



## Employment and Appointments Committee

<b>Date:</b>	<b>Thursday, 24 January 2013</b>
<b>Time:</b>	<b>7.00 pm (or upon the rising of the Cabinet, whichever is the later)</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

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### AGENDA

**1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have any disclosable pecuniary or non pecuniary interests in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

**2. MINUTES (Pages 1 - 14)**

To receive the minutes of the meetings held on 8 and 15 November and 20 December, 2012.

**3. THE EMPLOYMENT CONTRACT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE (Pages 15 - 28)**

**4. EMPLOYMENT AND APPOINTMENTS SUB-COMMITTEE MINUTES (Pages 29 - 34)**

The minutes of the Employment and Appointments Sub-Committee meetings held on 13 and 14 November and 14 December, 2012, are submitted for information.

**5. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR (PART 1)**

**6. EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

The public may 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.

RECOMMENDED –

That in accordance with section 100A (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 the relevant paragraphs of Part 1 of Schedule 12A to that Act. The public interest test has been applied and favours exclusion.

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

## EMPLOYMENT AND APPOINTMENTS COMMITTEE

Thursday, 8 November 2012

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

### 36 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillors George Davies and Adrian Jones declared disclosable non-pecuniary interests as members of a Trade Union.

### 37 WORKFORCE CHANGE AND CONSULTATION

A report by the Chief Executive sought authority for him to consult with the Trade Unions and workforce on a range of issues to enable the Council to meet its budget deficit for 2013/14.

The Head of HR and Organisational Development introduced the report informing the Committee that the Council was facing a considerable financial challenge to reduce its net budget. The current position was that the Council was facing a budget deficit of £100m or so over the next three years and a projected deficit of £39M for 2013/14. The Committee was told that this would necessitate significant changes to the manner in which the Council conducted its business.

The report informed the Committee that officer options for budget savings would be published shortly. These had the potential to change service delivery which would potentially impact on staff. This, therefore, required consultation at the earliest possible opportunity.

All options for addressing the Council's budget deficit were being considered.

It was noted that the Council had a legal obligation to consult with the workforce on business and service changes that may affect the workforce. The requirements for consultation were laid out in the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA). The Council welcomed consultation with the Trade Unions and staff to consider all proposals to meet the financial challenge.

The Committee noted that the issues requiring consultation were as follows:

- (1) There was a proposal to reduce the running costs for the Council through its management costs. The Chief Executive had brought a proposal to strengthen the strategic leadership for the Council as part of the Improvement Programme to meetings of the Cabinet and this Committee on 18 September 2012 (Minute No. 21 refers). At that stage it was agreed that further restructuring would follow to fund the new roles of Strategic Director and also to reduce the overall management cost for the Council. To deliver this agreement, the Council would consider options to reduce the number of managers across the Council. This option would require consultation with all managers and the Trade Unions.
- (2) The Council currently employed its workforce on national and local conditions of service. The local conditions of service were subject to a local agreement through a collective agreement with recognised Trade Unions (JNC Recognition Agreement with Trade Unions). Consultation with recognised Trade Unions and staff were required to consider options to reduce the cost of the workforce and so reduce the potential numbers of job losses.
- (3) Options needed to be considered with the aim of reducing the costs to the Council and the local tax payer of the Council's enhanced discretionary severance scheme. The aim would be to seek ways to reduce the costs, which would in turn protect more jobs and services, whilst keeping an enhanced scheme to reduce the potential impact on the lowest paid.
- (4) In the event that the scheme was modified any staff leaving after a new scheme came into effect had to leave on the new terms, regardless of when the dismissal process began. In order to manage expectations, it was recommended that the current voluntary redundancy scheme be suspended immediately.
- (5) The Council had a requirement to implement the final stages of job - evaluation, under the (national joint agreement with date). Further consultation would enable the Council to explore options concerning the arrangements to implement job evaluation for those staff on grade principal officer (earning over £27,849 and above). This would enable the Council to implement a legally fair, affordable and sustainable pay policy at this level.
- (6) In seeking to set the budget for 2013/14, the Council had consulted with the community and explored a range of areas. In response to the first stage of consultation, reported to the Cabinet and this Committee, the Chief Executive would publish a range of officer options for the

budget savings 2013/14. Those options would be considered by Members through a series of Overview and Scrutiny Committees and with the public through specific targeted consultation. Whilst no decisions were made on the future of services, any options that were being considered that potentially impacted on staff required consultation at the earliest possible stage. Consultation with staff did not pre-empt community consultation or the Council's decision-making process, but was required if options were being considered that affected the workforce.

Councillor Mark Johnson asked the following questions which were answered by the Head of HR and Organisational Development as appropriate:

- What options were available to those staff members who had previously applied to leave the organisation under the enhanced voluntary severance scheme and been refused because their jobs had been classed as essential at that time? The issue of fairness was highlighted here.
- Had the Council mitigated the risks of what was being proposed?
- Was the Council complying with good practice?

**RESOLVED: That**

- (1) the Chief Executive be authorised to open formal consultation with trade unions and staff under TULRCA and as a matter of good practice on:**
  - (a) changes to the council's enhanced discretionary severance scheme policy under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006;**
  - (b) changes to the local conditions of service;**
  - (c) the terms upon which to implement the final stages of Job Evaluation, under the 1997 National joint agreement; and**
  - (d) the potential impact on staff of the officer budget options including redundancy.**
- (2) the Chief Executive be authorised to immediately suspend applications to the Council's existing employee enhanced Voluntary Severance Scheme.**
- (3) the Chief Executive be authorised to recommend to the Employment and Appointments Committee that this report be considered and the Chief Executive be authorised to open**

**consultation as outlined in Recommendation (1) and that recommendation (2) above be implemented; and**

- (4) the Chief Executive be instructed to report back on the progress of the consultation to the special budget Cabinet and Committee meetings scheduled for 20 December 2012.**

# EMPLOYMENT AND APPOINTMENTS COMMITTEE

Thursday, 15 November 2012

Present: Councillor P Doughty (Chair)

Councillors G Davies AER Jones  
P Davies P Kearney  
JE Green AR McLachlan  
M Johnston L Rennie

## 38 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had any disclosable pecuniary or non pecuniary interests in connection with any items on this agenda and, if so, to declare them and state the nature of the interest.

No such declarations were made.

## 39 MINUTES

The Committee was requested to receive the minutes of the meetings held on 18 and 24 September and 3 October, 2012.

**Resolved – That the minutes of the meetings held on 18 and 24 September and 3 October, 2012, be approved.**

## 40 MANAGING ATTENDANCE

The Acting 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 quarters one and two and comparative data for 2009/10, 2010/11 and 2011/12 by quarter and by full year, was shown in appendix 1 to the report. Sickness levels for quarter two (2.07 days) showed a slight increase on last year's figure of 1.94 but an improvement on the previous three years (2.49, 2.11 and 2.16 days). The disappointing results for Quarter 1 (2.46 days), reported to September 2012's Committee coupled with Quarter 2's results demonstrated an increasing trend in levels of absence across the authority with a projected end of year figure of 10.28 days against a target of 9.5 days.

The report also contained information on reasons for absence, benchmarking data across other local authorities in the North West, details of a range of initiatives introduced and being introduced to improve levels of attendance.

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

41 **UPDATE ON MANAGING WORKFORCE CHANGE AND REDEPLOYMENT**

The Acting 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 12 people on the redeployment register. An exempt appendix to the report gave further information on the employees on the register.

The Leader of the Conservative Group commented upon the need for a change management strategy which would need to be in place to manage the impending organisational changes. Councillor McLachlan informed the meeting that the wider change management strategy would be reported to the LGA / Improvement Board on 16 November and the Head of HR and Organisational Development confirmed that this report would be the first step in the change management framework.

**Resolved – That the report be noted.**

42 **OCCUPATIONAL HEALTH SERVICE**

The Acting Director of Law, HR and Asset Management submitted a report which sought approval for the extension of the current Occupational Health Services contract.

On 12 July 2012, the Committee agreed that the Council should move to a mixed service delivery model for Occupational Health provision. To facilitate the tendering and contractual award of these externally delivered services, Committee approved an extension (Minute 19 (5) refers) of the existing contract with Capita Health & Wellbeing for a period of 3 months, with a contingency for a further 3 months if required. This would allow for a period up to and including the 12 January 2013. Due to changes in the Council's procurement process this target date had now slipped by a few weeks and the revised actual date for the start of the Occupational Health Contract was now 1 February 2013.

Members sought an assurance that there would be no more slippage in the awarding of this contract and Mark Camborne, Health and Safety Resilience Manager expressed his confidence that this would be the case. The number of pre-qualification questionnaires issued was in double figures.

Responding to Members' comments on the possibility of shared services arrangements, the Head of HR and Organisational Development informed the Committee that having approached authorities across Merseyside, it had not



been possible to pursue this option. The tendering process would, however, not preclude another Merseyside or Cheshire authority from joining in a shared service in the future.

**Resolved - That this Committee approves a further extension of the current contract for Occupational Health Services provided via Capita Health & Wellbeing to the 1 February 2013.**

#### 43 **EMPLOYEE RELATIONS PERFORMANCE**

The Acting Director of Law, HR and Asset Management submitted a report which updated the Committee on the number and status of Employee Relation Cases and the Council's performance in managing these issues. The report had been produced following the development of a HR casework system which had improved the quality of management information available on employee relations issues.

The system recorded all formal cases in relation to discipline, grievance, attendance management, capability and Employment Tribunal cases. Cases were recorded where formal action was being taken, considered or a formal investigation was in process in accordance with the relevant policy.

The report gave an analysis of trends within the Council and also some comparative analyses. Detailed information was provided in appendices to the report. There were currently 189 live cases out of a workforce of 4800 (excluding teachers).

Members commented upon the encouraging figures within the report. The need for some more narrative on those cases taking longer than 6 months was suggested, so that trends could be identified. The Head of HR and Organisational Development suggested a report could be brought to the Committee on a six monthly basis, which would enable trends to be more easily identified than if reported on a quarterly basis, subject to any spikes in trends being reported more immediately.

**Resolved – That the report be noted and Committee receive a six monthly report subject to any spiking trends being reported more immediately.**

#### 44 **GRIEVANCE POLICY**

The Acting Director of Law, HR and Asset Management submitted a report which gave details of a proposed revised Grievance Policy. The new policy had been developed with involvement from a number of key groups and individuals across the Council. This included feedback from individuals who had been involved in lengthy grievances and a focus group of managers, who

had experience of dealing with employee grievances. The views of these groups and individuals were incorporated into the drafting process.

The revised policy was submitted as an appendix to the report. The Council's HR/OD Team would commence a programme of training and awareness raising for managers on the revised policy and procedure which would include an e-learning module.

The Head of HR and Organisational Development responded to Members' comments and stated that officers were always encouraged to resolve grievances informally. Only more serious issues were referred to an Investigating Officer, all of whom had been trained. Mediation was also available in appropriate situations and, within an organisation the size of the Council, could be carried out internally subject to the agreement of both parties.

**Resolved – That the revised grievance policy be approved.**

#### 45 **MONITORING USE OF COMPROMISE CONTRACTS**

The Acting Director of Law, HR and Asset Management submitted a report on the settlement of compromise contracts since the last Committee. Appended to the report was a summary of COT 3/Compromise Contracts the Council had entered into since 24 September 2012.

Responding to a Member's comment, the Head of HR and Organisational Development confirmed that the compromise contract in respect of Employee B, referred to in the appendix to the report, had involved litigation.

**Resolved – That the information provided about the use of compromise contracts, be noted.**

#### 46 **EMPLOYMENT AND APPOINTMENTS SUB-COMMITTEE MINUTES**

The minutes of the Employment and Appointments Sub-Committee meeting held on 26 October, 2012, were submitted for information.

**Resolved – That the minutes be noted.**

#### 47 **EMPLOYMENT AND APPOINTMENTS SUB-COMMITTEE (COMPROMISE CONTRACTS)**

The minutes of the Employment and Appointments Sub-Committee (Compromise Contracts) meeting held on 20 September, 2012 were submitted for information.

**Resolved – That the minutes be noted.**

48 **APPEALS SUB-COMMITTEE MINUTES**

The minutes of the Appeals Sub-Committee meetings held on 11 June and 3, 24 and 26 July, 2012 were submitted for information.

**Resolved – That the minutes be noted.**

49 **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 item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 2 of Part I of Schedule 12A (as amended) to that Act. The public interest test has been applied and favours exclusion.**

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

Further to minute 41 ante, the Committee noted the exempt appendix to the Acting Director of Law, HR and Asset Management's report.

It was suggested that future reports on managing workforce change and redeployment should not contain exempt information but that the details of individual cases could be provided to the Party Spokespersons.

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# EMPLOYMENT AND APPOINTMENTS COMMITTEE

Thursday, 20 December 2012

Present: Councillor P Doughty (Chair)

Councillors G Davies AER Jones  
P Davies P Kearney  
JE Green AR McLachlan  
M Johnston L Rennie

## 51 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had any disclosable pecuniary or non pecuniary interests in connection with any items on this agenda and, if so, to declare them and state the nature of the interest.

Councillor J Green declared a personal interest by virtue of him being acquainted with one of the persons referred to in the report, Senior Management Restructure (see minute 52 post).

## 52 SENIOR MANAGEMENT RESTRUCTURE

Further to minute 21 (18/9/12) the Chief Executive submitted a report with detailed proposals in relation to the Council's senior management restructure. The proposals included details of financial savings, which were attached as an appendix to the report.

It was proposed to reduce the senior management structure of the Council from 30 full time equivalent (FTE) posts, to 19 FTE posts, (excluding the three Strategic Director posts). The report detailed the principles applied to the proposed restructure, areas of responsibility, how the selection process would be managed and consultation which had taken place.

It was proposed that a further management structure for senior managers (those reporting to a Head of Service) and below was undertaken, following the outcome of this report. This should include consultation with the recognised Trade Unions and the staff affected, and should consider the impact on remaining structures. The further management structure would follow the principles as applied to the senior management restructure and would achieve financial savings of £4m, approximately 30% of the current management costs at this level. Where there was a requirement for Committee approval, the necessary structures should be brought forward to Cabinet and the Employment and Appointments Committee in February 2013.

Responding to comments from Members, the Chief Executive stated that he would hope to have a new severance scheme in place from 24 January, 2013 and that the new scheme would apply to anybody made redundant under the restructure as the scheme applied on the date when an employee left the Authority. Those employees applying to leave voluntarily would leave under a new scheme. He outlined how the savings of £998,723 for the new senior management structure were achieved and informed the Committee that he would circulate a detailed breakdown of the savings. One part of the restructure could not be progressed until the suspension of a chief officer was resolved.

The Chief Executive also referred to the common practice of designating for a three or six month period, one of his three Strategic Directors to act in his absence, and this principle should apply throughout the Council with managers treating those in their teams equitably in rotating the role for acting up in their absence. All honoraria, unless in exceptional circumstances, would be stopped, although this had not yet been factored into the savings. The savings for 2013-16 were currently projected at £108.7m and he would ensure that there was consistency in future reports with regard to the figure for savings. Redundancy costs would be factored into the overall budget.

The Leader of the Conservative Group stated that he was broadly supportive of the proposals. Further savings would come in the next stage with the delayering of management below the Heads of Services level and he would expect that this Committee would see these proposed further management restructures. The Chief Executive reassured the Committee that he would report back with further management restructures and with an updated equalities impact assessment.

On a motion by Councillor Phil Davies, seconded by Councillor McLachlan, it was -

**Resolved – That this Committee,**

**(1) Endorses the report.**

**(2) Approves:**

**The deletion of the following posts:**

**Adult Social Services:**

- **Deputy Director of Adult Social Services**
- **Head of Finance and Performance (Adults)**
- **Head of Locality Personalised Support (Adults)**
- **Head of Specialist Personalised Support (Adults)**
- **Head of Safeguarding and Care Governance (Adults)**

**Children's Services:**

- Deputy Director: Planning, Resources and Schools (CYPD)
- Head of Children's Social Care
- Head of Learning and Achievement

**Finance:**

- Director of Finance
- Deputy Director of Finance
- Head of IT Services
- Head of Benefits, Revenues and Customer Services

**Law, HR and Asset Management:**

- Director of Law, HR and Asset Management
- Head of Regulation
- Head of Asset Management

**Technical Services:**

- Director of Technical Services
- Deputy Director of Technical Services
- Head of Cultural Services

**Regeneration, Housing and Planning:**

- Director of Regeneration, Housing and Planning

The creation of the following posts:

**Families and Wellbeing:**

- Head of Transformation (Adults)
- Head of Delivery (Adults)
- Head of Specialist Services (CYPD)
- Head of Targeted Services (CYPD)
- Head of Universal and Infrastructure (CYPD) and Assistant Chief Executive

**Regeneration and Environment:**

- Head of Environment and Regulation

**Transformation and Resources:**

- Head of Business Processes

The re-designation of the following posts:

**Regeneration and Environment:**

- Head of Housing to Head of Housing and Community Safety

**Chief Executive:**

- **Head of Communication and Community Engagement to Head of Neighbourhoods and Engagement.**

- (3) **Approves the re-alignment of services across the three programme areas as detailed in the report.**
- (4) **Asks the Chief Executive to consult on and to implement the further management restructure for senior manager levels to PO level, with expected financial savings of £4m.**
- (5) **Authorises the Chief Executive to confirm and implement the senior management structure as agreed at such time and in such manner as he considers appropriate, including making any additional administrative changes as are necessary to give effect to the changes including making any consequential changes to the scheme of delegation as are necessary to give effect to the new arrangements.**

**53 PROPOSAL TO CHANGE THE COUNCIL'S DISCRETIONARY SEVERANCE SCHEME**

The Chair informed the meeting that due to the deferment of this item by Cabinet earlier, this item was withdrawn from the agenda.

**54 ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**

The Chair informed the Committee that its next meeting would take place on Thursday 24 January, 2013 at 7.00pm (or on the rising of the Cabinet) rather than on Tuesday 29 January, 2013.



## WIRRAL COUNCIL

### EMPLOYMENT AND APPOINTMENTS COMMITTEE

24 JANUARY 2013

<b>SUBJECT:</b>	<b>THE EMPLOYMENT CONTRACT OF THE CHIEF EXECUTIVE AND HEAD OF PAID SERVICE</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>THE HEAD OF HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT</b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b>THE LEADER OF THE COUNCIL</b>
<b>KEY DECISION?</b>	<b>YES</b>

#### 1. EXECUTIVE SUMMARY

1.1 Cabinet received a report on 24 January 2013 concerning the employment contract for the Chief Executive. The Cabinet was invited to recommend to the Employment and Appointments Committee that it recommends to Council at its meeting on 28 January 2013 that Graham Burgess be offered the position of Chief Executive and Head of Paid Service on a permanent basis.

#### 2. BACKGROUND AND KEY ISSUES

2.1 On 16 July 2012, the Council agreed the appointment of the Chief Executive and Head of Paid Service on a two-year fixed term contract following an open recruitment process with a number of applicants for the position. The appointment was made through a panel of the three group leaders, advised by the Chair of the Improvement Board.

2.2 Graham Burgess commenced employment on 3 September 2012 and his fixed-term appointment is therefore due to expire in August 2014.

2.3 At Council on 16 July 2012, The Leader of the Council informed Members that a decision had been made to appoint Graham Burgess as Wirral Council's Chief Executive on a two-year fixed term contract.

He indicated that Graham was appointed for his proven track record in a career that had spanned 38 years in local government. Graham, who was from and lived in Liverpool, was currently the Chief Executive of Blackburn with Darwen Borough Council, which had consistently been recognised as one of the highest performing Councils in the UK. During his time there, the authority had twice received the prestigious Council

of the Year title. Graham was also recognised nationally in 2011/12 when he was voted the 4th most influential person in Local Government.

Graham had significant experience in leading major regeneration projects and delivering excellent services, along with a strong influence at both a regional and national level. Since the beginning of the year, he had been a member of the Wirral Council Improvement Board, which was established with the Local Government Association to assist the authority in transforming how it operated. As one of only three people in the country to hold the dual role of Council and Primary Care Trust Chief Executive, his experience of leading the integration of local authority and health services will be of great benefit as responsibility for Public Health functions transfers to Wirral Council over the next year.

Council resolved unanimously on a motion by Councillor P. Davies, seconded by Councillor J. Green and endorsed by Councillor T. Harney, to appoint Mr Burgess as Chief Executive on a fixed term basis.

(Extract from minutes Council 16.07.2012. Item 21)

- 2.4 In the period since then the scale of the Council's financial challenge and the timescales over which savings must be delivered has become clearer and an Improvement Plan has been put in place to ensure the necessary improvements to the Council's Corporate Governance arrangements are implemented. Mr Burgess has also strengthened Individual accountability through the introduction of performance appraisal at a senior level.
- 2.5 The recent Peer Challenge Review concluded that significant progress had been made against the Improvement Plan and that the plans that are in place are appropriate, but come with high risk. A permanent appointment will help reduce that risk as the review also states that having the corporate leadership to deliver the improvement and change agendas are fundamental.
- 2.6 The Peer Challenge Review also found that there was a recognition throughout the organisation of the strategic grip and open style of the Chief Executive and clear and visible leadership that promotes and a feeling of trust in the direction of travel now proposed. The report noted there is a feeling in the organisation that, this time, the changes will be for real. This provides the organisation with an opportunity to achieve the change, improvement and transformation required.
- 2.7 The Council requires stability and leadership at Senior Management Level over a longer period of time which will allow the focus to remain on addressing the financial challenge facing the organisation while delivering the essential improvements required to the Council's corporate governance.

- 2.8 It is therefore recommended that the current Chief Executive and Head of Paid Service, Graham Burgess is offered the post on a permanent basis and if accepted, be appointed accordingly.
- 2.9 The appointment of a Chief Executive and Head of Paid Service is a Council decision. Therefore Cabinet are asked to consider the proposal and recommend it to the Employment and Appointments Committee who will be asked to consider the proposal and recommend to Council that the Graham Burgess be offered the post on a permanent basis as Chief Executive and Head of Paid Service and if accepted that the appointment be confirmed with immediate effect from that date.

### **3 RELEVANT RISKS**

- 3.1 There is a potential risk of instability and uncertainty of a continued fixed-term arrangement at Chief Executive level in the context of such a challenging financial environment.
- 3.2 The current fixed term arrangement is due to expire in August 2014. Should the Council need to start the recruitment process to succeed the current postholder this would potentially commence in December 2013/January 2014. This would potentially have a negative impact on the Council's medium and long term strategic and financial planning at a critical time and cause some uncertainty and distraction for a significant period of the current fixed term period.

### **4 OTHER OPTIONS CONSIDERED**

- 4.1 Continuation of an extended fixed-term arrangement has been considered. However this option does not provide the longer-term stability that the Council requires at senior level at this time.

### **5. CONSULTATION**

- 5.1 N/A

### **6. IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 N/A

### **7. RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 7.1 Mr Burgess is paid at the top of the Chief Executive salary range of £121,807 - £135, 341 per annum. Whilst the Council retains a Chief Executive post, there will be a cost of employment regardless of whether

it is a fixed term or permanent arrangement. There is no increase in the costs to the Council.

7.2 There are no pension costs associated with Mr Burgess' employment. This saves the Council approximately £16,376 per annum.

## **8. LEGAL IMPLICATIONS**

8.1 Mr Burgess will be entitled to the same employment rights as any permanent Chief Executive.

## **9. EQUALITIES IMPLICATIONS**

9.1 Equality impact assessments are published for all options for change. All equalities issues are considered as part of consultation.

9.2 The EIA attached to this report, and is available at:

<https://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments>

## **10. CARBON REDUCTION IMPLICATIONS**

10.1 Not applicable for this report.

## **11. PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 Not applicable for this report.

## **12. RECOMMENDATION/S**

12.1 That the Employment and Appointments Committee considers the issues raised in the report and that a recommendation be made to Council at its meeting on 28 January 2013 that: Graham Burgess be offered the position of Chief Executive and Head of Paid Service on a permanent basis with immediate effect on 28 January 2013.

## **13. REASON/S FOR RECOMMENDATION/S**

13.1 A permanent appointment will provide the stability and leadership required by the organisation at senior management level at a period of significant and unprecedented change.

**REPORT AUTHOR:** **Chris Hyams**  
Head of Human Resources & Organisational  
Development  
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**APPENDICES**

None

**REFERENCE MATERIAL**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Council	16 July 2012

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# Equality Impact Assessment Toolkit (from May 2012)

## **Section 1: Your details**

**EIA lead Officer:** Tony Williams

**Email address:** tonywilliams@wirral.gov.uk

**Head of Section:** Chris Hyams

**Chief Officer:** Surjit Tour

**Department:** Law, HR & Asset Management

**Date:** 15 January 2013

## **Section 2:**

### **What Council proposal is being assessed?**

To Propose that the current Chief Executive and Head of Paid Service, Graham Burgess, is offered the post on a permanent basis and if accepted, be appointed accordingly.

### **Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?**

**Yes**

**If 'yes' please state which meeting and what date**

.....24 January 2013.....

**Please add hyperlink to where your EIA is/will be published on the Council's website**

<https://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/law-hr-asset-management>

**Section 3:** Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) for publishing)

**Section 4:** Does the proposal have the potential to maintain or enhance the way the Council ..... (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) for publishing)



**Section 5:**

**Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?**

**You may also want to consider socio-economic status of individuals.**

**Please list in the table below and include actions required to mitigate any potential negative impact.**

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Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
Gender	<p>This is a specific proposal relating to an individual and therefore specific equal opportunities data has not been disclosed due to data protection requirements. Chief Officer equality data has been used to evaluate the impact of the proposal.</p> <p>Negative The percentage of men, 34.13% (22 men) is substantially higher for this group of employees, compared to that of the rest of the Council (33.02%).</p> <p>One of the Council’s performance indicators is that the 49.5% of the top 5% of earners are women.</p>	<p>Continue to review and monitor equality data.</p> <p>Council has recently appointed a female to one of the Strategic Director posts.</p>	Chris Hyams	Review quarterly with PIs.	Regular monitoring through equality data collection and reporting

Disability	<p>This is a specific proposal relating to an individual and therefore specific equal opportunities data has not been disclosed due to data protection requirements. Chief Officer equality data has been used to evaluate the impact of the proposal.</p> <p>Positive The percentage of declared disabled people, 16.67% (5 people) is higher for this group of people, compared to that of the rest of the Council 3.11%.</p> <p>One of the Council's performance indicators is that the 3.6% of the top 5% of earners are disabled.</p>	<p>Continue to review and monitor equality data.</p> <p>Council has recently appointed a female to one of the Strategic Director posts.</p>	Chris Hyams	Review quarterly with PIs.	Regular monitoring through equality data collection and reporting
Sexual Orientation	<p>This is a specific proposal relating to an individual and therefore specific equal opportunities data has not been disclosed due to data protection requirements. Chief Officer equality data has been used to evaluate the impact of the proposal.</p> <p>Negative The percentage of gay and bisexual people within this group of employees is lower at than the percentage overall within the Council (39.98% of employees).</p>	<p>Continue to review and monitor equality data.</p> <p>Council has recently appointed a female to one of the Strategic Director posts.</p>	Chris Hyams	Review quarterly with PIs.	Regular monitoring through equality data collection and reporting
Transgender	<p>This is a specific proposal relating to an individual and therefore specific equal opportunities data has not been disclosed due to data protection requirements. Chief Officer equality data has been used to evaluate the impact of the proposal.</p>	<p>Continue to review and monitor equality data.</p> <p>Council has recently appointed a female to one of the Strategic Director posts.</p>	Chris Hyams	Review quarterly with PIs.	Regular monitoring through equality data collection and

	<p>Negative</p> <p>The percentage of people whose Gender has changed since birth within this group of employees is lower at 0, than the proportion employed overall within the Council. However, the percentage difference is minimal at 0.23%.</p>				reporting
Ethnic Origin	<p>This is a specific proposal relating to an individual and therefore specific equal opportunities data has not been disclosed due to data protection requirements. Chief Officer equality data has been used to evaluate the impact of the proposal.</p> <p>Negative</p> <p>The percentage of white people within this group of employees is higher at 93.33% (28 people) for this group of employees, compared to that of the rest of the Council at 80.35%.</p> <p>One of the Council's performance indicators is that the 1.9% of the top 5% of earners are from a black and minority ethnic community.</p>	<p>Continue to review and monitor equality data.</p> <p>Council has recently appointed a female to one of the Strategic Director posts.</p>	Chris Hyams	Review quarterly with PIs.	Regular monitoring through equality data collection and reporting
Age	<p>This is a specific proposal relating to an individual and therefore specific equal opportunities data has not been disclosed due to data protection requirements. Chief Officer equality data has been used to evaluate the impact of the proposal.</p> <p>Negative for younger people</p> <p>The percentage of younger people (16-29) is lower for this group of employees at 0,</p>	<p>Continue to review and monitor equality data.</p> <p>Council has recently appointed a female to one of the Strategic Director posts.</p>	Chris Hyams	Review quarterly with PIs.	Regular monitoring through equality data collection and reporting

	<p>compared to that of the rest of the Council at 11.93%. The percentage of people aged between 30 and 49 is also lower.</p> <p>Positive for older people The percentage of older people aged between 50 and 63 is higher at 63.33% (19 people) than that of the rest of the organisation 34.81%.</p> <p>Negative for older people The percentage of older people aged 64 and over within this group of employees is lower, at 0, than the proportion employed overall within the Council, at 3.45%.</p>				
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**Section 5a: Where and how will the above actions be monitored?**

Equality data will be reviewed by the Human Resources team and a full equality audit undertaken once the senior management restructure has been completed.

The Chief Officer Group will be re-evaluated to determine if the impact has changed following this stage of the restructure to assess the actual impact.

**Section 5b: If you think there is no negative impact, what is your reasoning behind this?**

n/a

**Section 6: What research / data / information have you used in support of this process?**

The equality data for the full group of Chief Officers has been reviewed to complete this EIA. Specific data on the Chief Executive has not been disclosed due to data protection requirements.

Workforces statistics for the full group of Chief Officers (30 people), and the equality data for the full workforce.

**Section 7: Are you intending to carry out any consultation with regard to this Council proposal?**

No – (please delete as appropriate)

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

The proposal will be put forward to Cabinet and Employment and Appointments Committee for consideration and potential recommendation for consideration and decision by Full Council. As per the Council's Scheme of Delegation, the decision to appoint the Chief Executive post is a Council decision.

(please stop here and email this form to your Chief Officer who needs to email it to [equalitywatch@wirral.gov.uk](mailto:equalitywatch@wirral.gov.uk) for publishing)

**Section 8: How will consultation take place and by when?**

N/A

## EMPLOYMENT AND APPOINTMENTS SUB-COMMITTEE

Tuesday, 13 November 2012

Present: Councillor P Davies (Chair)

Councillors G Davies AR McLachlan  
L Rennie AER Jones

Deputies: Councillors T Harney (In place of P Williams)  
S Mountney (In place of JE Green)

### 22 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

No such declarations were made.

### 23 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 item of business on the grounds that it involves 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.**

### 24 APPOINTMENT OF STRATEGIC DIRECTOR: FAMILIES AND WELLBEING

Further to minute 21 (26/10/12) the Sub-Committee considered which of the 5 candidates interviewed by officers should be invited to attend for final interview on 14 November for the post of Strategic Director: Families and Wellbeing.

**Resolved – That the following 2 candidates be invited to attend for final interview on 14 November: candidate numbers 2 and 4.**

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# EMPLOYMENT AND APPOINTMENTS SUB-COMMITTEE

Wednesday, 14 November 2012

Present: Councillor P Davies (Chair)  
Councillors G Davies AR McLachlan  
L Rennie AER Jones

Deputies: Councillors T Harney (In place of P Williams)  
S Mountney (In place of JE Green)

## 25 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

No such declarations were made.

## 26 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 item of business on the grounds that it involves 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.**

## 27 APPOINTMENT OF STRATEGIC DIRECTOR: FAMILIES AND WELLBEING

Further to minute 24 (13/11/12) the Sub-Committee interviewed the two short-listed candidates for the post of Strategic Director: Families and Wellbeing.

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

**Resolved (unanimously) – That Clare Fish, currently Chief of Staff, Oldham Metropolitan Borough Council, be appointed to the post of Strategic Director: Families and Wellbeing.**

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# EMPLOYMENT AND APPOINTMENTS SUB-COMMITTEE

Friday, 14 December 2012

Present: Councillors G Davies AR McLachlan  
P Davies T Harney  
JE Green

Apologies Councillors L Rennie AER Jones

## 28 APPOINTMENT OF CHAIR

**Resolved – That Councillor P Davies take the Chair of this Sub-Committee.**

## 29 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

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

No such declarations were made.

## 30 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined by paragraph 1 of Part I of Schedule 12A (as amended) to that Act.**

## 31 APPOINTMENT OF STRATEGIC DIRECTOR: TRANSFORMATION AND RESOURCES

The Head of Human Resources and Organisational Development welcomed Johnathan Swain from the recruitment consultants, Penna, to the meeting. He informed the meeting that 29 applications had been received for the post of Strategic Director: Transformation and Resources. One late application had been received and the Sub-Committee agreed that this should not be considered.

The Sub-Committee did then consider which of the 29 candidates should be long listed for the next stage of the selection process.

**Resolved – That the following 6 candidates be long listed for the next stage of the selection process which shall be for officer interviews on Tuesday, 15 January – candidate numbers, 2, 3, 8, 13, 16 and 22.**