

EMPLOYMENT AND APPOINTMENTS COMMITTEE

Thursday, 7 June 2012

<u>Present:</u>	Councillor	P Doughty (Chair)	
	Councillors	G Davies P Davies JE Green AER Jones	P Kearney AR McLachlan L Rennie
<u>Deputies</u>	Councillor	P Gilchrist (In place of M Johnston)	

1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were requested to declare whether they had an interest, either personal or prejudicial, in any item on the agenda and, if so, to declare it and state the nature of such interest.

Councillor Rennie declared a personal interest in the item (Managing Attendance) by virtue of her appointment on the Merseyside Fire and Rescue and Authority (see minute 4 post).

2 MINUTES

The Committee was requested to receive the minutes of the meetings held on 22 March and 23 April, 2012.

Resolved – That the minutes of the meetings held on 22 March and 23 April, 2012, be approved.

3 APPOINTMENT OF VICE-CHAIR

On a motion by Councillor P Davies, seconded by Councillor G Davies, it was –

Resolved - That Councillor A Jones be appointed Vice-Chair of this Committee.

4 MANAGING ATTENDANCE

The Director of Law, HR and Asset Management submitted a report updating the Committee on the current attendance management position.

A breakdown of sickness absence figures for quarter four and comparative data for 2008/9, 2009/10 and 2010/11, by quarter and by full year, was shown in appendix 1 to the report. Sickness levels for quarter four in 2011/12 (2.42 days) showed an improvement against both previous years (2.70 and, 2.79). The projected figure for 2011/12 had been calculated at 9.23 against a target for the year of 9.8 days.

The report also contained information on benchmarking data across other local authorities in the North West, details of a range of initiatives introduced by the

Merseyside Fire and Rescue Service to improve levels of attendance and the implementation of the Fit4Wirral Action Plan.

Responding to comments from Members, the Head of HR and Organisational Development outlined the position of proactive management in dealing with staff absences. Resources had been targeted at particular departments where staff absences had been most acute and although there was not currently a consistent level of support across the organisation, triggers in respect of regular or persistent absences were applied uniformly across departments. Future quarterly reports would include statistics on the causes of absences.

Resolved – That the content of the report and the current sickness absence data be noted.

5 UPDATE ON MANAGING WORKFORCE CHANGE AND REDEPLOYMENT

The Director of Law, HR and Asset Management, submitted a report providing an update on the on-going management of workforce change and outlined progress on the successful redeployment of employees throughout the Council. There were currently 6 people on the redeployment register. An exempt appendix to the report gave further information on the employees on the register.

Resolved – That the report be noted and this Committee expresses its appreciation to the team working on the redeployment of staff.

6 WORKFORCE MONITORING 2011/12

The Director of Law, HR and Asset Management submitted a report which gave a summary of the monitoring and analysis of the Council's workforce for 2011/12 and the proposed outcomes and actions to be taken as a result. Appendices to the report fulfilled the Council's specific employment duties in relation to employment for race, gender and disability.

Responding to comments from Members the Head of HR and Organisational Development stated that it had not been the Council's practice to write individually to all unsuccessful applicants for posts at the Council but that they were informed when applying that should they not hear within four weeks they were to assume they had not been shortlisted for any post.

In respect of further details on grievances which had been requested by Councillor Johnston, information would be brought to the next meeting of the Committee.

Resolved – That the report be noted.

7 DEPARTMENT OF REGENERATION, HOUSING AND PLANNING: SENIOR MANAGEMENT STRUCTURE

The Director of Regeneration, Housing and Planning submitted a report which gave details of proposed changes to the senior management structure of his department following his appointment as Director of Regeneration, Housing and Planning by the Employment and Appointments Sub-Committee on 8 March 2012.

It was proposed that the Head of Strategic Development and Regeneration was re-designated as the Head of Regeneration and Planning at DC03a, and that the current post holder was appointed to this role on a permanent basis.

There were currently two Head of Housing posts: one at EP019, and one at DC03a. The substantive post of the current post holder was at least 70% of the Head of Housing DC03a. In line with the Council's Restructuring Policy, it was proposed that the current post holder of the Head of Housing at DC03a was 'slotted in' to the post of Head of Housing, DC03a, on a permanent basis. The post of Head of Housing, EP019 would be deleted as this post was no longer required. This would realise a saving of £57,437 per annum.

Responding to a question from the Leader of the Conservative Group, the Acting Chief Executive reported that both this report and the following report (Department of Adult Social Services – Senior Management Structure) had been referred to the Chair of the LGA Improvement Board who had agreed that both reports could be approved. The new Chair of the Improvement Board had requested that all departmental structure reports should be seen by her before any decisions could be taken. The Acting Chief Executive confirmed that these were the only two such reports that he had referred to the Improvement Board Chair.

Resolved – That within the Department of Regeneration, Housing and Planning:

- (1) The post of Head of Strategic Development and Regeneration is re-designated as the Head of Regeneration and Planning at DC03a, and that the current post holder is appointed to this role on a permanent basis.**
- (2) The current post holder of the Head of Housing, DC03a is appointed to this role on a permanent basis.**
- (3) The post of Head of Housing, EP019 is deleted.**

8 DEPARTMENT OF ADULT SOCIAL SERVICES: SENIOR MANAGEMENT STRUCTURE

The Director of Adult Social Services submitted a report on the proposed enhancement of the Senior Management capacity in the structure of the Department of Adult Social Services.

Cabinet, at its meeting on 13 February 2012 (minute 309 refers) had approved the revised senior management structure for the Department of Adult Social Services. On working through the specific details this Committee, at its meeting on 28 February 2012 (minute 68 refers), had agreed to the immediate and urgent establishment of the Head of Safeguarding and Care Governance post.

Having considered the structure further it was now recommended that in order to give appropriate support to the Director at a senior level the post of Deputy Director of Adult Social Services should be established. It was also recommended that the post of Head of Finance and Performance should be deleted and replaced with the post of Head of Performance, Business Planning and Finance. The postholder would retain the oversight of the departmental budget and the professional link with the Finance

department would be maintained through the Principal Manager (Resources). The additional cost to the Council would be funded from the efficiency investment budget, as agreed by Cabinet on 13 February, 2012 (minute 309 refers).

In order to assist the Director during this period of change in the leadership of DASS, on 30 January 2012 the Employment and Appointments Committee had approved the extension of the fixed term contract for the current post holder of the Head of Finance and Performance for up to six months or until 30 June 2012, with the provision to end the contract earlier, depending on the recruitment process. This resource was still required until the two posts were established and filled to support the Director in the transition.

The Leader of the Conservative Group expressed some nervousness about appointing Deputy Directors in view of the impending review of the Council's management structure. He also commented upon the fact that payscales for the Heads of Service posts had previously been agreed incorporating an element to reflect the position of deputising for the Director.

The Director, in response, stated that the position of Deputy Director was not a new post as there were a number across the Council and that he had consistently, since reviewing his Department's senior management structure, reported the need for this post. It was his professional opinion that the post was needed to support him so that he could fulfil his role of strategic oversight of the Department.

The Leader of the Council referred to the considerable improvement agenda that the Director and his department faced and he was very sympathetic given that the Director had originally brought this proposal forward in February of this year.

Resolved – That within the Department of Adult Social Services:

- (1) The post of Deputy Director of Adult Social Services is established.**
- (2) The post of Head of Performance, Business Planning and Finance is established.**
- (3) The extension of the fixed term contract for the current post holder of the Head of Finance and Performance for up to six months or until 30 December 2012, with the provision to end the contract earlier, depending on the recruitment process is approved.**
- (4) When the recruitment process is complete for the Deputy Director and Head of Performance, Business Planning and Finance, the post of Head of Finance and Performance will be deleted.**

9 SENIOR MANAGEMENT RECRUITMENT

The Director of Law, HR and Asset Management submitted a report which sought the Committee's approval to appoint a proportionate Sub-Committee, for the recruitment of a Director of Children's Services and a Head of Safeguarding and Care Governance and to agree the recruitment timetables.

The Committee, at its meeting on 28 February 2012 (minute 68 refers), had agreed the following:

“That the post of Head of Branch – Safeguarding Adults and Children (0.5 in DASS) is deleted and the post of Head of Safeguarding and Care Governance is created as a full time position in DASS.

That the post of Head of Safeguarding and Care Governance is advertised on a permanent basis and the recruitment process be commenced with the appointment of a proportionate Sub-Committee.”

The Committee, at its meeting on 29 September 2011 (minute 36 refers) had agreed the following:

“That the Interim Director of Children’s Services be asked to continue as the Acting Director of Children’s Services for a further year on a fixed term basis, and that an external recruitment process takes place to ensure that a new Director of Children’s Services is in post by the end of September 2012.”

The Leader of the Conservative Group suggested that a proportionate Sub-Committee could also be appointed to make progress with the Department of Adult Social Services appointments.

Resolved – That this Committee:

- (1) Agrees the proposed timetable for the recruitment processes for the Director of Children’s Services and the Head of Safeguarding and Care Governance as outlined in appendices to the report.**
- (2) Appoints a proportionate Employment and Appointments Sub Committee of 4:2:1 for the Director of Children’s Services and the Head of Safeguarding and Care Governance posts.**
- (3) Appoints a proportionate Employment and Appointments Sub Committee of 4:2:1 for the Deputy Director of Adult Social Services and Head of Performance, Business Planning and Finance posts.**

10 **APPEALS SUB-COMMITTEE**

The Director of Law, HR and Asset Management requested the Committee appoint a proportionate pool of 21 Members from which an Appeals Sub-Committee of any 3 Members would be drawn.

Resolved – That this Committee recommends to Council:

- (1) That a pool of 21 Members be appointed, in the ratio 12:7:2, from which an Appeals Sub-Committee of any 3 Members will be drawn as and when required, with the Chair being appointed at each meeting, for the municipal year 2012/13 and until such time as a new Appeals Sub-Committee is appointed.**

The membership of the pool be as follows:

Conservative (7 Members)

Councillors Lesley Rennie, Andrew Hodson, John Hale, David Elderton, Eddie Boulton, Cherry Povall and Mike Hornby

Labour (12 Members)

Councillors George Davies, Paul Doughty, Adrian Jones, Ann McLachlan, Brian Kenny, Anne McArdle, Moira McLaughlin, Chris Meaden, Denise Roberts, John Salter, Harry Smith and Jean Stapleton

Liberal Democrat (2 Members)

Councillors Mark Johnston and Dave Mitchell

(2) That all Members of the pool undertake appropriate training and, normally, complete that training before sitting on any Appeals Sub-Committee.

11 APPEALS SUB-COMMITTEE MINUTES

The minutes of the Appeals Sub-Committee meeting held on 3 April, 2012 were submitted for information.

Resolved – That the minutes be noted.

12 REQUEST FOR EARLY VOLUNTARY RETIREMENT

The Director of Law, HR and Asset Management submitted a report which sought the Committee's approval for the release of Mr J Wilkie, Chief Executive, under Early Voluntary Retirement (EVR) on 7 June 2012.

The Council had in place an Acting Chief Executive and Head of Paid Service as agreed at Annual Council (Part 2) 21 May, 2012 (minute 14 refers) which had agreed that, "The Director of Finance continue in his role as Deputy Chief Executive and therefore Acting Chief Executive (and Head of Paid Service) during the absence of the Chief Executive."

The Leader of the Conservative Group expressed concern over the handling of this request by Mr Wilkie. It was then moved by Councillor Jeff Green and seconded by Councillor Lesley Rennie, that –

"This Committee notes:

- (1) The contribution and service Mr Wilkie has given to the people of Wirral over the past 23 years.
- (2) The decision of Mr Wilkie, advised by the Director of Finance and the Director of Law, HR and Asset Management, to allow two members of staff to leave, under compromise agreements, less than one working day prior to the publication of the AKA report without bringing any potential disciplinary issues to the attention of this Committee.
- (3) That queries raised by myself as Leader of the Conservative Group and subsequently as Leader of the Council in response to the report of Mr Wilkie:

Agenda Item 15, 'Interim Management Arrangements' at the meeting held on 29 September, 2011 remain unanswered.

- (4) That if this retirement goes ahead these matters may remain secret and unanswered.

Therefore this Committee believes that until these matters are adequately reported to this Committee and Members have had the opportunity to express a view it is clearly inappropriate to approve the extra cost and request for Early Voluntary Retirement from Mr Wilkie.”

The Leader of the Council asked if Mr Wilkie had made any direct communication with the Council. The Head of HR and Organisational Development confirmed that she had a record to the effect that Mr Wilkie, had on 7 February, 2012, had a conversation with the Leader expressing his request for EVR on the basis that it would be in the best interests of the Council to appoint a new Chief Executive. Mr Wilkie had been asked to reflect on his decision and had had informal conversations with all 3 Party Leaders. On 11 May, he had written to formally request early voluntary retirement, “in light of the exceptional challenges facing the Council I feel that I should make way for someone else to take forward the changes that need to be made.”

Councillor Gilchrist expressed the view that as Mr Wilkie had made known his views that he didn't feel he was the best person to take the Council forward it would not be helpful to have any uncertainty over the post of Chief Executive and therefore he could not support Councillor Green's motion.

The Leader of the Council put on record his thanks to Mr Wilkie for all his work with the Council over the last 23 years and he stated that should the request be approved he would be seeking to have an early meeting with Councillors Jeff Green and Tom Harney about how the Council would fill the post of Chief Executive.

The Head of HR and Organisational Development clarified for the Committee that the proposed EVR would be under the normal Council rules without any enhancement.

Councillor Green's motion was then put to the vote and it was lost (3:6).

It was then moved by Councillor Phil Davies and seconded by Councillor Ann McLachlan, that –

“The Early Voluntary Retirement of Mr Wilkie on 7 June 2012 and the release of his pension on the grounds of efficiency of the service be approved.”

The motion was put and carried (6:3).

Resolved (6:3) – That the Early Voluntary Retirement of Mr Wilkie on 7 June 2012 and the release of his pension on the grounds of efficiency of the service be approved.

13 **EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act. The public interest test has been applied and favours exclusion.

14 **EXEMPT APPENDIX - UPDATE ON MANAGING WORKFORCE CHANGE AND REDEPLOYMENT**

Further to minute 5 ante, the Committee noted the exempt appendix to the Director of Law, HR and Asset Management's report.

15 **EXEMPT APPENDIX - DEPARTMENT OF REGENERATION, HOUSING AND PLANNING: SENIOR MANAGEMENT STRUCTURE**

Further to minute 7 ante, the Committee noted the exempt appendix to the Director of Regeneration, Housing and Planning's report.

16 **ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 2)**

In response to a question from the Leader of the Conservative Group, the Director of Law, HR and Asset Management confirmed that as Monitoring Officer, he was responsible for the Whistleblowing policy although the Head of HR and Organisational Development acted on his behalf in maintaining the record of all whistleblowers.