

Cabinet
29 March 2012

360 CORPORATE AND BUSINESS PLANNING

A report by the Chief Executive informed that it was imperative that the Council had a robust approach to business planning to ensure that decisions relating to the vision, priorities and resource allocation were based on a robust evidence base and analysis of community needs.

The report set out an approach for developing a three year Corporate Plan and the timetable for doing so to ensure that consultation was embedded into the business planning arrangements which informed the future priorities and to enable the priorities identified in the Corporate Plan to be delivered by a sustainable budget over the three year period.

Councillor J Green informed that he was of the view that the Council should consider asking the public, particularly through the Area Forums, if the consultation was meaningful. He proposed that Area Forums be invited to let the Council know what they thought about the Council's consultation exercises and if they worked for them.

Councillor I Lewis reminded the Cabinet that there had been concerns raised the previous summer by the Local Strategic Partnership that the Council was failing to consult appropriately with the voluntary community sector and that it had been side lined. The Council had not complied with the compact that it had signed.

The Acting Chief Executive/Director of Finance informed that the issues with the voluntary community sector would not recur if the Council followed the process set out in the report. He told the Cabinet that consultation was an integral part of the business planning process.

Councillor L Rennie referred to the recent consultation on Library Strategy and that there had been very few young people at the Consultation Forum which she had attended. She considered that the Council needed to find ways to make contact with young people and perhaps social media was the answer.

Councillor S Clarke informed that the Council did have Youth Forums that should be included in consultation exercises but it appeared that they had been by passed.

Councillor D Mitchell reported that Eastham Library had more children involved in the reading programme than ever before. He told the Cabinet that young people were our future and they should be engaged.

Councillor J Green informed that the Council did have a Twitter account but it still needed to do some work around social media.

The process that would deliver an updated Corporate Plan was focused and the outcomes would be evidence based. A key element was how the Corporate Plan

would be delivered through effective performance management. There was a desire to better link finance with performance framework. The Corporate Plan was an important document and Councillor J Green thanked those who had contributed to its production.

RESOLVED: That

- (1) the approach and timetable for developing a three year Corporate Plan for 2013/14 – 2015/16 as set out in this report be agreed and specifically the programme of engagement and consultation and the arrangements to align the Corporate Plan and financial planning;**
- (2) the report be referred to the Improvement Board for approval; and**
- (3) a further report be presented to the Cabinet on how the performance management arrangements will ensure the successful delivery of the 2013/14 – 2015/16 Corporate Plan.**

361 ESTABLISHMENT OF ALL PARTY BUSINESS DELIVERY BOARD AND STRATEGIC CHANGE PROGRAMME BOARD

A report by the Acting Chief Executive/Director of Finance informed the Cabinet that as part of the ongoing drive to improve the Council, its corporate governance and the manner in which it discharged its functions, duties and obligations, five key Wirral Improvement Priorities had been agreed by all three Political Group Leaders and the Improvement Board. The five “Wirral Improvement Priorities” were set out at Appendix 1 to the report.

The report proposed the establishment of an all party Business Delivery Board (“BDB”) and a Strategic Change Programme Board (Working Group) (“SCPB(W/G)”) to assist the Council achieve the “Corporate Plan” and “Budget and Financial Stability” Wirral Improvement Priorities together with other Council corporate priorities, targets and objectives (“Agreed Priorities”).

Councillor J Green referred to paragraph 2.9 in the report which proposed a Project Manager and informed that the reason and purpose for making this appointment was to add capacity to the current Team to enable the Strategic Change Programme to gain pace and momentum. Further consultation would need to take place with the Change Team before it was put in place.

The Project Manager should be appointed on a consultancy basis for a period of twelve months (unless extended by Cabinet) and upon such terms as considered appropriate and necessary by the Chief Executive, in consultation with the Director of Law, HR and Asset Management.

The costs of the Project Manager should be met from the Efficiency Investment Budget. The Chief Executive’s Office should provide the necessary administrative support to both the BDB and the SCPB(W/G). Subject to the level of support required, a resources review may be required in the future.

It was noted that the Minutes of both these Boards would be made available to the public and published on the Council's website. Both Boards would also be subjected to scrutiny.

Councillor J Green informed that the aim was to look at problems and solutions. The Boards would work in an all party way involving people in decision-making rather than excluding them.

Officers were asked to develop some Member training options in consultation with Councillor T Harney and the Member Training Steering Group.

Councillor J Green, asked Councillor P Davies (who was in attendance at the meeting) for his comments on the establishment of the two Boards.

Councillor P Davies told the Cabinet that he was in favour of the opportunities for the three Political Groups to work together. The Boards should not be bureaucratic, the number of meetings proposed seemed reasonable and the principle of doing more things collectively was fine.

RESOLVED:

That subject to endorsement by the Improvement Board, the Cabinet:

- (1) agrees to the establishment of a cross party Business Delivery Board and Strategic Change Programme Board;**
- (2) approves the Terms of Reference for the Business Delivery Board and Strategic Change Programme Board (Working Group) set out at Appendix 2 and 3 respectively to the report; and**
- (3) approves the appointment of a consultant Project Manager to support the Strategic Change Programme Board (Working Group) as detailed in the report; and that the costs of the consultant be met from the Efficiency Investment Budget.**

362 DELIVERING CORPORATE GOVERNANCE

A report by the Acting Chief Executive/Director of Finance outlined investment proposals to enhance the delivery of corporate governance in the Council. £300,000 had been identified in the Council's 2012/13 Budget "to improve standards and practice across the Council" following the critical report of its corporate governance arrangements.

Work on ten Key Lines of Enquiry would achieve outcomes by the end of March 2012 which would be the essential building block upon which a wider programme could be based. Also, the Council had established an Improvement Board in partnership with the Local Government Association (LGA). Its role was to:

- Provide support, guidance and challenge;
- Identify and signpost appropriate good practice;
- Ensure there is a single, integrated and holistic improvement plan that can be clearly understood and communicated internally and externally;
- Ensure the contributions from different external agencies/bodies to Wirral's improvement journey are coordinated.

At its meeting on 2 March 2012 the Improvement Board had considered a report on the Council's key priorities for an overarching improvement plan and requested a further report on how it intended to deliver the agreed priorities for improvement. It welcomed the further additional sum agreed as part of the budget and wanted the Council to identify sufficient corporate capacity to drive forward the overall improvement programme with momentum.

The Acting Chief Executive/Director of Finance proposed in his report that the £300,000 be invested as follows:

(a) Director of Law, HR and Asset Management (£50,000)

To support an additional solicitor to deal with governance issues which would include constitutional advice and issues of a complex legal nature?

(b) Finance (£250,000)

Corporate Performance – The responsibility for Corporate Performance was transferred to the Director of Finance; however only one post from four established was transferred. It was proposed that the Team be enhanced to its previous complement of four.

(c) Compliance – Clearly the effectiveness of, and adherence to, the Council's policies and procedures had been questioned. It was proposed to establish a team which would support the review and effective implementation of Council policies and procedures. Clearly this function could be managed from within the Internal Audit Service or from within the Corporate Performance Group. There were advantages and disadvantages to either proposal; however, it was believed that it was more appropriate to determine this in the light of an Independent Review of Internal Audit which would be reporting to the Cabinet in due course.

Councillor J Green informed that he was disappointed with the report and the proposal for the Finance Department to receive £250,000 for a compliant unit. A key issue was that the Council had so many policies and versions of policies and that they were not kept all in one place. The Acting Chief Executive/Director of Finance told the Cabinet that there would be a compendium of policies and that he should have made this clear in his report.

Councillor T Harney raised issues over the Council's Whistle Blowing Policy. He considered that there should be a method to test outcomes by both Internal and External Audit. They should look at what was happening in the Council, how complaints and comments were used, if there was a system to bring this all together and was there a record kept. This would encourage Members to report matters that were brought to their attention, as it would help build up a picture.

Councillor I Lewis informed that at the round table discussion Members had attended Freedom of Information requests had been discussed, some relating to issues in the Council, and these matters had not been included in the report.

Councillor J Green agreed with Councillor I Lewis and informed that the report did not address the wider issues. He told the Cabinet that if the £250,000 was put into the Compliance Unit everyone would think that it was the Unit's job to ensure people complied. Instead the Council should be making it easier for staff to comply and a knowledge store was required. Corporate governance was important because if that was right it helped people to comply.

Councillor J Green felt that the report needed to more closely reflect the round table discussion. He wanted to see a broader vision of how corporate governance could work. A whole Council approach to corporate governance was needed.

RESOLVED: That

- (1) the Cabinet agrees, in principle, to allocate £50,000 to Director of Law, HR & Asset Management for the appointment of a solicitor;**
- (2) the proposal to allocate £250,000 to the Director of Finance to establish a compliance teams and enhance corporate performance be not approved; and**
- (3) (1) above be referred to the Improvement Board for its comments.**

365 CHANGING WIRRAL COUNCIL'S CORPORATE CULTURE

A report by the Director of Law, HR and Asset Management outlined the key areas for consideration in developing the culture of Wirral Council.

The report outlined the significant amount of work already carried out in key areas relating to the development of culture and activity that would contribute to the Wirral Improvement Board's agreed Improvement Priorities. The report also set out progress made with values and behaviours and informed on Leadership development and embedding culture change.

Councillor J Green thanked the Head of HR and Organisational Development and those who had worked with her on the report for producing a really good document. He also thanked those Members of the previous Administration for their contributions.

Councillor J Green informed that it was necessary to involve and engage all staff in the values and that it was essential to have regular staff attitude surveys and engage with staff where problems had been identified.

Councillor T Harney reported that he had evidence of an inconsistency of management approaches across the authority and this must be addressed. He also proposed that Members should be fully informed about what was being done

with all the information being collected, a dialogue be built up with the workforce and feedback be provided.

Councillor S Clarke informed the Cabinet that this was an excellent piece of work and that this was an area that had been under developed in the Council. Councillor S Clarke was aware that a lot of money had been spent on Leadership Programmes and she asked the Head of HR and Organisational Development to undertake a piece of work on them, numbers and the resulting impact.

The Head of HR and Organisational Development reported that she would pick Councillor S Clarke's request up through the Working Group. There had been a number of programmes and they had proved very effective for those who had been on them. There was an expectation that management would attend training events and a modular approach was being adopted. She was looking at what could programmes deliver for Wirral Council and help take the organisation forward.

Councillor J Green considered that the way forward was to focus on challenge and effective challenge. The Council needed to be capable of challenging behaviour. Both Members and officers must be encouraged to challenge when people were not demonstrating values and expectations that had been laid down. He stressed the importance of performance appraisal and that it must take place. He also wanted to make sure that the staff were equipped with the skills needed to do their jobs; they were the Council's biggest resource and were very important.

RESOLVED:

That, subject to the endorsement of the Improvement Board, Cabinet –

- (1) approves the outlined approach to culture development at Wirral Council;**
- (2) recommends the Performance Appraisal process to The Employment and Appointments Committee; and**
- (3) agrees to a cross party working group to develop organisational Values to underpin the culture programme.**

367 ADDRESSING EMPLOYEE CONCERNS

On 14 April 2011 the Cabinet accepted a report from an independent investigation undertaken by Martin Smith into allegations of bullying and abuse, raised by Martin Morton, a former employee in Adults Social Services. (Minute No. 378 refers.)

One of the recommendations in the report was that the Council needed to strengthen its processes and procedures in relation to Whistleblowing and grievance issues to provide a more robust framework for ensuring such issues

are dealt with effectively and to improve employees' confidence to raise such matters.

On the 19 September 2011, Anna Klonowski Associates Ltd (AKA) delivered an initial report: 'Wirral Metropolitan Borough Council's Corporate Governance Arrangements: Refresh and Renew' A Supplementary Report to the Independent Review of Wirral Metropolitan Borough Council's Response to Claims Made by Mr Martin Morton (and others)'. This report identified a series of weaknesses and areas for concern relating to the Council including:

- 'Profound' cultural issues
- A reluctance to listen to and support Wirral MBC staff when they have tried to raise and resolve issues on the Council's behalf.
- Confidential comments made during the DASS review that some staff were at the time of interview reluctant to speak out because of the perceived impact this might have on them and/or their career at Wirral MBC.

A report by the Director of Law, HR and Asset Management set out how the Council was addressing employee concerns. The report outlined a range of actions and proposals including:

- The appointment of an independent external ombudsman.
- Implementation of a revised Whistleblowing Policy.
- Subscription to Public Concern at Work
- Revised Grievance and Dignity at Work policies and further work on HR policies.
- The development of a corporate HR casework system to improve performance.
- Work on changing organisational culture and proposals for training and communication in these areas.

The Council was currently working with The Local Government Association to address key issues and to deliver the Improvement Plan. The actions detailed in the report would contribute to the Improvement Plan

Councillor J Green told the Cabinet that employees should be able to express their worries about the workplace "without fear of reprisals but the evidence from the Martin Smith and AKA reports suggested a totally inappropriate culture within the Council. People who had worked in the Department of Adult Social Services had felt unable to come forward whilst those that did had suffered a negative impact on their career. An Ombudsman was required to sift and investigate. He or she would have the right and power to go to the Employment and Appointments Committee and demand to be heard about matters of major concern (in the same way as the Chief Internal Auditor had the right and power go to the Audit and Risk Management Committee and demand to be heard).

Councillor D Mitchell enquired whether any members of staff had come forward under the corporate amnesty. The Director of Law, HR and Asset Management

reported that as a result of that exercise a number of matters were under investigation. He would come back to Councillor D Mitchell with the number as soon as possible.

Councillor J Green informed that he had not received the report on the Whistleblowers and a mechanism must be found to make information available to senior Members.

Councillor I Lewis enquired if Martin Morton (the Whistleblower) had been consulted on the Whistleblowing Policy. The Head of HR and Organisational Development was unable to confirm this but informed that she had spoken to Martin Smith about it.

Councillor J Green considered that the revised Whistleblowing policy was a move in the right direction. He asked the Head of HR and Organisational Development to ensure that staff that had been through the process would be consulted on it. He also emphasised that the Policy must be fair for all, investigations conducted speedily and appropriate staff training be provided.

RESOLVED:

That subject to endorsement by the Improvement Board:

a report be presented to the Employment and Appointments Committee outlining the proposals for an Independent External Ombudsman within the remit set out in the report.

368 CORPORATE COMMISSIONING STRATEGY FRAMEWORK

A report by the Acting Chief Executive/Director of Finance outlined the importance of a Corporate Commissioning Strategy and proposed an overall strategic commissioning framework to be applied corporately and with which more detailed service commissioning strategies should comply.

RESOLVED: That

- (1) the development of a Corporate Commissioning Strategy Framework be agreed and its integration within the corporate and business planning cycle be noted; and**
- (2) the report be referred to the Improvement Board for approval.**

372 URGENT BUSINESS APPROVED BY THE CHAIR (PART 1) – COMPROMISE CONTRACTS

On 13 February 2012 the Council had passed a motion that that all future “compromise deals”, that included an element of financial or other incentive were subject to a full democratically accountable process. The Council had asked that

The Employment and Appointments Committee be tasked with forming a Sub-Committee to assess and sign off any compromise deals before any such offer was made to employees, and the process and scope of reporting was to be agreed by this Sub-Committee. Members for this Sub-Committee were to be co-opted from the list of Members available for the Appeals Sub-Committee on a 1:1:1 basis. The Chair for any such meeting could be decided by the agreement of the Sub-Committee.

The Council also asked that all such “compromise deals”, once agreed by the Sub-Committee, be reported to the next meeting of The Employment and Appointments Committee, under exempt items if the details were of a sensitive nature.

Further to Minute No. 357 (a) (ii) above, an urgent report by the Director of Law, HR and Asset Management advised the Cabinet about the purpose of compromise contracts, their use by the Council in different situations and set out the options for their future use. The report needed to be considered urgently so it could be agreed and sent on to the Improvement Board for endorsement and so that a report could be presented to the Employment and Appointments Committee

RESOLVED:

That in view of the motion passed by the Council and, subject to endorsement by the Improvement Board –

- (1) a process be adopted whereby any proposed termination of employment of officers above SCP49 be via compromise contract, which includes a payment or financial incentive as part of the termination arrangement, or where a payment or financial incentive as part of the termination arrangement is over £50k.**
- (2) a report be presented to The Employment and Appointments Committee to agree appropriate arrangements for authorisation which will allow such decisions to be taken in a timely manner.**