

Employment Committee Thursday 17th February 2022

A meeting of the above Committee will be held on Thursday 17 February 2022 at the Town Hall, Royal Leamington Spa at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor J Tracey (Chairman)

Councillor L Bartlett
Councillor A Day
Councillor B Gifford
Councillor J Grey
Councillor R Hales

Councillor J Kennedy
Councillor P Kohler
Councillor M Mangat
Councillor R Margrave
Councillor N Tangri

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. Minutes

To confirm the minutes of the meeting held on 28 October 2021. **(Pages 1 to 4)**

4. **Joint Appointments Committee**

To consider a report from the Chief Executives of Warwick and Stratford-on-Avon District Councils, and Human Resources.

(Pages 1 to 12)

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports.

You can e-mail the members of the Committee at

employmentcommittee@warwickdc.gov.uk

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prior to the meeting, by telephoning (01926)
456114

Title: Joint Appointments Committee

Lead Officer: Phil Grafton phil.grafton@stratford-dc.gov.uk

Portfolio Holder: Councillors Andrew Day & Tony Jefferson

Wards of the District directly affected: None

Summary

This report brings forward interim proposals to establish a Joint Appointments Committee for Stratford-on-Avon (SDC) and Warwick District Councils (WDC).

Recommendations to Council

That the Employment Committee recommends to Council, subject to Stratford-on-Avon District Council resolving on the same terms as set out below:

- (1) To establish a Joint Appointments Committee of 12 councillors (6 from each authority, which must include both Leaders) with terms of reference as set out below and detailed at Appendix 1;
 - (a) To agree any revisions to the procedures for the appointment to any roles listed in (b)
 - (b) To appoint Chief Executive, Deputy Chief Executive's, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures;
 - (c) To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures;
- (2) To adopt the Constitution for this Joint Committee as previously endorsed by WDC and SDC for the Joint Cabinet Committee in February 2021, subject to the minor amendments as set out below
 - (a) The Committee is directed to appoint a subcommittee of 6 members, in respect of all recruitment, save for the Chief Executive/Head of Paid Service role where the Joint Appointments Committee will make the appointment;
 - (b) The Chairman of the Committee (or its Sub-Committee) shall have a casting vote but they are expected to use it to align with the outcome of the overall scoring for candidates participating in the recruitment process unless they can provide good reason not to;
 - (c) All members of the Committee must have undertaken appropriate training on recruitment and selection with the respective Council, prior to participating in a recruitment process .
- (3) To appoint 6 members from each Council to the Joint Appointments Committee in accordance with paragraph 1.5 of the report;
- (4) To revise the terms of reference for the [Employment Committee] [Employment and Appointments Committee/Sub-Committee] so that it excludes the matters delegated to the Joint Appointments Committee, and that the Employment and Appointment Committee/Sub-Committee at SDC is renamed as the Employment Committee/Employment Sub-Committee;
- (5) To authorise the Monitoring Officer to update the Constitution, including any consequential amendments required as a result of the above, accordingly.

- (6) The Employment Committee approve the process for recruitment of Chief Officers , as set out at Appendix 2.
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1 Background/Information

- 1.1 Both SDC and WDC have agreed a timetable for the review of individual services for the period up to April 2024. The report also states that:
- "2.12 Ahead of formally scheduled service integrations, it is recommended that Heads of Service begin to prepare their teams and where possible, begin the alignment of working practices, team development, collaboration and knowledge share."*
- 1.2 A key part of this integration will be to ensure that consistent policies are in place at both Councils and a key area for this will be those relating to employee matters.
- 1.3 In September 2021 the Employment Committee at WDC and the Employment & Appointments Committee at SDC asked officers to work with the Chairmen of both Committees to bring forward proposals for a joint recruitment process for Joint Heads of Service and Joint Deputy Chief Executives to Council in October 2021 and to bring back proposals for a Joint Employment Committee (JEC).
- 1.4 In drafting details for a joint recruitment process it was identified that this and the proposals for a JEC were interrelated. There are also ongoing discussions in relation to the wider joint governance arrangements for decision-making, scrutiny and advisory groups with a view to bringing a separate report on those matters to Councillors in April. However following the recent resignation of the Head of Finance it is considered urgent to bring forward interim proposals specifically for the appointment of senior roles within the Council.
- 1.5 The terms of reference for the Joint Appointments Committee (JAC) are set out in Appendix 1 to the report. Its sole purpose is to enable Councillors from both authorities to have full engagement in any recruitment to Senior Management roles in either Council. The JAC, which must be politically balanced, would comprise 12 members, with 6 members appointed by each Council. All 12 would be involved in recruitment to a Head of Paid Service but only 6 (three from each Council) would be involved in the recruitment to any other post. If Council approves the recommendations it will also be asked to appoint its members.
- 1.6 The JAC would be established pursuant to the powers contained in sections 101 and 102 of the Local Government Act 1972. In doing so consideration needs to be given to how its terms of reference would interact with the Constitutions of both councils.
- 1.7 To provide clarity it is proposed to adopt the joint Constitution that both Councils endorsed in February 2021 for the Joint Cabinet Committee. That constitution needs to be modified slightly as set out in the recommendations. The safeguards within the Constitution provide checks and balances to ensure one council cannot take decisions that go against the direct wishes of the other Council.
- 1.8 The procedure for the appointment of recruiting Chief Officers is attached as Appendix 2 to the report. This is for the Committee to pass comment on. If there was a need to recruit to the Chief Executive/Head of Paid Service role it is envisaged that the document would need to be revised. Any such revisions

would be discussed with the Leaders of the two Council's and brought to the Joint Appointments Committee for consideration.

- 1.9 Councillors should note that the appointment of the Chairman for the Joint Committee and its sub-committee will be agreed by the members of those meetings; and that the proposed Constitution says that the Chairmanship will only last until the next meeting of that Committee/ Sub Committee.
- 1.10 To be clear, there is no intention at present to abolish the Employment Committee (WDC), the Employment and Appointments Committee as renamed (SDC) or its sub-Committee at present. However, the scope of the general review of joint governance to be undertaken (see paragraph 1.4) will include the arrangements for employment decision-making bodies.

2 Alternative Options available

- 2.1 The Councils could decide not to establish a JAC and instead to remain with separate employment committees with their different terms of reference. However, this would mean that only the members of the authority taking the decision to recruit could vote on the appointment.

3 Consultation and Members' comments

- 3.1 The respective Leaders of both Councils have been consulted on the content of this report, and support the proposals

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 Local authorities are able to create a joint committee pursuant to sections 101 and 102 of the Local Government Act 1972 and all other relevant legal powers.
- 4.1.2 Whilst joint non-executive committees and joint sub-committees are subject to the political proportionality requirements imposed by the Local Government and Housing Act 1989 and other related legislation, it is possible for a political group to gift part of their seat allocation as they see fit.
- 4.1.3 Each Council needs to be mindful that in delegating its authority to the Joint Appointments Committee it will lose some control over its decision making function. However it does retain the right to withdraw from this agreement as set out in the Constitution.

4.2 Financial

- 4.2.1 The adoption of the report will have no direct budgetary implications for either Council.

4.3 Council Plan

- 4.3.1 In respect of the WDC Business Plan, the report only impacts on the internal elements of People – Effective Staff. In respect of People – Effective Staff, the report brings forward proposals for a more effective recruitment process and one which enables Councillors from both authorities to have a direct input.
- 4.3.2 In respect of the Stratford Council Plan, these proposals provide an opportunity to take a further step towards the council becoming a more agile and resilient Council through partnership working, sharing and aligning decision making structures and processes with WDC.

4.4 Environmental/Climate Change Implications

4.4.1 There are no direct implications at present.

4.5 Analysis of the effects on Equality

4.5.1 The report is about joint decision-making for Chief Officer appointments and therefore does not directly impact on any protected characteristics.

4.6 Data Protection

4.6.1 If the Joint Appointments Committee is established there may be some instances where personal data will be shared between the two Councils with Councillors. However a data sharing agreement between the two Councils is already in place to address this point.

4.7 Health and Wellbeing

4.7.1 The proposals support the overall wellbeing of staff by ~~having~~ enabling consistent employment policies and processes to be put in place for both Councils.

5 Risk Assessment

5.1 These proposals seek to reduce risk for each Council by providing a single decision-making process to enable a coordinated and consistent approach to Chief Officer appointments .

6 Conclusion/Reasons for the Recommendation

6.1 The proposals provide an important step in bringing the Councils closer together and provide clarity on decision making relating to employee matters.

Background papers: None

Supporting documents: None

Report Information Sheet

Please complete and submit to Democratic Services with report

Committee / Date	Employment Committee 17 February 2022	
Title of report	Joint Appointments Committee	
Officer / Councillor Approval *required	Date	Name
Ward Members(s)		
Portfolio Holder		
Financial Services *		
Legal Services (*SDC)		
Other Services		
Chief Executive(s)	7/2/22	Chris Elliott
Head of Services(s)*	7/2/22	Phil Grafton & Tracy Dolphin
Section 151 Officer	7/2/22	Mike Snow
Monitoring Officer	7/2/222	Phil Grafton
CMT (WDC)		
Leadership Co-ordination Group (WDC)		
Other organisations		
Final decision by this Committee or rec to another Cttee / Council?	No this is a recommendation to: Council	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No	
Accessibility Checked?	Yes	

**Joint Appointments Committee
Terms of Reference**

The Joint Appointments Committee of Stratford-on-Avon and Warwick District Councils has been created under sections 101 and 102 of the Local Government Act 1972 and all other relevant legal powers, following decisions taken by the respective Council in February 2022.

The purpose of the Joint Committee at present is to enable the two Council's to undertake joint recruitment process for Chief Officers of the Council's.

The Joint Committee will not at present undertake any other function than those defined within the terms of reference below and as defined by law.

The Constitution for the Joint Committee includes a set of standing orders that takes precedence over the respective constitutional documents of each of the two councils. However, where the Constitution for the Joint Committee is silent on an issue, the Constitution of each respective Council will take precedence.

The purpose and functions of the Joint Appointments Committee are :

- (a) To agree the procedures for the appointment to any roles listed in (b)
- (b) To appoint Chief Executive, Deputy Chief Executive's, Programme Director for Climate Change and Heads of Service ("Chief Officers") in line with adopted procedures; and
- (c) To recommend to Council the appointment of the Head of Paid Service, Monitoring Officer or Chief Finance Officer in line with adopted procedures.

Interim Process for the Recruitment of a Chief Officer

This policy applies to JNC Heads of Service, Deputy Chief Executive and Programme Director for Climate Change and Chief Executive.

The policy refers to the Chief Executive but this role may be fulfilled by a Deputy Chief Executive.

Where the procedure below refers to the Sub-Committee this will be replaced by the whole Committee when recruiting to the position of Chief Executive/Head of Paid Service.

When recruiting to the Role of Chief Executive/Head of Paid Service no Officer from either Council will be present during interviews, by the Head of People & Communications and Monitoring Officer (or appointed deputies) will be available to Members)

Contents:

1. The decision to recruit
2. The recruitment timetable
3. Advertising and information packs
4. Longlisting
5. The first interview
6. Selection tests
7. Shortlisting
8. The final interview
9. Making the decision
10. The job offer
11. Induction
12. Feedback to Candidates
13. The legal and policy framework

1. The Decision to Recruit

As part of overall organisational development and recruitment processes all vacancies including those of Chief Officer level are reviewed to align with the needs of the organisation and the structure that support this. The Chief Executives will consider these points, in deciding whether or not to recommend to Group Leaders and the Chair of Joint Appointments Sub-Committee that a vacant senior post should be filled.

2. The Recruitment Timetable

Once the decision is taken to recruit a Head of Service the process is organised by HR. They will produce a timetable to ensure that there is sufficient time to ensure all the administration required runs smoothly.

It is vital that Members on the Sub Committee respond as soon as possible to requests for availability and consider who will be their substitute, who has to be a member of the Joint Appointment Committee from the respective Council, if they are not available for the process.

The final interviewing panel will consist of trained Members that participated in the shortlisting panel. Each stage of the selection process will be a separate meeting.

3. Advertising & Information Packs

The Council seek to maximise the opportunities for alternative careers for employees facing potential job loss through redundancy. The highest priority will be given to maintaining the security of staff as it is Council policy to avoid redundancy wherever possible. Therefore, staff "at risk" are provided with the opportunity to apply for Head of Service positions prior to external advertising. If recruitment is not successful via those at risk, then wider advertising can be used. The main method of which is through the Council's web page. In addition other external methods may be used; these could include a specialised publication relevant to the service.

Advertising attracts a significant cost and it is important to monitor the response rate to different media to ensure that the right mix is being used; HR In conjunction where relevant with external support will ensure a diverse range of publications and blended approach is applied and analysed for response rates.

Members need to be aware of the dangers of canvassing from any potential applicants; this would disqualify the applicant and could be a breach of the Code of Conduct for Members.

The Portfolio Holder may attend every stage of the recruitment process to listen to the discussions and will provide their view of the candidates at the shortlisting and final interview stages. However they will not form part of the decision making Joint Appointment Sub-Committee, unless duly appointed by the relevant Committee as a member of that Committee. If they do not form part of the Joint Appointment Sub-Committee written authority must be received from the Chairman of the Joint Appointment Sub-Committee to attend.

4. Long Listing

This is the first stage of the selection process where the applications that have been received are matched against the person specification for the job. The candidates who demonstrate the closest match to the person specification will be invited for a screening interview. Where more than 20 candidates match the essential criteria those matching the essential criteria will then be assessed against the desirable criteria with no more than 20 candidates progressing to the next stage.

However any applicant who has declared a disability and who meets the essential criteria will automatically be included in the longlisting process.

If four, or less, applications are received a decision may be made, by the Chief Executives, to forgo the longlisting and first interview stage and proceed directly to the shortlisting stage.

Long-listing will take place as soon as possible following the closing date for applications. This first stage of selection is carried out by a panel that consists of the Chief Executives, a Deputy Chief Executive and the Head of People &

Communications. The panel may also be joined by an independent specialist advisor.

When the recruitment to the role of the Head of Paid Service the decisions in respect of Long Listing will be taken by the Joint Appointments Sub-Committee with support from external independent advisors.

5. The First Interview

This is conducted by the panel who undertook the long-listing. The purpose of this interview is to check the application and measure the candidate's qualifications, achievements and experience against the person specification. At this stage any candidates will be assessing whether the Council offers the opportunities and challenges that they are looking for. The Longlisting process must of course remain free of bias or discrimination and the decision not to invite a candidate for interview must be objectively justified.

6. Selection Testing

Selection tests may be used to support the information gained from the first interview. They are designed to further test the criteria required by the person specification and job description and to provide candidates with the opportunity to demonstrate their skills in different ways.

The types of tests that can use include: numerical and verbal reasoning, in-tray exercises, group exercises, written questions, behavioural assessments and presentations.

7. Short-Listing

It is the role of the Chief Executives and Head of People & Communications to guide and advise Members in relation to the shortlisting and interview process.

A short-listing meeting will be arranged as soon as possible after the first interviews. This will be in the form of a meeting of the Joint Appointment Sub-Committee, of three members from each Council appointed by their appropriate Committee; this is a private meeting without the need for a published agenda.

The results from the first interviews will be fed back to the meeting by the long listing Panel.

At this stage the Joint Appointment Sub-Committee will receive copies of the application forms for those candidates who have been put forward from the first interview. Members will also receive the job description and the person specification. It is the role of Members to read the applications and familiarise themselves with the candidates who have applied and consider any questions they want to raise at the short-listing meeting.

The aim at this session is to decide which, if any, candidates are suitable to go forward to the final stage of the process. The decision must be made on demonstrable evidence taking all the information that has been gathered into account.

Members must only shortlist those candidates who have demonstrated the ability to meet all the requirements of the job. In senior level recruitment this often comes down to no more than three or four candidates. It is at this stage that members need to decide candidates to continue with the process.

Members will keep the copies of the applications for the shortlisted candidates to bring with them on the final interview day. Applications must be kept securely during this period as they contain personal data. The unsuccessful candidates' forms must be handed in to HR so that they can be destroyed appropriately

Following the short-listing meeting, HR will produce a timetable for the final interview day depending on the number of candidates chosen.

8. The Final Interview

The final interview will be a separate meeting of the Joint Appointment Sub-Committee. This is a private meeting with a published agenda.

The membership of the Joint Appointment Sub-Committee will be those who sat on the shortlisting. The Chair appointed by the Councillors, will be responsible for ensuring that the interviews run to schedule.

The interview may include a presentation to the Joint Appointment Sub-Committee. The Chief Executive, Head of People & Communications and independent advisor will also be present to provide advice.

The Head of People & Communications with support from the independent advisor will supply a list of suggested questions that the Joint Appointment Sub-Committee can choose from and agree in advance of the interviews, who will ask which question; they will also receive a scoring sheet for summarising the assessments.

The interviews will normally start with the candidate's presentation after which the Joint Appointment Committee may ask questions on the presentation. This is followed by an interview with all Appointment Sub - Committee members asking questions. The purpose of the questions is to draw out the candidate's skills, knowledge and experience and ask them to demonstrate how they match to the requirements of the job.

The questions are deliberately the same to all candidates to ensure consistency and fairness although Members can ask supplementary questions to follow through any points which have been made by the candidate or to encourage them to expand their answer. There may also be further questions designed specifically for the candidate based on any feedback from tests completed prior to the interview

Members should have in mind the range of answers they would expect to their question and any key points they would expect the candidates to bring out. Conducting interviews is a mentally demanding activity. You will need to concentrate throughout a series of interviews and at the same time make enough notes to be able to mark each candidate against the criteria for the position

It is strongly recommended that notes are made during the interviews and the scoring takes place at the end of each interview, time for which is allowed in the timetable. Please make sure you write the name of the candidate on any notes that you make which will form part of the final paperwork.

All paperwork must be passed back to the Head of People and Communications at the end of the final interview day for filing or shredding as necessary.

9. Making the Decision

At the end of the interview the Chair will allow time for final reflection on the candidate (s) and then invite discussion from all Joint Appointment Sub-Committee members on each candidate in turn. The Chief Executive/HR or Independent advisor will remind the Committee of the results from the first interview stage so that these can be considered as part of the final decision.

The aim is to appoint the best candidate for the job. If this falls short of the expected standard, Members should decide not to make an

The selection process is designed to help members identify potential for development as well as suitability for the job.

Members can decide to have a second choice if the first candidate offered the post does not accept it. This decision will be made on the merit of the applicants.

10. The Job Offer

Candidates are not expected to wait too long for the outcome of the interview.

Prior to the offer being made the Chief Executive or the Head of People and Communications will write to the Cabinet of the host authority of the proposal to appoint and give them a specified period (no more than 36 hours) in which to inform the Leader of the Council if they have any objections to the appointment. The Leader will consult the Cabinet on this and provide a response. This is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 for councils operating executive arrangements.

If no objections are made the successful candidate will be contacted , by the Chief Executive or the Head of People and Communications.. They will then inform the Joint Appointment Sub-Committee and Cabinet of the decision.

It should be noted that in respect of the appointments to one of the three statutory roles, it needs to be made clear that the offer is subject to confirmation by Council.

A written offer of employment will be prepared by HR subject to pre-employment checks (for external candidates).

11. Induction

The appointment will be announced via an email from the Chief Executive & Leader and Chairman of the Joint Appointment Sub-Committee to all Councillors and the intranet. For certain positions the Council's strategic partners would also be informed.

It is quite likely that external appointees may have to give up to three months notice to their current employers, so it may be some time from the recruitment process to the start date during which Members may hear little or nothing of their new member of staff.

It is also quite common for external appointees to want to familiarise themselves with the Council before they start so they may decide to come to committee or Cabinet meetings as an observer. They may even be able to join training events or be present at significant decision making meetings during their notice period. These will all be part of the transition between one employer and another.

Once the official start date is reached a full induction programme will commence which will involve the new jobholder meeting Members at appropriate times.

12. Feedback to Candidates

This will be given by the Independent Advisor on behalf of the Council's on request. Councillors will not give feedback.

Employment Committee

Minutes of the meeting held on Thursday 28 October 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Tracey (Chairman); Councillors; Bartlett, Day, B Gifford, Grey, Hales, Kennedy, Kohler, Mangat, Margrave and Tangri

9. Apologies and Substitutes

- (a) there were no apologies for absence given; and
- (b) Councillor Cooke substituted for Councillor Grey and Councillor Redford substituted for Councillor Day.

10. Declarations of Interest

There were no declarations of interest made.

11. Minutes

The minutes of the meeting held on 7 September 2021 were taken as read and signed by the Chairman as a correct record.

12. Organisational Change Policy Statement Update

The Committee considered a report from People and Communications that sought approval to amend the Joint Organisational Change Policy Statement from a Lead Authority/TUPE approach to Stratford-on-Avon (SDC) and Warwick (WDC) District Councils' service integration, to a process based on the extended use of Section 113 Agreements and delegated authority to the Heads of Paid Service to implement this.

At the respective SDC and WDC Cabinet meetings in July 2020, the following recommendations were approved:

(1) That the principle of shared working with Stratford-on-Avon District Council/Warwick District Council be confirmed as part of the adopted policy framework; and

(2) That agreement(s) be entered into with Stratford-on-Avon District Council/Warwick District Council pursuant to Section 113 of the Local Government Act 1972 and all other enabling powers so that employees can be placed at the disposal of the other Council as may be required, subject to the Leader of the Council endorsing business cases for any such services.

Under this agreement, the use of S113 was used on an individual basis for all Joint Deputy Chief Executive and Joint Head of Service posts.

Prior to commencing the service integration for all staff, an alternative approach was considered. The approach favoured a lead authority model which would result in staff being transferred by TUPE to the nominated lead employer for that service. This approach received the agreement of both UNISON branches at Stratford-on-Avon District Council and Warwick District Council.

In March/April 2021 the respective Employment Committees approved the Joint Organisational Change Policy Statement which determined that where joint teams were to be established, a 'lead employer/TUPE' model should be used. The approach relied upon a decision being reached between the Chief Executives as to which would be the lead Council for each joint team. Employees from the other Council would be transferred in accordance with TUPE Regulations with re-structuring of the joint team following the transfer.

Since the agreement to use the 'Lead Employer/TUPE' model in spring 2021 there was the opportunity for further review.

Consideration was given to the strength of feedback from both Unison and employees through regular joint meetings, communication through briefings and the Working Together Hub. Concerns were raised by both Unison and staff that the use of the Lead Employer Model implied a 'takeover'. There was also angst about using TUPE when the workforce may need to be transfer again in April 2024 with the potential political merger into a new Council.

In addition, further discussions took place with other Councils which had completed or were on a similar journey; ensuring we were continually reviewing considering best practice and learning points.

In reviewing the approach, external specialist legal advice was taken and reviewed to ensure there was robust consideration to the revised recommendations.

The proposed change was to extend the use of S113 of the Local Government Act 1972 (the Act) as a mechanism for legally enabling staff to carry out work for both authorities. As detailed above, this approach was used for the Joint Management Team posts.

The Act stated that "a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him."

One benefit of using the S113 approach across the whole workforce would be to give the essence of working together in partnership as the foundation of the joint working. However, staff remained with their current employer and all staff transferred together to the proposed new authority in 2024. This followed the approach agreed and adopted for JMT and negated the necessity to potentially transfer employers twice within a short space of time. Furthermore, should the proposed merger not progress, the use of S113 agreements would allow greater flexibility.

In addition, it was recognised that in the event that a political merger to a new authority was not agreed by the Councils or approved by the Government, S113 would provide greater flexibility in respect of next steps.

The use of S113 required a variation in staff employment contracts. As was usual practice, where a workforce-wide change in terms and conditions was proposed, both Councils sought to reach a 'collective

agreement' with Unison (the authorised body for collective bargaining) which would agree the change for all staff.

In addition to the collective agreement, the Councils were required by the Act to carry out individual consultation with each member of staff affected. This consultation would be carried out as part of the re-structuring consultation process for each team in accordance with the service integration timeline.

The Members/Trade Unions Joint Consultation and Safety Panel supported the recommendations in the report but also highlighted significant concerns that this might result in two people doing the same job under different terms and conditions including pay. They felt that the Council needed to fully understand at a broad level what the potential costs would be of equalising terms and conditions including pay and needed to be able to assess the financial risk to both Councils.

In response to questions from the Committee, the Chief Executive explained that it was anticipated that the proposal on the 13 December Council meeting would cover all financial issues. To ensure equal treatment of staff, the Council had commissioned advice from West Midlands Employers but this- was still in the early stages. The Chief Executive also recognised that this issue would not be straightforward as WDC and SDC had approximately 800 employees collectively. In response to a comment from Councillor Redford regarding redundancies, the Chief Executive stated that the Head of Finance would be providing assumptions within the business case for redundancy pay-outs, but the possibility of redundancies did not translate to mass redundancy. This was because it could include redeployment as WDC had with over 100 employees over the last 10 years. The Chief Executive made it clear that he recognised the concerns raised by Members and the Unions, and that the finer details of these concerns would be resolved once each Service Integration plans were brought forward.

In response to questions from Members, the Head of People and Communications confirmed that West Midlands Employers was supporting the Council in addressing pay modelling and considering the criteria regarding evaluation schemes. SDC currently used the NJC evaluation scheme, which ranged from A-E, whereas WDC currently used the Hay evaluation scheme, which ranged from A-J. The Head of People and Communications stated that as they were different schemes, the measurements were slightly different, meaning that, for example, someone on A at WDC might be on a C at SDC. This meant that how the two Councils communicated was extremely important, especially since job descriptions could vary between Councils despite the same job title. The task would be to decide which scheme was used across the board. Other authorities had chosen not to merge pay schemes when merging with another Council in all other respects as the task was so complicated.

In response to two questions from Councillor Kohler, the Head of People and Communications stated that there were pros and cons to both a TUPE model and the S113 model. However, if the merger went ahead, TUPE would begin then. She said that any vacancy at either Council would not be the same "like-for-like", this meant that when a vacancy occurred, the department could be consulted, and reviews be undertaken before the recruitment process began. Replacements would be recruited from the

same Council where the previous employee worked, with a caveat that this would be dependent on the role type. The Head of People and Communications also confirmed that SDC voted in favour of this report earlier in the day.

It was proposed by Councillor Kennedy and seconded by Councillor Bartlett, and it was

Recommended to Council that

- (1) the wording, agreed in March/April 2021 by the respective Committees of SDC and WDC, which approved the joint Organisational Change Policy Statement, paragraphs 4.1 and 4.2:

4.1 Where a joint team is to be set up, a 'lead employer' will be agreed by the Chief Executives of the Councils, all staff within scope for the joint team, who are not employed by the lead employer will transfer to the employment of the lead employer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE regulations"); and

4.2 Once the lead employer has been agreed the process followed will be in accordance with the TUPE regulations and then, if necessary, the Joint Redundancy and Redeployment Procedures.

be replaced with:

4.1 To use Section 113 of the Local Government Act 1972 jointly across the organisations, which allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority, subject to consultation with the staff concerned; and

- (2) the Heads of Paid Service at (SDC) and (WDC) enter into a Collective Agreement with both SDC and WDC branches of UNISON to vary terms and conditions of employment to incorporate the use of S113 Agreements in employee contracts be approved.

(The meeting ended at 6.45pm)

CHAIRMAN
30 November 2021