

**BRISTOL CITY COUNCIL  
HUMAN RESOURCES COMMITTEE**

**24 July 2008**

**Title: Revisions to Joint National Council (JNC) for Chief Executive's (CE) Conditions of Service**

**Ward: City Wide**

**Report of: Head of Human Resources**

**Officer presenting report: Robert Britton**

**Contact telephone number: (0117) 92 22669**

**1. Report Summary**

To consider revisions to the national conditions of service for Chief Executives -

a) revised model procedure for discipline, capability and other reasons for dismissal, and

b) suggested model for local determination of chief executive's pay.

c) returning officer fees

**2. Recommendation**

a) that the national model procedure for discipline, capability and other reasons for dismissal be applied, and

b) that the HR Committee continue to determine the pay of the City Council's Chief Executive when required and that the Committee's Terms of Reference be updated to reflect the JNC circular.

c) that the Head of Legal Services remains the designated Returning Officer for the City Council and he will continue to receive the appropriate fee.

**3. Policy**

In December 2007 the City Council adopted a local disciplinary procedure for its JNC Chief Officers, but it continues to apply the model disciplinary procedure within the JNC for CE of local authorities conditions of service handbook for its Chief Executive.

The pay scale of the Chief Executive is determined by the HR Committee.

The City Council's Returning Officer is currently the Head of Legal Services.

#### **4. Consultation**

##### **(a) Internal**

This report and the circular has been forwarded to the Chief Executive for her information and views.

##### **(b) External**

The revisions to the national conditions of service were agreed on 11 March 2008. A new conditions of service handbook came into effect from 1 April 2008. See Appendices to this report.

#### **5. Background and Assessment**

5.1 There are three key changes to the JNC for CE of Local Authorities Conditions of Service Handbook.

(1) A revised model procedure for discipline, capability and other reasons for dismissal (see Appendix 6 of the new handbook).

(2) A suggested model for local determination of the pay of the Chief Executive (see Appendix 4 of the new handbook).

(3) There is now a provision, which awards the Returning Officer fees to the Chief Executive, unless otherwise written out of the contract.

##### **5.2 Model procedure for discipline, capability and other reasons for dismissal**

Paragraphs 4 to 7 of the letter dated 4 April 2008 from the joint secretaries (see appendix 1 to this report) set out the reasons for the revised model procedure. The model is comprehensive and meets with current statute and the outcomes of recent case law. Moreover, it will be updated nationally if there are any significant changes arising from legislation or case law.

### **5.3 Model for local determination of the pay of the Chief Executive**

The suggested model is the creation of a remuneration committee (see Appendix 4 of the new handbook). The comments of the joint secretaries on this issue are shown in paragraphs 10 and 11 of their letter dated 4 April 2008 (see Appendix 1). There is nothing in the model that is not already undertaken or considered by the HR Committee when determining the pay of the Chief Executive. The Committee is accountable for those decisions and they are open to the public.

### **5.4 Returning Officer**

The Head of Legal Services is the City Council's Returning Officer. He receives the appropriate fees. It is not proposed to change this arrangement.

### **5.5 Deputy Chief Executive**

It should be noted that the new Deputy Chief Executive's post is subject to the terms and conditions within the JNC for Chief Officers in Local Authorities Handbook, and not to JNC for Chief Executives.

## **6. Other Options Considered**

6.1 The creation of a local disciplinary procedure was considered. However, it was thought that it would be unlikely if agreement could be reached on a document that varied from or was "more suitable than" the nationally agreed model.

6.2 A separate remuneration sub-committee to the HR Committee was considered. However, the model constitution set out in Appendix 4 of the new handbook, is similar to that of the HR Committee.

## **7. Risk Assessment**

There is a small risk of not adopting a procedure for discipline, capability and other reasons for dismissal of the Chief Executive. If such a situation arose, there would be a risk if all parties involved did not know or agree with procedures prior to dealing with any allegations.

## **8. Equalities Impact Assessment**

Not applicable.

## **9. Legal and Resource Implications**

### **Legal:**

The application of the revised model procedure for discipline, capability and other reasons for dismissal will ensure that the procedures are up to date and best practice is being applied within the Council. The proposed model meets with Council's requirements as set out by the Employment Act 2002 (Dispute Resolution) Regulations 2004 and current employment legislation.

(Advice from Husinara Islam, Senior Practitioner Solicitor, Legal Services)

### **Financial:**

#### **(a) Revenue**

None

#### **(b) Capital**

None

(Advice from Stephen Skinner, Head of Finance, CSS/CE)

**Land:** N/A

**Personnel:** As set out in paragraphs 5.1 to 5.4 of this report

### **Appendices:**

**Appendix A** Chief Executives' Terms and Conditions agreement 11 March 2008

**Appendix B** JNC for Chief Executives of Local Authorities Conditions of service Handbook

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**Background Papers:** None

**Joint Negotiating Committee for Chief Executives of Local Authorities**

**To: Chief Executives in England and Wales  
Regional Employers  
Members of the Employers' Side of the JNC  
Members of the ALACE Council**

4 April 2008

Dear Sir/Madam,

**CHIEF EXECUTIVES'  
TERMS & CONDITIONS 2008**

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| <ul style="list-style-type: none"><li>• <b>Revised Model Procedure for discipline, capability and other reasons for dismissal of the chief executive</b></li><li>• <b>A model for local determination of pay for senior officers – Remuneration Committees</b></li><li>• <b>Other outstanding issues from the 2004 agreement</b></li></ul> |
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1. This circular sets out the recent agreement reached at the meeting of the JNC for Chief Executives on Tuesday 11<sup>th</sup> March for all officers within the scope of this JNC, with effect from 1<sup>st</sup> April 2008.

**Handbook 2008**

2. The handbook relating to general terms & conditions and pay has been updated to include the latest agreement on pay at 1<sup>st</sup> April 2007.
3. There are no material changes to national terms and conditions generally illustrated within the handbook. Of the changes featured the most significant of these relate to the revised model procedure for discipline, capability & other reasons for dismissal and remuneration committees for local government as a model for the local determination of chief executives' pay.

**Revised model procedure for discipline, capability and other reasons for dismissal (England)**

4. The procedure at appendix 6 of the handbook is a model which has been devised by the Joint Secretaries as a result of leading

counsel's opinion together with experience of involvement in individual cases.

5. The model is consistent with current legislation and has taken account of case law at the point of publication. However, the model procedure refers to the current statutory dispute resolution procedures which are likely to be repealed in 2009. It is envisaged at this stage that the regulations will not be replaced but that there will be a revision of the ACAS Code of Practice on disciplinary and grievance procedures. The joint secretaries will keep progress in this respect under review and will make any necessary amendments to the handbook when this is clarified.
6. In order for this model procedure to serve both the Council and chief executive, should the need arise to invoke a disciplinary investigation a measure of preparation will be required to put in place the constitutional framework that is the basis of this model procedure. This will not only prepare the infrastructure in terms of what resources will be required but will raise awareness to those who may become involved as to the role, responsibilities and actions expected of them as a result of being appointed e.g. to panels/committees together with any protocols that should be observed.
7. Where there is no agreed appropriate local procedure available, the procedure at appendix 6 of the handbook should apply.
8. This model procedure relates to chief executives in English local authorities only. A model procedure to take account of the Local Authorities (Standing Orders) (Wales) Regulations 2006 will be produced by 1<sup>st</sup> July 2008 and will be incorporated into the handbook as an additional appendix.
9. The Joint Secretaries have also agreed to consider further the issue of grievances involving chief executives with a view to incorporating additional guidance into the handbook by 1<sup>st</sup> October 2008.

### **A model for local determination of pay – Remuneration Committees for local government**

10. The government considers it essential for good governance that local authorities can demonstrate that decisions on pay and reward packages for chief executives (and chief officers) have been made in an open and accountable way.
11. In 2004 the JNC undertook to identify a model for local determination of pay. A suggested model is attached at appendix 4 to the chief executives' agreement.

## **Other outstanding issues from the 2004 agreement**

12. It has been agreed that the minimum salary to be paid to a chief executive will no longer be published.
13. Consideration was given in 2004 to developing a wider public sector pay database. Following careful consideration of all the factors it has been agreed that the current method of data collection by way of the annual salaries & numbers survey of senior pay levels in local authorities will continue. Details of information available from the survey is available from [Debbie.carvalho@lge.gov.uk](mailto:Debbie.carvalho@lge.gov.uk)
14. The possibilities for developing contracts of employment that feature provision for severance in the event of early termination have been the subject of discussions and meetings between the Joint Secretaries and the Audit Commission. The result of these discussions to date is that current legislation prevents such advance arrangements from being entered into by local authorities. It has been agreed therefore that for the foreseeable future no further pursuit of such arrangements will continue.
15. Further copies of this circular are available upon request from [Debbie.carvalho@lge.gov.uk](mailto:Debbie.carvalho@lge.gov.uk) at the Local Government Employers. Advice on any aspect of this agreement is available from the appropriate Side Secretary.

Yours faithfully

**SARAH MESSENGER  
ALASTAIR ROBERTSON**

Joint Secretaries

Item 6 Appendix B  
is available as a separate PDF file.