

# **WIRRAL COUNCIL**

## **THE EMPLOYMENT AND APPOINTMENTS SUB COMMITTEE**

**20 SEPTEMBER 2012**

<b>SUBJECT:</b>	<b>COMPROMISE CONTRACT</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>INTERIM DIRECTOR OF FINANCE</b>
<b>KEY DECISION</b>	<b>YES</b>

This report is exempt by virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

### **1.0 EXECUTIVE SUMMARY**

- 1.1 The purpose of the report is to request approval from The Employments and Appointments Sub Committee for the release of Mr David Garry, Chief Internal Auditor with voluntary severance via a compromise contract on 30 September 2012.

### **2.0 BACKGROUND AND KEY ISSUES**

#### **Early Voluntary Retirement**

- 2.1 Internal Audit are currently looking at options for restructuring the service. As such, Mr Garry has agreed to take voluntary severance as part of the restructure.
- 2.2 Mr Garry has [REDACTED] years continuous service on 30 September 2012 and is aged [REDACTED] years. Mr Garry works 21.6 hours per week and is currently paid at [REDACTED]. Mr Garry is currently on flexible retirement, and already has access to his pension.
- 2.3 The provisional contract is that Mr Garry would receive a severance payment which is his entitlement based on hours, salary, age and length of service. He would also be paid an amount equivalent to his contractual entitlement of 3 months notice pay, as well as payment for any outstanding leave and TOIL. Full financial details will be tabled at the Employment and Appointments Sub Committee.

#### **Compromise Contract**

- 2.4 It is recommended that Mr Garry be asked to sign a compromise contract to reduce risks to the Council and protect the Council from any future potential claim(s).
- 2.5 On 23 April 2012, the Employment and Appointments Committee agreed that all compromise contracts with payments over £30,000 would be considered by a Sub Committee of the Employment and Appointments Committee on a proportionality of (1:1:1).

### **3.0 RELEVANT RISKS**

- 3.1 The Council has in place a Deputy Chief Internal Auditor who will manage the Internal Audit Service until the restructure proposals are further developed.
- 3.2 The Council will reduce the risk of future claims through the compromise contract process.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 None

### **5.0 CONSULTATION**

- 5.1 None

### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 None

### **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 7.1 Mr Garry is already in receipt of his pension. Financial details will be tabled at the Employment and Appointments Sub Committee.

### **8.0 LEGAL IMPLICATIONS**

- 8.1 None

### **9.0 EQUALITIES IMPLICATIONS**

- 9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?
- (b) No because there is no relevance to equality.

### **10.0 CARBON REDUCTION IMPLICATIONS**

- 10.1 None

### **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 11.1 none

### **12.0 RECOMMENDATION/S**

- 12.1 That the Employment and Appointments Sub Committee approve the following:

- That the compromise contract process is followed in relation to Mr Garry.

### **13.0 REASON/S FOR RECOMMENDATION/S**

- 13.1 Having regard for the pending Internal Audit restructure, and the current position of Mr Garry related to flexible retirement, the above recommendation is proposed in the best interests of the Council.

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## **APPENDICES**

Appendix One: Financial Information: compromise agreement (to be tabled at the Committee)

## **REFERENCE MATERIAL**

None

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Employment and Appointments Committee</b>	<b>23 April 2012</b>