

Constitution: Amendment to the Scheme of Delegation (Non-Executive Functions)

26 September 2018
Report of the Monitoring Officer

PURPOSE OF REPORT

To seek Council's approval to amend the Scheme of Delegation to Officers in the Council's Constitution in line with the resolution of Personnel Committee, as set out in the report.

This report is public

RECOMMENDATION

- (1) That Council approves the recent delegations from the Personnel Committee to Line Managers, set out below:

That the

- a) approval of non-contentious terminations of employment; and
- b) determination of commencing salary for permanent or temporary posts

be delegated to Line Managers.

- (2) That Council authorises the Monitoring Officer to include these non-executive delegations in the Scheme of Delegation to Officers, contained within the Council's Constitution.

1.0 Introduction

- 1.1 On 30 August 2018, the Personnel Committee considered a report proposing a couple of minor changes to the scheme of delegation to permit line managers (rather than Chief Officers) to:-

- a) approve non-contentious terminations of employment; and
- b) determine commencing salary for permanent or temporary posts

- 1.2 Full details of the reasons for the proposals, and how they would apply, were set out in the report to the Personnel Committee, which is attached for Members' information.

2.0 Proposal

- 2.1 The changes requested were within the remit of the Personnel Committee to delegate to Line Managers, and the Committee agreed to do so, making the following resolution to do so on 30 August:

(1) *That the Personnel Committee agrees to amend their delegations in respect of*

- a) Non-contentious terminations of employment, and*
- b) Determination of commencing salary for permanent or temporary posts*

and delegate responsibility to line managers.

2.2 However, approval for any changes to the Officer Scheme of Delegation rests with Council, hence this report.

3.0 Conclusion

3.1 Council is asked to approve the delegations set out above and authorise the Monitoring Officer to make the necessary amendments to the Scheme of Delegation to Officers (non-executive delegations), in the Council's Constitution.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report.

LEGAL IMPLICATIONS

None directly arising from this report.

FINANCIAL IMPLICATIONS

There are no substantial financial implications as a result of the proposed delegations, however streamlining processes in the manner described will save Chief Officer time.

OTHER RESOURCE IMPLICATIONS

Human Resources; Information Services; Property; Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

This report has been drafted on behalf of the Monitoring Officer, who has been consulted throughout.

BACKGROUND PAPERS

None

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PERSONNEL COMMITTEE

Amendment to the Constitution Scheme of Delegation for Non-Executive functions

30 August 2018

Report of the HR Service Manager

PURPOSE OF REPORT

To enable the Committee to approve an amendment to the scheme of delegation to officers in respect of matters within its terms of reference.

This report is public.

RECOMMENDATIONS

- (1) That the Personnel Committee agree to amend their delegations in respect of;**
- 1. Non-contentious terminations of employment, and**
 - 2. Determination of commencing salary for permanent or temporary posts,**
- and delegate responsibility to line managers.**

1.0 Introduction

- 1.1 The scheme of delegation outlined in Part 3, Responsibility for Functions, Section 14 of the Constitution provides for the delegation of certain Personnel Committee functions to the Chief Executive and Chief Officers, to enable the effective delivery of service in respect of employment matters.
- 1.2 The existing scheme of delegation has been in place for many years, during which time there have been a number of changes to the organisation. The proposed change to the scheme of delegation would have an impact on the speed at which these straight forward matters can be processed and would release Chief Officers from spending time on what are essentially administrative functions.

2.0 Non-contentious terminations

- 2.1 Non-contentious terminations of employment are employee resignations or standard retirements (not including ill-health retirements or early access to pension as a result of redundancy). The current scheme of delegation specifies that only a Chief Officer may *'terminate employment in accordance with Council policy'*, and consequently each termination requires approval by a Chief Officer via the MyView HR and Payroll system.

- 2.2 Employee resignations and standard retirements are a normal part of the employee lifecycle and no decision required from the Chief Officer. The decision is made by the employee who gives notice of their decision to the Council. Line managers and HR then action those requests.
- 2.3 It is proposed to make a minor change to the scheme of delegation to permit line managers to approve non-contentious terminations of employment and thereby improve speed and efficacy of processing, whilst also removing the involvement of Chief Officers from what is essentially an administrative process.

3.0 Determination of commencing salary for permanent or temporary posts

- 3.1 The current delegated recruitment process allows Chief Officers *‘To recruit to established permanent or temporary posts (below JNC Chief Officer level), and determine commencing salary and subsequent granting or withholding of incremental progression’*. Chief Officers therefore approve the process whereby vacant posts are filled. This process is well established and involves both HR and Finance, who confirm that there is budget provision within a specified salary grade range.
- 3.2 As well as approving the post to be filled, as the delegations to Chief Officers require that they ‘determine commencing salary’. Consequently they are also required to sign off on each appointment decision. Chief Officers are rarely involved in the recruitment process and, in practice, the decision on the salary offered to the successful candidate has been made prior to the Chief Officer being asked for final sign off and will have been made within the salary range previously approved by the Chief Officer.
- 3.3 In practice, as Chief Officers are rarely involved with recruitment beyond the original approval to recruit, and line managers make salary decisions within prescribed salary ranges, it is proposed to make a minor change to the scheme of delegations to permit line managers to determine commencing salary. This approach will streamline existing processing and also release Chief Officers from unnecessary administration activity.

4.0 Amendment to the Constitution

- 4.1 If approved the amendment to the Constitution will be to revise the delegations outlined above that are found within Part 3, Responsibility for Functions, Section 14 of the Constitution.

5.0 Options

- 5.1 The options available to the Committee in respect of the above recommendations are to approve or not approve the officer recommendations.

6.0 Conclusions

- 6.1 Members are asked to consider and approve the amendments to the scheme of delegation for non-executive functions as set out in the Council’s constitution.

CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

There are no financial implications.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

There are no legal implications.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted in the drafting of the report and has no further comments.

BACKGROUND PAPERS

None.

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