

WIRRAL COUNCIL

THE EMPLOYMENT AND APPOINTMENTS COMMITTEE

27 MARCH 2013

SUBJECT:	MONITORING USE OF COMPROMISE CONTRACTS
WARD/S AFFECTED:	ALL
REPORT OF:	ACTING DIRECTOR OF LAW, HR & ASSET MANAGEMENT
KEY DECISION	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to inform Employment and Appointments Committee of settlement of compromise contracts since last Committee.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 On 23 April 2012, The Employment and Appointments Committee agreed the following process for use of Compromise Contracts.

1) Authorised Officers are permitted to continue working within the current Scheme of Delegation to manage the process of Compromise Contracts but subject to Paragraph (4) below;

2) COT3 Contract outcomes will be reported to the next available Employment and Appointments Committee;

3) Compromise Contracts for EVR exercises should remain within the bounds of existing delegated authority and policies. However, EVR should not be used to cloak individual personnel issues and, in cases of doubt, the Chair of the Employment and Appointments Committee should be approached and minuted decisions provided to the next Employment and Appointments Committee;

4) All Compromise Contracts except those to settle litigation and those requiring a payment of £30,000 or less will be dealt with in the following manner;

The Head of Legal and Member Services, in conjunction with the Head of Human Resources and Organisational Development will put forward any proposed agreement for termination of employment of officers, with appropriate justification, to a Sub Committee of the Employment and Appointments Committee which shall have the power to approve the proposed agreement (or otherwise) and which shall be constituted in accordance with sub paragraph (b) below;

(b) A Sub Committee with proportionality of 1:1:1 shall be co-opted from the list of Members available for the Appeals Sub-Committee by the Head of Legal and Member

Services, who will call a meeting of the Sub-Committee giving five clear working days notice, or sooner with the agreement of all parties; and

5) For the avoidance of doubt, the above procedures do not apply to Council staff employed at schools with delegated budgets and whose employment is subject to the powers of Governing Bodies under local management of schools.

2.2 Attached at Appendix One is a summary of COT 3/Compromise Contracts the Council has entered into since this report was last presented to Employment and Appointments Committee on 15 November 2012.

2.3 In November 2012, the Council confirmed its intention to review the terms of the Enhanced Severance Scheme. It was agreed that all employees who were already in a redeployment situation should be offered the opportunity to take Voluntary Severance/Early Voluntary Retirement prior to any potential change to the Scheme. A total of eight employees left under this exercise and signed a compromise contract.

2.3 This appendix only contains detail at a high level. The intention is to get as much into the public domain without compromising individuals' privacy. If members wish to have further details which could include information which would identify an individual it may be necessary to exclude the public to protect individuals.

3.0 RELEVANT RISKS

3.1 Compromise agreement reached to minimise further financial risk to the Council.

4.0 OTHER OPTIONS CONSIDERED

4.1 HR and Legal advice is obtained in all cases, including external legal advice where appropriate.

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 Financial costs are detailed in Appendix.

8.0 LEGAL IMPLICATIONS

8.1 Legal advice has been obtained in all cases, including external legal advice where appropriate.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

This is a report for noting. However, an EIA on use of compromise agreements can be found at

10.0 CARBON REDUCTION IMPLICATIONS

10.1 None

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 none

12.0 RECOMMENDATION/S

12.1 It is recommended that The Employment and Appointments Committee notes the information provided about use of compromise contracts.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 This report meets the requirements set out by the Employment and Appointments Committee on 23 April 2012

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APPENDICES

Appendix One - Compromise Contracts Signed (Exempt)

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Employment and Appointments Committee	23 April 2012
	24 September 2012
	15 November 2012