being proposed in the report are not material to the Council Plan they are consistent with the required outcomes of the Organisation Development Plan.

Implications

7. The implications of each proposal can be found in the respective business case.

Risk Management

8. The specific risks associated with each proposal and how they can be mitigated are contained in each business case. In summary, the risks associated with the recommended option are financial, legal, operational and reputational.

Recommendations

9. Staffing Matters and Urgency Committee is asked to:

Note the expenditure associated with each proposal as detailed in the annexes.

Reason: In order to provide an overview of expenditure.

Contact Details

Author:

Trudy Forster
Head of HR
Human Resources
Ext 3984

Chief Officer Responsible for the report:

Ian Floyd
Chief Operating Officer

**Report
Approved**

Date

Insert Date

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None

Annexes :

Annex A – Confidential Business Case

Annex B – Confidential Business Case

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