

HR Committee

25th January 2018



Report of: Interim Service Director HR & Workforce

Title: Review of the Constitution – HR matters

Ward: N/A

Officer Presenting Report: Mark Williams (Head of HR)

Contact Telephone Number: (0117) 92 22000

Recommendation

That the Committee recommends to full Council that:

1. The proposed changes to the Officer Employment Procedure Rules and Terms of Reference for Committees.
2. The Council's Pay Policy Statement be amended to **either** remove the 10% salary bar **or** permit the Selection Committee to exceed the bar where it is appropriate to do so.

Summary

This report seeks the Committee's endorsement to proposed changes to the Officer Employment Procedure Rules and Terms of Reference for Committees, which have been modified following informal feedback from elected members. The report also seeks the Committee's recommendation to alter the Council's Pay Policy Statement in order to prevent delays associated with referrals between Council committees.

The significant issues in the report are:

- The proposal to merge the HR Committee with the Selection Committee has been changed to retain separate committees.
- The proposal to re-name the HR Committee as the Employment and Remuneration Committee, and to provide new terms of reference has not been changed.
- The retention of a separate Selection Committee could lead to delays and loss of candidates unless the Council's Pay Policy Statement is amended to permit that Committee to agree starting remuneration above the 10% salary bar where it is appropriate to do so.



Policy

1. The Officer Employment Procedure Rules and Terms of Reference for Committees are part of the Council's Constitution, which only full Council can change.
2. The Council's Pay Policy Statement can only be set and changed by full Council.

Consultation

3. **Internal**
The Committee considered the previous proposals at its meeting on 19th October 2017 and resolved to support them.
4. **External**
None required.

Context

5. The proposal to merge the HR Committee with the Selection Committee has been changed to retain separate committees.
6. The proposal to re-name the HR Committee as the Employment and Remuneration Committee, and to provide new terms of reference has not been changed.
7. The retention of a separate Selection Committee could lead to delays and loss of candidates unless the Council's Pay Policy Statement is amended to permit that Committee to agree starting remuneration above the 10% salary bar where it is appropriate to do so.

Proposal

8. That the Committee recommends to full Council that:
 1. The proposed changes to the Officer Employment Procedure Rules and Terms of Reference for Committees.
 2. The Council's Pay Policy Statement be amended to **either** remove the 10% salary bar **or** permit the Selection Committee to exceed the bar where it is appropriate to do so.

Other Options Considered

9. To proceed with the previously endorsed proposals. However, indications were that the proposals would not be supported by the majority of members.

Risk Assessment

10. Failure to ensure that the Council's Constitution is up-to-date and compliant with the law and nationally-negotiated terms and conditions of employment will leave the Council at risk of legal challenge.

Public Sector Equality Duties

- 11a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 11b) An Equality Impact Assessment has not been completed as no employee will be directly affected by the proposals.

Legal and Resource Implications

Legal

“The recommendations contained within the Report to amend the Officer Employment Rules and the terms of reference for the Committees are in accordance with the law. It is lawful to amend the Council’s Pay Policy statement, this should take place by recommendation to Full Council and the amended Pay Policy statement should be published without undue delay.”

Advice provided by Husinara Jones (Lawyer), 16th January 2018

Financial

(a) Revenue

“It should be noted that as 10% remuneration is below the mid-point of the respective pay range for chief officers, any increase above this would still remain within the pay range and as so would be taken into account as part of the budget setting process.”

Advice provided by Kevin Lock (Finance Manager), 16th January 2018

Land

Not applicable.

Personnel

“The Council’s HR policies will be updated to reflect the revised constitutional arrangements when they have been agreed by full Council.”

Advice provided by Mark Williams (Head of HR), 10th October 2017.

Appendices:

A – Officer Employment Procedure Rules

B – Terms of Reference

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**Background Papers:**

None.