

**Recommendations from the Standards and Governance Committee
meeting held on 6 July 2015**

Changes to the Law in relation to Dismissal of Certain Officers

58.1 The Committee considered a report by the Monitoring Officer outlining new regulations made by the Secretary of State for Communities and Local Government which required that the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer may only be dismissed by the full Council following compliance with a procedure set out in a schedule to the regulations. This procedure included a report to a special panel formed to advise the Authority on matters relating to the dismissal which must include in its membership independent persons appointed by the Council under section 28(7) of the Localism Act. The report proposed changes to officer employment procedure rules and to the terms of reference of the Staffing Committee in order to comply with the regulations.

58.2 Following introduction of the report, the Monitoring Officer left the room for consideration of the item.

58.3 A member expressed concern regarding the removal of political balance from the special panel. However, it was also noted that there was the opportunity for part of its membership to be appointed by Group Leaders, allowing representation across the political parties.

58.4 Overall, the Committee felt that the political balance should be waived and the suggested wording in relation to membership of the panel in Article 8 of the Constitution should be expressed in a clearer way when considered by the County Council. Furthermore, it would be appropriate for the Chief Executive, Monitoring Officer and Section 151 Officer to leave the Chamber during consideration of this item.

RECOMMENDED

59.1 That County Council agree to a departure from the rules requiring political balance for the Statutory Officer Panel.

59.2 That County Council be recommended to approve the necessary changes to the Constitution, attached as Annexure 1 to these minutes, subject to re-wording of Article 8 in order to provide further clarity, particularly with regard to political balance.

Reason for Recommendations

60. To comply with new regulations which recognised the need for statutory employment protection of certain officers.

(Annexure 1 referred to above is detailed at pages 8-18 of the attached document - numbers 1-7 refer to the minutes)

Changes to People Management Delegations within the Constitution

61.1 The Committee considered a joint report by the Assistant Chief Executive and the Monitoring Officer recommending changes to Part 3, Appendix 7 of the Constitution, the people management delegations. The report had previously been considered by the Staffing Committee on 2 June 2015. The recommendations included delegation of any future significant changes to the people management delegations to the Chief Executive, as the Head of Paid Service.

61.2 The Principal HR & OD advisor explained that the people management delegations outlined the management level at which people management decisions could be made. This would allow managers to take operational decisions within their areas which could include approval of annual leave, staff recruitment or dismissal. The existing scheme

which listed specific decisions within each management tier was inflexible and some decisions were not included causing uncertainty and delay in decision making.

61.3 This had been discussed by the Corporate Leadership Team who were keen to replace the list of decisions with a more flexible approach based on basic principles in order to empower managers to take operational decisions. It would also mean that the Council could be more dynamic and make changes in relation to operational staffing matters more quickly. However, one of the risks of this approach, particularly with regard to managers having no prior experience in taking such decisions, would be mitigated through people management training, effective communication of the new approach and ensuring managers were aware of their responsibilities. The new arrangements were not intended to replace the decisions of the Staffing or Personnel Appeal Committees or those decisions delegated to the Head of HR and OD.

61.4 In response to a question, the Chairman explained that he had spoken about his reservations at the time this matter was considered by the Staffing Committee. He had been reassured that training would be offered for inexperienced managers and that an experienced HR Officer would always be involved in cases of dismissal. Furthermore, he had considered that the future delegation of any changes to the people management delegations should be a matter only for the County Council as a change to the Constitution. However, as this change in delegation related to operational staffing matters he had felt able to support it.

61.5 The Committee supported the new approach as a way of modernising the organisation and empowering managers. However, there would need to be a cultural change in addition to training programmes as managers may be “risk averse” to taking some management decisions.

61.6 Members were advised that changes would be communicated through the 150 group and the Leadership and Management Essentials training, which had a very high take up by managers. The results of staff surveys would also start to provide an indication of the level of cultural change and whether the new arrangements were becoming embedded in the organisation.

RECOMMENDED

62. That County Council agrees:-

- (i) the proposed scheme of delegation for people management matters (attached as Annexure 2 to these minutes).
- (ii) that future significant changes to the people management delegations be delegated to the Chief Executive as Head of Paid Service.

Reason for Recommendations

63. In order to comply with new regulations which recognised the need for statutory employment protection of certain officers.

(Annexure 2 referred to above is detailed at pages 19-32 of the attached document)

Constitutional Changes

66.1 The Committee considered a report by the Monitoring Officer which proposed a number of changes that had arisen that would also need to be considered by the County Council at its meeting on 23 July 2015.

66.2 With regard to the Petitions Scheme, the Chairman suggested that the requirements should include name, signature and indicate where they lived (address or postcode). Alternatively petitions should also include an email address. Evidence of a

Dorset address would not always be necessary, for example, with regard to cross boundary issues. This was supported by the Committee.

66.3 Comment was made that there should be consistency of approach with regard to petitions across local authorities and the Monitoring Officer advised that this might be achieved through a joint procurement of the Mod.Gov committee system by local authorities as this included a petitions module.

66.4 The Terms of Reference of the Tricuro Executive Shareholder Group had been e-mailed to the Committee following publication of the agenda and paper copies were distributed at the meeting. The Monitoring Officer advised that the terms of reference were part of the overall shareholder's agreement between Dorset, Bournemouth and Poole. The Committee was not in a position to make alterations to the document. However, any concerns could be reported to the three Councils to agree any necessary changes.

66.5 The Terms of Reference of the Staffing Committee would include any amendments arising as a result of the earlier discussion in relation to the item "Changes to the Law in relation to Dismissal of Certain Officers" earlier on the agenda.

RECOMMENDED

67. That the County Council agree the following proposed changes to the Constitution, attached as Annexure 3 to these minutes:-

- (i) Rules of Procedure in relation to questions by members at meetings of the Council, Cabinet and Committees.
- (ii) Updated Petitions Scheme, as amended by the Standards and Governance Committee.
- (iii) Terms of Reference of the Tricuro Executive Stakeholder Group.
- (iv) Terms of Reference of the Dorset Pension Fund Committee.
- (v) Terms of Reference of the Staffing Committee and Personnel Appeals Committee.

Reason for Recommendations

68. To contribute to the corporate aim to "provide innovative and value for money services".

(Annexure 3 referred to above is detailed at pages 33-56 of the attached document)

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ANNEXURE 1

Standards and Governance Committee – 6 July 2015

Recommendation from the Staffing Committee meeting held on 2 June 2015

Changes to the Law relating to the Dismissal of Certain Officers

73.1 The Committee considered a report by the Monitoring Officer concerning new regulations by the Secretary of State for Communities and Local Government with regard to the Head of Paid Service, Monitoring Officer and Chief Financial Officer.

73.2 The Monitoring Officer advised that the new regulations changed the arrangements concerning the dismissal of these statutory officers and that the proposed changes to the Constitution would allow the establishment of a specialist panel that would include Independent Persons appointed by the Council under the Localism Act. Changes to the Officer Employment Procedure Rules and terms of reference of the Staffing Committee and inclusion of terms of reference for the Statutory Officer Panel were therefore recommended for approval by the County Council, via the Standards and Governance Committee. He advised that pages included in appendix B of the report in error would be removed from the report to the Standards and Governance Committee.

73.3 A member requested that the report to the Standards and Governance Committee include a recommendation that County Council agree to a departure from the rules requiring political balance for the Statutory Officer Panel and that numbering contained Appendix A was also rectified.

RECOMMENDED

74.1 That County Council agrees to a departure from the rules requiring political balance for the Statutory Officer panel.

74.2 That County Council be recommended to approve the necessary changes to the Constitution.

Agenda Item:

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Staffing Committee and Standards and Governance Committee

Dorset County Council



Date of Meeting	2 June 2015 – Staffing Committee 6 July 2015 – Standards and Governance Committee
Officer	Monitoring Officer
Subject of Report	Changes to the law relating to the dismissal of certain officers
Executive Summary	<p>The law requires that every principal local authority must, irrespective of the range of services for which it is responsible, designate the following officers:</p> <ul style="list-style-type: none"> • A Head of Paid Service • A Monitoring Officer • A Chief Finance Officer <p>These officers have particular duties which may on occasion require them to intervene in their council by issuing a statutory report. In some Councils such action has the potential to make the statutory officers unpopular with the political leadership and at risk of dismissal for doing their duty. In order to safeguard the employment position of these officers regulations made in 2001 required local authorities to include in their standing orders specific limitations so that no disciplinary action could be taken against them other than in accordance with a recommendation in a report by a designated independent person appointed under the</p>

Appendix 1

	<p>regulations.</p> <p>Such issues have never arisen with the County Council but as required by the 2001 regulations our officer employment procedure rules include restrictions to prevent disciplinary action against the statutory officers other than in accordance with a recommendation in a report by a designated independent person.</p> <p>New regulations made by the Secretary of State for Communities and Local Government have amended these safeguards by replacing the role of a designated independent person with a requirement that a relevant officer (meaning the statutory officers listed above) may only be dismissed by the full Council and only following compliance with a procedure set out in a schedule to the regulations. In a covering letter CLG explain that: "These regulations which apply to all principal councils in England simplify and localise the disciplinary process for the most senior officers of a Council ie the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer."</p> <p>The procedure to be followed includes a report to a special panel formed to advise the Authority on matters relating to any such dismissal. The panel must include in its membership independent persons appointed by the Council. For these purposes independent person means a person appointed by the Council under section 28(7) of the Localism Act.</p> <p>In order to comply with the regulations the Council must adopt new standing orders in respect of disciplinary action no later than the first ordinary meeting of the Council falling after 11 May 2015. Proposed changes to officer employment procedure rules to comply with the regulations are set out in appendix 1 to this report as tracked changes. A number of consequential amendments as a result of these and other changes are set out in proposed revisions to the terms of reference of the Staffing Committee. The principal change in relation to the Staffing Committee terms of reference arising from the new regulations is that whilst the Staffing Committee still has a role to play in determining disciplinary action short of dismissal a statutory officer may only be dismissed by the full Council and only then after the Council has taken account of:-</p> <ol style="list-style-type: none"> 1. any advice, views or recommendations from a Panel whose membership includes two or more independent persons; 2. the conclusions of any investigation into the proposed dismissal; and 3. any representations from the relevant officer.
Impact Assessment:	<p>Equalities Impact Assessment:</p> <p>None.</p>

	<p>Use of Evidence:</p> <p>This report draws upon existing standing orders/officer employment procedure rules and new requirements that the County Council must introduce.</p>
	<p>Budget:</p> <p>There are no direct budget implications. Part of the Secretary of State's thinking in making these changes is to remove what he regards as an unnecessarily cumbersome designated independent person process. The new arrangements make use of independent persons already appointed to assist councils when dealing with member conduct complaints.</p>
	<p>Risk Assessment:</p> <p>No formal risk assessment has been undertaken but the current and residual risks are thought to be low.</p>
	<p>Other Implications:</p> <p>None</p>
Recommendation	Both Committees are asked to note the contents of the new regulations and to invite the County Council to approve the necessary changes to the constitution.
Reason for Recommendation	In order to comply with new regulations which recognise the need for statutory employment protection of certain officers.
Appendices	A Proposed revised officer employment procedure rules. B Proposed revised terms of reference for the Staffing Committee and statutory officer panel.
Background Papers	Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015
Officer Contact	Name: Jonathan Mair Tel: 01305 224181 Email: j.e.mair@dorsetcc.gov.uk

Officer Employment Procedure Rules**Appendix A**

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1. Recruitment and Appointment**1.1 Definitions**

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to an existing councillor or an officer of the Council; or the partner of such persons.
- (b) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Director or an officer nominated by him/her.

1.2 Seeking support for appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) No councillor will seek support for any person for any appointment with the Council.
- (c) Nothing in paragraph (a) or (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service, Directors, Statutory Officers and Deputy Chief Officers

Where the Council proposes to appoint the Chief Executive, a Director, i.e. Chief Officer, a Statutory Chief Officer (who is not a Director) or a Deputy Chief Officer (Usually a Head of Service) within the meaning of the Local Authorities (Standing Orders) (England) Regulations 1993 and the Local Government and Housing Act 1989, and it is not proposed that the appointment be made exclusively from among the County Council's existing officers, the council shall:-

- (a) draw up a statement specifying:
 - (i) the duties of the post concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed
- (b) make arrangements for the post to be advertised in such a way as to bring it to the attention of people who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

Where a post has been advertised as provided in paragraph (b) above, the Chief Executive may, having regard to the number of

Officer Employment Procedure Rules

qualified applicants for the post, select a short list of qualified applicants

3. **Appointment of Head of Paid Service, Directors, Statutory Officers, Deputy Chief Officers and designation of Deputy Chief Executive**

The appointment of the Chief Executive, Monitoring Officer and Section 151 Officer will be recommended by the Staffing Committee to the County Council for approval.

Every appointment of a Director, including any designation of a Deputy Chief Executive and appointment of a Deputy Chief Officer shall be made by the Staffing Committee.

The Staffing Committee which will include at least one member of the Cabinet shall:-

- (a) interview all qualified applicants for the post, or
- (b) if a short list has been selected in accordance with this standing order, interview those applicants included on the short list.

Where no qualified person has applied, the Chief Executive shall make further arrangements for advertisement in accordance with paragraph 2(b) above.

NB: An offer of appointment to the post of Chief Executive, Monitoring Officer or Chief Financial Officer (as Statutory Officers), other Directors as Non-Statutory Chief Officers, designation of Deputy Chief Executive or appointment of a Deputy Chief Officer must not be made until, through the Proper Officer, every member of the Cabinet has been notified of the proposed offer (with relevant details) and a specified period of days has elapsed within which the Leader of the Cabinet may indicate whether he or any other member of the Cabinet has any objection to the making of the offer. In the absence of any objection, the offer of appointment can be made, or in the case of the Chief Executive, Monitoring Officer and Section 151 Officer be recommended to the County Council.

If an objection is made, the Staffing Committee must be satisfied that it is not material or well founded before the appointment is confirmed or recommended to the County Council.

4. **Other appointments**

Subject to the above, the appointment of officers below Deputy Chief Officer is the responsibility of the Head of Paid Service or his/her nominee and may not be made by councillors.

5. **Dismissal of the Statutory Officer ~~Disciplinary action against Chief Executive~~**

The Chief Executive as Head of Paid Service, the Monitoring Officer and Chief Finance Officer may only be dismissed as a result of a decision by the full County Council and then only after compliance with the procedure set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. ~~No disciplinary action in respect of the Chief Executive, except action described in the next paragraph of this procedure, may be~~

Officer Employment Procedure Rules

~~taken by the Council, or by a committee, sub-committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct). The action mentioned in the above paragraph is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which suspension takes effect.~~

~~Where the Staffing Committee discharges the function of the dismissal of the Chief Executive, the following must apply:~~

- ~~• At least one member of the Cabinet must be a member of the Staffing Committee.~~
- ~~□ The County Council must approve the dismissal before notice of dismissal is given to the Chief Executive.~~

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6. ~~Disciplinary action against particular Officers~~

~~No disciplinary action in respect of the Monitoring Officer and Chief Financial Officer (as Statutory Officers) except action described in the next paragraph of this procedure may be taken by the council or by a committee, sub-committee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).~~

~~The action mentioned in the above paragraph is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which suspension takes effect.~~

~~Disciplinary action may be taken in respect of Non-Statutory other Chief Officers and Deputy Chief Officers in accordance with the County Council's Disciplinary Procedures may result in dismissal and any decision to dismiss shall be made by the Staffing Committee.~~

~~Where the Staffing Committee discharges the function of the dismissal of a Statutory Chief Officer, a non-statutory Chief Officer or Deputy Chief Officer or recommends (via the Statutory Officer Panel) that the full Council should dismiss a statutory officer then at least one member of the Cabinet must be a member of that committee.~~

67. ~~Notice of Dismissal~~

~~No notice of dismissal of the Chief Executive, the Monitoring Officer, the Chief Financial Officer, other Directors as non-statutory Chief Officers or Deputy Chief Officers must be given until, through the proper Officer, every member of the Cabinet has been notified of the proposed dismissal (with relevant details) and a specified period of days has elapsed with which the Leader of the Cabinet may indicate whether he or any other member of the Cabinet has any objection to the dismissal. In the absence of any objection, the dismissal notice must be given (or in the case of the Chief Executive, Monitoring Officer~~

Officer Employment Procedure Rules

or Section 151 Officer recommended [via the Statutory Officer Panel](#) to the County Council).

If an objection is made, the Staffing Committee must be satisfied that the objection is not material or well founded before notice of dismissal can be given, or in the case of the Chief Executive, Monitoring Officer or Section 151 Officer recommended [\(via the Statutory Officer Panel\)](#) to the County Council.

NB: The Scheme of Delegation for the Discharge of Functions contains details of authority to appoint, discipline and deal with dismissal of staff below the level of Deputy Chief Officer.

NB: Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer, except where such involvement is necessary for any investigation or enquiry into alleged misconduct, through the council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of dismissals.

78. Political Assistants

No appointment shall be made to any post allocated to a political group of the County Council until the County Council has allocated a post to each of the groups which qualify for one.

- (i) No allocation of a post shall be made to a political group which does not qualify for one;
- (ii) Not more than one post shall be allocated to any one qualifying political group.

For the purposes of these procedures a political group shall qualify for such a post if:

- (a) the membership of that group comprises at least 1/10 of the membership of the County Council;
- (b) the number of the groups (if any) which are larger than that group does not exceed two, and
- (c) where the number of the other groups which are the same size or larger than that group does exceed two, the County Council have determined that group should be a group to which a post should be allocated.

When considering whether to make an appointment of a political assistant, the County Council shall, before making any allocation in cases in which there are groups which would qualify for posts if paragraph (c) above were discarded, make such determination as secure that there are no more nor less than three groups which do qualify for a post.

The Cabinet shall not exercise any power for arranging the discharge of any of the County Council's functions by a political assistant.

89. Pay Policy

The County Council approves a pay policy statement for each financial year in accordance with the requirements of the Localism Act 2011.

Officer Employment Procedure Rules**| 940. Political restriction of posts**

In accordance with the provisions of the Localism Act (schedule 4) decisions about the grant of any exceptions from political restriction are to be taken by the Chief Executive as Head of Paid Service in consultation with the Monitoring Officer.

8.7 **Staffing Committee**Terms of Reference:-

- (a) To determine the terms and conditions on which staff hold office (including procedures for dismissal).
- (b) To appoint Directors, Deputy Chief Executive, Assistant Chief Executive and Heads of Service and to deal with the appointments process and recommend an appointee for the posts of Chief Executive, Monitoring Officer or Section 151 Officer.
- (c) To deal with issues relating to redundancy, disciplinary action or capability in respect of the Chief Executive, Directors, Statutory Officers and Heads of Service.
- (d) The award of discretionary payments in cases of early retirements or redundancy under the Local Government Pension Scheme Regulations 1997 (as amended) in respect of the Chief Executive, Directors, Statutory and Heads of Service.
- (e) To exercise the functions of the County Council in relation to pension benefits other than those exercised by the Personnel Appeals Committee.

Note: The Officer Employment Procedure Rules shall apply in respect of terms of Reference b and c above.

Membership: The County Council has agreed to a departure from the rules requiring political balance for this Committee. Its membership will include:-

5 members to include the Chairman of the County Council, Leader of the Council and 3 other members (to be nominated by the Group Leaders).

Note: When sitting as an appointments panel:

- (a) For the appointment of or conducting a disciplinary hearing into the conduct of or hearing an appeal by the Chief Executive, Directors, Deputy Chief Executive, Monitoring Officer or Section 151 Officer or recommendations to Council for the appointment of Chief Executive, Monitoring Officer or Section 151 Officer, its membership will be varied to comprise the Chairman and Leader of the County Council or their nominees and three other members to be appointed ~~nominated~~ by the Group Leaders on each occasion (one of whom should be the relevant Cabinet member).
- (b) For the appointment of or a hearing into the conduct of the Assistant Chief Executive and Heads of Service, its membership will be varied to comprise three members to be nominated by the Group Leaders on each occasion (one of whom should be the relevant Cabinet member).

Further note: the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 provide that the Head of Paid Service, Monitoring Officer and Chief Finance Officer may not be dismissed unless a procedure set out in the regulations has been followed. That procedure includes obtaining advice from a panel, the membership of which must include independent persons appointed under section 28(7) of the Localism Act 2011. Accordingly in relation to these officers the Staffing

Committee may not impose the sanction of dismissal as this is a matter for the full County Council following advice from the Statutory Officer Panel.

8.8 Statutory Officer Panel

Terms of Reference:-

To advise the County Council on matters relating to a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

Membership: The County Council has agreed to a departure from the rules requiring political balance for this Panel. Its membership shall comprise 3 members (one nominated by each group leader) who shall not have participated in hearings at earlier stages in the disciplinary procedure and two independent persons appointed when Section 28(7) of the Localism Act 2011.

ANNEXURE 2

Standards and Governance Committee – 6 July 2015

Recommendation from the Staffing Committee meeting held on 2 June 2015

Changes to People Management Delegations within the Constitution

70.1 The Committee considered a joint report by the Assistant Chief Executive and the Monitoring Officer which recommended changes to the people management delegations in Part 3, Appendix 7 of the County Council's Constitution. The proposed changes were intended to apply to all management structures, excluding those in schools.

70.2 Appendix 7 of the Scheme of Delegation outlined the management level at which people management decisions could be made, other than those which were the responsibility of the Staffing Committee, Personnel Appeals Committee or the Head of Human Resources & Organisational Development.

70.3 Members were advised that this appendix had not been included in a revision of the Scheme of Delegation in 2013 and that the proposed scheme of delegation for people management matters reflected the organisational shift that had been created as a result of the Forward Together programme. The benefits and risks of this approach had been outlined in the report, as well as other options considered by the Corporate Leadership Team. A further recommendation of the report would allow any future changes to the scheme of delegation for people management matters to be delegated to the Chief Executive. The Monitoring Officer advised that this delegation was appropriate in terms of the role of the Chief Executive, as the Head of Paid Service, whilst also moving away from the lengthy committee process that prevented the Council from acting quickly.

70.4 A member expressed concerns in relation to inexperienced managers having the authority to dismiss staff and also in relation to delegating authority to the Chief Executive to make changes to the Constitution which was a County Council function. The Committee was reassured that a member of the HR team was always involved in cases of dismissal in line with the Council's procedures and that management training and support would be provided in order to build confidence in this area. Members were also advised that delegation of this authority to the Chief Executive was appropriate as people management decisions formed part of the operational day to day business of the Council rather than higher level matters contained in the Constitution. In addition, the County Council's ability to respond quickly was particularly important for partners such as the Dorset Waste Partnership and that to require an approval process by two committees and County Council would be too long.

RECOMMENDED

71. That County Council, via the Standards and Governance Committee, be recommended to approve the proposed scheme of delegation for people management matters and that future delegation of significant changes to the people management delegations be dealt with by the Chief Executive as Head of Paid Service.

Reason for Recommendation

72. The Staffing Committee oversees matters relating to people management policies.

Agenda Item:

Staffing Committee

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Dorset County Council



Date of Meeting	2 June 2015
Officer	Joint report of the Assistant Chief Executive and the Monitoring Officer
Subject of Report	Changes to people management delegations within the Constitution
Executive Summary	<p>This report recommends changes to Part 3, Appendix 7 of the county council's Constitution, which is the people management delegations. A revised scheme is proposed to support the county council in becoming a more flexible and responsive organisation. The proposals are recommended by the County Leadership Team.</p> <p>Any amendments to the County Council's Constitution require approval of County Council. The County Council's Monitoring Officer has responsibility for review of the Constitution.</p> <p>This report also recommends that any future significant change to the people management delegations is formally delegated to the Chief Executive as Head of Paid Service.</p> <p>The proposed changes to the people management delegations are intended to apply to all management structures, excluding those in schools.</p> <p>The recommendation of the Staffing Committee will be presented to County Council, via the Standards and Governance Committee, with changes effective immediately.</p>
Impact Assessment: <i>Please refer to the <u>protocol</u> for writing reports.</i>	<p>Equalities Impact Assessment:</p> <p>An EqIA screening form has been completed and is attached. The screening record will be considered by the next meeting of the Assistant Chief Executive's Diversity Working Group. At this stage,</p>

	<p>it is not recommended that a full EqIA is required.</p> <p>Use of Evidence: The report presents the recommendation of the Corporate Leadership Team, which is based on evidence including:</p> <ul style="list-style-type: none"> • feedback from Human Resources & Organisational Development and senior managers • the approach of other county councils • the approach taken during a review of the Scheme of Delegation in 2013, following recommendations of the peer review <p>Initial feedback from the trades unions is also included.</p> <p>Budget: There are no financial implications.</p> <p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: Low Residual Risk: Low</p> <p>Other implications: None</p>
Recommendation	<p>It is recommended that the Staffing Committee recommend to County Council, via the Standards and Governance Committee:</p> <ol style="list-style-type: none"> 1 the proposed scheme of delegation for people management matters (Appendix 2) 2 future delegation of significant changes to the people management delegations to the Chief Executive as Head of Paid Service (see section 3).
Reason for Recommendation	<p>The Staffing Committee oversee matters relating to people management policies.</p>
Appendices	<p>Appendix 1: Existing people management delegations (the Scheme of Delegation, Appendix 7)</p> <p>Appendix 2: Proposed scheme of delegation for people management matters</p> <p>Appendix 3: Equality Impact Assessment Screening Record</p>
Background Papers	<p>https://www.dorsetforyou.com/constitution/county</p>

Report Originator and Contact	<p>Name: Natalie Adam, Service Manager – Advisory Service (DCC) Tel: 01305 221785 Email: n.adam@dorsetcc.gov.uk</p> <p>Name: Sarah Butcher, Principal HR & OD Adviser, Advisory Services (DCC) Tel: 01305 228505 Email: s.e.butcher@dorsetcc.gov.uk</p> <p>Name: Jonathan Mair, Monitoring Officer Tel: 01305 224181 Email: j.e.mair@dorsetcc.gov.uk</p>
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1. Introduction

- 1.1. The County Council's Constitution sets out the arrangements for decision making. Part 3 of the Constitution is the Scheme of Delegation, which outlines the decisions that are delegated to officers, including statutory officers, senior managers and other staff.
- 1.2. Appendix 7 of the Scheme of Delegation outlines the management level at which people management decisions can be made (apart from those which are the responsibility of the Staffing Committee, Personnel Appeals Committee or Head of Human Resources and Organisational Development). This is attached to this report at Appendix 1.
- 1.3. The Scheme of Delegation was revised in November 2013, following a peer review which identified that the county council did not have an appropriate framework to help ensure that decisions are made at the right level and are not unnecessarily referred through tiers of managers. A new approach was agreed and the Scheme was updated to give wider delegated authority to managers by:
 - generally presuming that managers can make decisions in relation to the service areas for which they are responsible
 - setting out any conditions and limitations upon this general presumption
- 1.4. However, Appendix 7, the people management delegations, was not revised at this time. The approach to people management decision making remains a 'list based' approach, detailing specific decisions which can be taken at each management tier.
- 1.5. The existing list based scheme is inflexible and ineffective. A number of decisions are not included, causing uncertainty and delay in decision making. This results in unnecessary upwards referral of decisions at a time when there are a reduced number of senior management posts, particularly Heads of Service.
- 1.6. This report outlines proposals for a revised scheme of delegation for people management matters (attached at Appendix 2).

2. Proposed Scheme of Delegation for People Management Matters

- 2.1 The Corporate Leadership Team considered three main options. Option 1 is the proposed option. Note that none of the options change:
 - decisions which are under the remit of the Staffing Committee, the Personnel Appeals Committee or the Head of Human Resources and Organisational Development (such as approval of redundancy cases where there is a cost to the council for early release of pension benefits)
 - the agreed process for appeals against dismissal and grievance appeals
- 2.2 **Option 1: Replace the list of decisions with a scheme based on general principles. (Proposed Option)**
 - 2.2.1 This approach would delegate *all* people management decisions to the lowest possible level, usually the line manager (unless the general principles can not be met). This is the option recommended by the Corporate Leadership Team and is attached at Appendix 2.
 - 2.2.2 Adoption of this scheme would mean that all people management decisions, including those relating to formal action such as written warnings, suspension and dismissal may be made by managers at any tier of the management structure. This

includes dismissals on the grounds of redundancy (where there is no cost to the county council relating to early release of pension benefits).

2.3 Benefits of Option 1

2.3.1 The advantages of the proposed scheme are that it:

- empowers managers at the right level to make operational decisions
- delegates people management matters to the lowest level of management
- is based on general principles of good decision making, in accordance with the overall Scheme of Delegation
- recognises that the nature of work and numbers of staff managed differs across the service areas
- ensures decisions are not unnecessarily referred upwards or delayed

2.4 Risks of Option 1

2.4.1 The proposed scheme may have the following perceived risks:

- some managers may not feel confident in making effective decisions, particularly when they have no prior experience of making such decisions
- the proposed scheme increases the number of managers with responsibility for people management decisions, which may lead to inconsistency

2.4.2 Whilst the perceived risks are acknowledged, it is considered that they would be mitigated by:

- publishing and effectively communicating the new approach
- ensuring all managers are aware of their responsibilities/accountability for decisions, including those with a financial impact e.g. redundancy
- providing appropriate people management training
- day to day support to managers from the HR & OD Advisory Services
- continued monitoring of the approach by the Corporate Leadership Team

2.5 Other Options

2.5.1 The other two options which were considered are:

- Maintain a list of certain delegations at the highest tiers, with the ability to delegate further e.g. dismissal is specified at Service Manager level, with the option for the Service Manager to delegate this authority
- Maintain a list of certain delegations at the highest tiers, without any further delegation

3 Feedback from Trades Unions

3.1 The Green Book and Youth and Soulbury trades unions recognised a number of positives in the proposed approach (Option 1), as it provides a sensible approach which is likely to enable issues to be resolved more quickly.

4 Future Changes to the People Management Delegations

4.1 Staffing Committee is asked to consider a recommendation to delegate authority for agreeing any future significant changes to the scheme of delegation for people management matters (Part 3, Appendix 7) to the Chief Executive, as Head of Paid Service.

4.2 This approach would:

- recognise that the Chief Executive is expected to make operational decisions relating to the staffing structure
- place delegated authority for operational people management matters at the appropriate officer level
- enable the Chief Executive to respond effectively to any future requirement to consider significant changes

5 Next Steps

- 5.1 The recommendations of the Staffing Committee will be put forward to the County Council via the Standards and Governance Committee

Patrick Ellis
Assistant Chief Executive

Jonathan Mair
Monitoring Officer

02 June 2015

Appendix 1

Existing Scheme of Delegation, Appendix 7: 'The Scheme of Delegation for the Discharge of Functions'

Management tier	Position	MSS tier for DES	Delegation
0	Chief Executive, Assistant Chief Executive, Directors and Statutory Chief Officers	2	<ul style="list-style-type: none"> • Early retirement recommendation. <p>and</p>
1	Senior managers reporting direct to level 0 (normally heads of service)	2	<ul style="list-style-type: none"> • Lease cars - agreement to early termination of contract. • Redundancy recommendation. • Suspension and dismissal of all employees up to and including second tier (i.e. those not employed on the conditions of service for Directors). • Overpayments - recommendation for write off. • Approval of giving lectures by employees at courses during office hours and retention of any fees received. <p>and</p>
2	Officers reporting to level 1 (typically service managers)	2	<ul style="list-style-type: none"> • Approval of removal and disturbance allowances (including the exercise of discretion in respect of extensions etc.). • Premature retirement on grounds of permanent ill health recommendation. • Flexible retirement recommendation. • Payment of honoraria (paragraphs 35(b)(i) and (ii)). <p>and</p>
3	Officers reporting to level 2 (typically team managers)	3	<ul style="list-style-type: none"> • Accelerated incremental progression in exceptional cases/merit increments. • Creation of new post within existing budget (subject to establishment control). • Creation of new post from new funding (subject to establishment control). • Changes to post (subject to establishment control). <p>and</p>
4	Officers reporting to level 3 (typically assistant team managers)	4	<ul style="list-style-type: none"> • Recruitment and appointment of all employees up to and including second tier, including placing an advertisement, appointment (internal and external), commencing salary within service/competence increments of position. • The payment of 'planned overtime'/additional hours to employees to whom they have line management responsibility for.

			<ul style="list-style-type: none"> • Granting of special leave of absence with/without pay. • Granting of approval for employees to undertake private work (outside of office hours). • Ex gratia payments. • Acting up arrangements. • Move to a different position within the establishment. • Review of discrete post of job evaluation request. • Labour market increments request. • Annual leave carry forward. • Occupational health referral. • Travel status authorisation. • Maternity leave approval. • Paternity leave approval.
		and	
5	Officers reporting to level 4 (typically team leaders)	5	<ul style="list-style-type: none"> • Incremental progression - approval of competency increments through the salary grade. • Approval to attend training courses (external courses are subject to procurement approval at the appropriate level). • Sick leave (including return to work and trigger point interviews etc.) • Annual leave approval. • Change to employment within current position. • Performance and Development Review completion. • Notification of staff leaving. • Exit interviews. • Probation sign off. • Flexible working - approval of change to working patterns. • Travel expenses claim authorisation.

Please note that there are specific delegations to the Head of Human Resources

- (a) Extension to full and half sick pay
- (b) Approval of injury allowance payments
- (c) Redundancy payments for teachers

Appendix 2

Proposed Scheme of Delegation for People Management Matters (Appendix 7 of the Scheme of Delegation)

People management matters are delegated to the lowest possible level – usually the direct line manager – unless, by taking such action, the general principles described below are not supported.

- It is expected that the Chief Executive, supported by the Corporate Leadership Team, ensures that people management decisions are made in accordance with this scheme and that all managers* are aware of their delegated responsibilities.
- Managers can make all operational decisions within the remit of their role.
- Managers are not able to make decisions which require approval of the Staffing Committee, the Personnel Appeals Committee or the Head of Human Resources and Organisational Development. (For example, pension scheme discretions and redundancy).
- Managers have the discretion to approve any requests made by their employees where either the DES ESS or mediated access process enables the manager to approve the request. (For example, approval of leave).
- Any manager taking formal action (written warning/suspension/dismissal), must have first received appropriate people management training.
- Before making a decision, the manager must consider whether the matter is of a particularly sensitive or significant nature that consulting with or informing a higher tier of manager is appropriate.
- HR & OD policy, procedure and guidance must always be followed, in line with employment legislation. Due consideration must be given to equality and diversity matters and health and safety responsibilities.
- Appeals against any formal decision will always be heard by a different manager than the manager making the decision, unless a specific route is specified in a particular HR & OD policy and procedure.
- All decisions made are in accordance with the county council's principles of decision making. Decisions are: proportionate; follow due consultation and appropriate professional advice; respect human rights and equalities; made in favour of openness with clarity of aims and desired outcomes and reflect the balance of evidence or the legal or financial position.
- Managers must be able to provide reasons for decisions.

*The county council's people managers are those with formal line management responsibility, as outlined in the job description. In addition, the line manager is the person with responsibility for performance management and undertaking the PDR. People managers are recorded as a manager in DES, with access to MSS. Officers without people management responsibility may also have delegated responsibility under this scheme if they are nominated to act on a manager's behalf.

The Scheme of Delegation for People Management Matters can be varied by the Chief Executive, in consultation with the Corporate Leadership Team and Monitoring Officer.



Equality Impact Assessment – Screening Form

Service: Chief Executive's Department

Title of Strategy, policy, project or service:

Type of Strategy (select as appropriate)

- | | |
|--------------------------|--|
| Existing: | <input type="checkbox"/> |
| New/proposed: | <input type="checkbox"/> |
| Changing/Update/revision | <input checked="" type="checkbox"/> |
| Other | <input type="checkbox"/> please list below |
-

Officers Involved in the Screening:

Sarah Butcher, Principal HR Adviser, HR&OD Advisory Service (DCC)

1. What is the aim of your strategy, policy, project or service?

To review the existing approach to people management delegations: the management level at which various people management decisions can be made.

The existing approach is outlined in the county council's Constitution, in Part 3: The Scheme of Delegation and, specifically, in Appendix 7 of Part 3.

The review aims to ensure that the Scheme of Delegation empowers managers to operate effectively and that decisions can be made at the most appropriate level. The proposed approach would enable line managers to make effective and timely people management decisions which relate to the effective operation of their service area, without unnecessary referral to a more senior level of management. This reflects the aims of Forward Together and takes account in the reduction in numbers of senior management positions at the county council.

2. Who will it impact upon (For example, service users, visitors, staff members)

All managers, as changes will impact on the decisions they are able to take. The proposed approach would enable people management decisions to be taken at a lower tier of management than existing practise. However, it is not proposed that managers are asked to take on additional responsibility beyond that expected at their existing level of management or in addition to their job description.

Staff – those who may be subject to the outcome of a people management decision taken by a manager.

Appendix 3

3. Does or could the service, strategy, policy, project or change have an impact upon the following:

Protected characteristic	Positive impact	Negative / No impact	Unclear
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other socially excluded groups (Carers, rural isolation, low income, military status)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The impact will affect managers and staff, rather than service users. Please refer to the table in Section 4.

4. Does this have any impact on the workforce in relation to the following:

Protected characteristic	Positive impact	Negative / No impact	Unclear
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy and Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other socially excluded groups (Carers, rural isolation, low income, military status)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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All managers are appointed to their positions following the recruitment and selection policy and procedure on the basis that they are the most suitable applicant for the post and not on the basis of any protected characteristic. Therefore, any impact of the proposed changes is the same for all managers.

Where a positive impact has been identified, this is to reflect that managers with these characteristics would become more empowered in their people management role, because they would have the ability to be involved in operational decisions that they are currently excluded from. For example:

Empowering Female Managers

69% of all county council employees are female. 63% of managers are female (based on those with MSS responsibility). However, there are more female managers at the lower levels – 78% of Tier 5 managers are female - and fewer female managers at the higher tiers – 37% of managers at Tier 2 and above are female.

The proposed approach would mean that *all* managers are empowered to make people management decisions based on the requirements of their role and their ability to undertake the role – female managers will be just as able to make decisions within the remit of their role as male managers.

Empowering Younger and Older Managers

In the same way as the above example, the proposed approach would mean that *all* managers are empowered to make people management decisions irrespective of age. Less than 1% of county council managers are aged 24 and under and all are employed at tier 5, meaning that currently, younger managers can only make a small number of people management decisions, regardless of the people management responsibilities in their job description. It's a similar situation for older managers, as only 1% of managers are aged 65 or above and none of these are employed above Tier 3.

In a similar way, those who are in a management post on a lower income are currently less empowered, as are managers with a disability who are at a lower management tier.

If your answers to Q3 and 4 are mostly 'negative' or 'unclear', you need to consider a full EqIA. If you do not intend to carry out one, please explain why:

Managers are appointed into their role following the county council's recruitment process and are required to perform the duties of their role. The recruitment process and the job evaluation scheme take account of equalities and diversity considerations and follow best practise and guidance. It is not proposed that managers are asked to take on additional responsibility beyond that expected at their existing level of management or in addition to their job description.

The changes will be communicated to all managers and staff. Training will be provided to all managers. Managers will not be expected to make any people management decisions relating to formal action if they have not received appropriate training and/or it would be inappropriate for them to make the decision, as described by the general principles in the proposed new approach. Managers will be expected

Appendix 3

to make decisions in a fair and consistent manner. There should not, therefore, be any impact on staff members who may be subject of the decision of their manager.

Communication, training and guidance will be provided to all managers to ensure that they are aware of equality and diversity considerations related to people management decision making.

Upon completion of this form, it must be sent to your Directorate Equality lead for approval.

Screening form approved by:

Date:

ANNEXURE 3

Standards and Governance Committee



Dorset County Council



Date of Meeting	6 July 2015
Officer	Monitoring Officer
Subject of Report	Constitutional Changes
Executive Summary	<p>The Constitution is a living document and is updated from time to time. The Standards and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.</p> <p>This report proposes a number of changes which have arisen and will need to be considered by the County Council at its meeting on 23 July 2015.</p>
Impact Assessment:	<p>Equalities Impact Assessment: Not applicable.</p>
	<p>Use of Evidence: Evidence is detailed throughout each section of the report to describe the reasons for suggested changes to the Constitution.</p>
	<p>Budget: There are no consequential budget implications as a result of this report.</p>
	<p>Risk Assessment: Having considered the risks associated with this decision, the level of risk has been identified as: Current Risk: LOW Residual Risk LOW</p>

	<p>Other Implications: There are indirect Corporate Parenting and Safeguarding Children implications as proposed through the changes suggested through the terms of reference of the Corporate Parenting Board. These changes will contribute towards the improvement of monitoring and management of the members' responsibilities in respect of Corporate Parenting and Safeguarding Children.</p>
Recommendation	<p>That the Standards and Governance Committee recommend the following proposed changes to the Constitution to the County Council:-</p> <ul style="list-style-type: none"> (i) Rules of Procedure in relation to questions by members at meetings of the Council, Cabinet and Committees. (ii) Updated Petitions Scheme. (iii) Terms of Reference of the Tricuro Executive Stakeholder Group. (iv) Terms of Reference of the Dorset Pension Fund Committee. (v) Terms of Reference of the Staffing Committee and Personnel Appeals Committee.
Reason for Recommendation	To contribute to the corporate aim to 'provide innovative and value for money services'.
Appendices	<p>Appendix 1 – Rules of Procedure: Questions by Members, and proposed amendments. Appendix 2 – Petitions Scheme, and proposed amendments. Appendix 3 – Terms of Reference of the Tricuro Executive Stakeholder Group (to follow). Appendix 4 – Terms of Reference of the Dorset Pension Fund Committee. Appendix 5 – Terms of Reference of the Staffing Committee and Personnel Appeals Committee</p>
Background Papers	None
Report Originator and Contact	<p>Name: Lee Gallagher, Democratic Services Manager Tel: (01305) 224191 Email: l.d.gallagher@dorsetcc.gov.uk</p>

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- 1.1 The Constitution is a living document and is updated from time to time. The Standards and Governance Committee has a specific role in commenting upon proposed changes to the Constitution prior to consideration by the full Council.
- 1.2 This report proposes three changes which have arisen and will need to be considered by the County Council at its meeting on 23 July 2015. These are set out below:

Rules of Procedure in relation to questions by members at meetings of the Council, Cabinet and Committees

- 2.1 The Constitution traditionally provides for members of the Council to ask questions at meetings of the full Council, Cabinet, committees and sub-committees. It also provides the opportunity for questions to be asked at full Council in relation to the Dorset Fire Authority. The Rules of Procedure to enable this are detailed and do not provide a clear and concise statement about the ability to ask questions.
- 2.2 The tradition of members asking questions at meetings has resulted in an item being included on every agenda of full Council, Cabinet and committees to receive questions from members. This item is rarely used at all.
- 2.3 It is now suggested that the Rules of Procedure be simplified to enable the same questions to be asked, according to the prescribed notice period of three days, but to remove the level of complexity in relation to this procedure. It is therefore proposed that the notice of questions remains for all meetings, but that Chairmen be given discretion to take questions from any members in attendance at a meeting. This will enhance the transparency of discussions, decision making and allow questions to be answered quickly. However, there would also be provision for written answers to be provided following the meeting if no prior notice was given.
- 2.4 The proposed revision to the Rules of Procedure are outlined in Appendix 2 of this report.

The County Council's Petition Scheme

- 3.1 The Council's Petition Scheme has been in operation since 2010. Through the Localism Act 2011 the Government relaxed the statutory guidance which prescribed the detail of schemes but left the general obligation in place. The Council still operates a petition scheme as an important link with the public in relation to matters of local concern.
- 3.2 In January 2014 the Committee considered an update to the scheme to amend the number of signatories required to trigger consideration by Committees (50 signatures+), to the Audit and Scrutiny Committee on request (500 signatures+), or to the County Council (1000 signatures+). At this time no consideration was given to the requirements when compiling a petition, which are:

'Petitions submitted to the council **must** include:
 - A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - The name and address and signature of any person supporting the petition
 - The total number of signatures collected.'

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- 3.3 Since May 2014 there have been a total of 16 petitions received by the County Council. Of the petitions received 3 have been rejected for non-compliance with the scheme, 2 rejected in part, and 11 accepted. Of the 13 petitions that have been processed they have either been considered by a committee, or are scheduled to be considered by a committee in the near future. The list below shows the details of each petition:

Rejected Petitions

- 27 October 2014 - Pedestrian Crossing across the Bridport Road near the Top O Town Roundabout, Dorchester (*whole petition rejected due to only names and addresses provided*)
- November 2014 - Improving Road Safety at Rushall Lane Corfe Mullen (*part petition rejected due to only names and addresses provided and entries from addresses in foreign countries - also see 5 November below*)
- 17 November 2014 - Marsh for Sport and Leisure Facilities for Weymouth (*whole petition rejected due to only names and addresses provided - petition resubmitted and accepted on 13 February 2015*)
- 13 April 2015 - X31 Bus Service Between Dorchester and Axminster (*whole petition rejected due to only names, postcodes and signatures provided*)
- 20 April 2015 - 'Save Dinah's Hollow' (*part of the petition rejected due to only names and postcodes provided - also see 20 April 2015 below*)

Accepted Petitions

- 16 May 2014 - Place Double Yellow Lines on Lone Pine Drive Between the Entrance and Exit to Lone Pine Park
- 24 September 2014 - Parking at Chandler Close, Ferndown (subsequently referred lead petitioner to Ferndown Town Council)
- 29 July 2014 - Change to the School Admissions Arrangements for Christchurch Junior School
- 20 October 2014 - Provision of an Hourly Bus Service Along Leigh Road/Wimborne Road West
- November 2014 - Improving Road Safety at Rushall Lane Corfe Mullen (*part petition rejected but still had over 50 acceptable entries - also see 5 November above*)
- 11 December 2014 - Reduce Speed Limit beyond the Elworth Junction from Portesham on B3157
- February 2015 - South West Coastal path at West Bexington
- 13 February 2015 - Marsh for Sport and Leisure Facilities for Weymouth (*petition resubmitted- see 17 November 2015 above*)
- 24 February 2015 - 20mph limit on Tower Hill and Higher Street, Iwerne Minster
- 9 March 2015 - Provision of Superfast Broadband at Uploaders
- April 2015 - Twenty is Plenty
- 20 April 2015 - 'Save Dinah's Hollow' (*part of the petition rejected due to only names and postcodes provided - also see 20 April 2015 above*)
- 21 April 2015 - Bus Service for the Grove on Portland

- 3.4 It is suggested that the rationalisation of the scheme to reduce the requirements on petitioners would promote transparent consideration of petitions by committees, and remove a perception that the Council is overly bureaucratic placing barriers in the way of petitioners. It is proposed that the requirements of the scheme should be amended to read:

'Petitions submitted to the council **must** include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
- **All or some of the following details of any person supporting the petition;** name, address, postcode, signature, email address.
- The total number of signatures collected.'

- 3.5 Officers have also taken the opportunity to simplify the general content of the scheme to remove details which are either no longer required, or could be shown in a more user friendly way.

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- 3.6 The Petition Scheme, and the suggested amendments are attached for information at Appendix 2, which include textual changes and a revised template for petitions.

Terms of Reference of the Tricuro Executive Shareholder Group

- 4.1 The Cabinet considered a report on 22 October 2014 on the formation of a Local Authority Trading Company for Adult Provider Services to support people to live independently for as long as possible and to promote health and wellbeing.
- 4.2 As part of the consideration of the formation of an LATC, the Cabinet examined the governance arrangements as an important part of the transformation. At the Cabinet meeting on 17 December 2014 the governance arrangements were approved with the formation of the pan-Dorset LATC to be named Tricuro. The governance arrangements for Tricuro include the formation of an Executive Shareholder Group comprising members from the County Council (5), Bournemouth Borough Council (3), and Borough of Poole (2).
- 4.3 The terms of reference are attached as Appendix 3 of this report.
- 4.4 The Executive Shareholder Group has met since December 2014 and will act as the Shadow Board until July 2015. The Executive Shareholder Group will therefore need to be included within the Council's Constitution (as the host authority) as the formal executive engagement body for Dorset, Bournemouth and Poole.
- 4.5 The Committee is asked to consider the terms of reference for inclusion within the Constitution. Due to time sensitivities in setting up the arrangements to support Tricuro the terms of reference will be available following approval of the Shareholders' Agreement and will be circulated to the Committee as soon as possible.

Terms of Reference of the Pension Fund Committee

- 5.1 The Committee considered a report on 26 January 2015 on the formation of a Local Pension Board, which was approved by the County Council on 12 February 2015. The Public Sector Pensions Act requires all public sector pension schemes to create a Local Pension Board. The changes to the terms of reference are proposed in order to enable the Pension Fund Committee to select appropriate board members.
- 5.2 The proposed terms of reference are attached as Appendix 4 of this report.
- 5.3 The Committee is asked to consider the updated terms of reference for inclusion within the Constitution.

Terms of Reference of the Staffing Committee and Personnel Appeals Committee

- 6.1 It is necessary to update the Terms of Reference of the Staffing Committee and Personnel Appeals Committee to accurately reflect current Local Government and pension scheme legislation as well as the Council's 'Statement of Policy on the Local Government Pension Scheme 2014 Discretions for Dorset County Council'. This recognises that employer discretions are contained within various Regulations and that the Council provides a number of workplace pension schemes other than the LGPS.
- 6.2 The terms of reference for the Staffing Committee are also updated with consequential amendments to reflect Officer Employment Rules. The changes are

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needed generally to reflect the role of the Staffing Committee in the event that the Committee is required to discipline a senior manager or hear an appeal. The officer employment procedure rule changes relate specifically to the statutory officers of the Council i.e. the Chief Executive, Monitoring Officer and the Chief Financial Officer.

- 6.3 The Committee will be considering a report at this meeting in relation to the Scheme of Delegation. This report details some consequential changes if the Committee is minded to recommend the changes in that report to the County Council.
- 6.4 The proposed amendments to the Constitution are attached as Appendix 5 of this report.

Jonathan Mair
Monitoring Officer
June 2015

APPENDIX 1

Summary of Time Limits - Members

Notices of Motion (Standing Order 14)	To Chief Executive at least 10 working days before the date of the appropriate meeting of the Council, the Cabinet or a Committee.
Motion to amend a motion of which notice has been given under Standing Order 14	To the Democratic Services Manager in writing by 10:00am on the working day before the meeting.
A motion to amend a motion on a matter referred from the Cabinet or an overview or other committee to the Council for decision.	To the Democratic Services Manager in writing by 10:00am on the working day before the meeting.
Questions at meetings of the full Council On proceedings before the Council not determined under delegated powers (Standing Order 19)	Question to be put before consideration of proceedings concluded.
On proceedings before the Council of the Fire Authority (Standing Order 19A)	Question to be given in writing to the Chief Executive three working days before the meeting of the Council.
Relating to any business of the Council or to any function of the Fire Authority other than in above categories (Standing Order 20(1))	Question to be given in writing to the Chief Executive not later than 10.00 am three working days before the meeting of the Council.
Rescission of Preceding Council Resolution within six months (Standing Order 38)	Notice of motion to rescind must bear names of at least ten members and must be given to the Chief Executive at least ten days before the meeting of the Council.
Questions at meetings of the full Council, Cabinet and meetings of Committees Relating to the business of the Council, Cabinet, committee, sub-committee or the Dorset Fire Authority or a committee (Standing Order 20)	Question to be given in writing to the Chief Executive by 10.00 am three clear working days before the date of the meeting of the committee.
Speeches Except in the case of a member of the Cabinet or the Chairman of a Committee presenting a report.	Up to 5 minutes.
A member moving a motion	Up to 10 minutes.
A member moving an amendment	Up to 7 minutes.
Questions on the proceedings of the Council, the Cabinet or Committees	2 minutes
Open Door Protocol	5 minutes
Local Members	Up to 5 minutes (the same as normal speeches)

19. Questions arising on the proceedings of the Cabinet or a Committee at County Council meetings

- (1) A member may ask the Chairman of the Cabinet or a committee any question on the proceedings of the Cabinet, or the committee then before the Council if the question is put before the Council's consideration of those proceedings is concluded.
- (2) The time limit afforded to questions shall be two minutes in duration, with responses also afforded two minutes.

19A. Question arising on report of Dorset Fire Authority at County Council meetings

A member may ask a member nominated by the Dorset Fire Authority any questions on the proceedings of the Authority then before the Council provided that the question has been given in writing to the Chief Executive by 10.00 am three clear working days before the Council meeting.

20. Question on any Business

- (1) A member may, if the question has been given to the Chief Executive in writing by 10.00 am 3 days before the Council meeting, ask a question at the Council, Cabinet, committee or sub-committee. Any question that shall last a maximum of two minutes in duration:
 - ~~(a) to the Chairman of the Council, a member of the Cabinet, or the Chairman of the appropriate committee or member of the (other than the Dorset Fire Authority) any question on any matter in relation to which the County Council has powers or duties or which affects the Dorset County area. A written answer will be provided to any question asked within the notice period; or,~~
 - ~~(b) to a member of the Council nominated by the Fire Authority for the purpose, any question on the discharge of the functions of the Fire Authority.~~
- ~~(2) A member of a committee or sub-committee may ask the Chairman of that committee or sub-committee any question that shall last a maximum of two minutes in duration, relating to the business of the committee or sub-committee, provided the question has been given to the Chief Executive in writing by 10.00 am 3 clear working days before the date of the meeting of the committee or sub-committee.~~
- (23) Supplementary Questions - Members who have submitted written questions may ask relevant supplementary oral questions, subject to a limit of two such questions.
- (3) The Chairman of the Council, Cabinet, committee or sub-committee may exercise discretion to allow members to ask questions without notice in relation to items under discussion at any meeting. It is also at the discretion of the Chairman to refer the question unanswered to a Cabinet member or officer to respond in writing outside of the meeting if necessary.

Dorset County Council Petitions Scheme

~~1. Background~~

~~1.1 Dorset County Council has long standing arrangements to enable local people to influence the Council's decisions through petitioning the Council and through deputations to Council meetings.~~

~~1.2 The Government has now introduced a new legal requirement for all councils to put in place and publish arrangements for petitions and electronic petitions. The Local Democracy Economic Development and Construction Act 2009 aims to reinvigorate local democracy by ensuring that all local authorities adopt schemes giving local people better opportunities to connect with local decision makers.~~

~~1.3~~1.1 This scheme explains what opportunities there are for you to:

- Petition the Council
- Bring about a debate in Council meetings
- Have senior council officers "called to account"
- Attend a Council meeting to speak as part of a deputation

~~How Petitioning Will Work?~~

~~2.1~~1.2 If you wish to petition Dorset County Council or one of the County Council's partner organisations (~~these are listed in~~see paragraph 5.23 ~~of the scheme~~) you can either:

- Send the Council a paper petition signed by those who support your petition. The petition should be sent to:

The Democratic Services Manager
Dorset County Council
County Hall
Colliton Park
Dorchester
DT1 1XJ

Tel: 01305 224191

Email: l.d.gallagher@dorsetcc.gov.uk

- Use the e-petitioning facility on Dorset for You to organise your own petition or to support someone else's petition (~~<https://epetitions.dorsetforyou.com/list-petitionse>~~ ~~petitioning facilities will be available from late 2010~~)

- ~~2.2 — All petitions sent to the Council will be acknowledged within 10 working days of receipt. The acknowledgement will set out what we plan to do with the petition~~
- ~~2.3 — If your petition is supported by 50 or more signatories then it will be reported by the Chairman to the relevant Council committee.~~
- ~~2.4 — If your petition is supported by 1,000 or more signatories it will be scheduled for a debate at the next meeting of the full County Council and you can also ask to speak to the meeting as a deputation.~~
- ~~2.5 — Alternatively a petition can call for a senior officer of the Council to be called to account at a meeting of the Audit and Scrutiny Committee. This requires 500 or more signatories in support of the petition.~~
- ~~2.6 — Information about petitions that have been received (both paper based and e-petitions) and how the Council is responding or has responded will be included on the Dorset for You website.~~

3. What are the guidelines for submitting a petition?

- 3.1 Petitions submitted to the council **must** include:
- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
 - ~~All or some of the following details of any person supporting the petition; name, address, postcode, signature, email address. the name and address and signature of any person supporting the petition~~
 - The total number of signatures collected.
- 3.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website but the Council needs to know that the petition is being organised by someone who lives, works or studies in Dorset.
- 3.3 A suggested template for petitions is detailed at paragraph 10 of appended to this scheme.
- 3.4 The law requires the council to respond to petitions organised and supported by people who live, work or study in Dorset. Most petitions will be of relevance only to local people. The Council recognises though that some petitions will be of relevance to visitors and that some petition issues will cross local authority boundaries and in such cases those from outside Dorset will be able to participate.
- 3.5 The right to organise and to support a petition applies to anyone who lives, works or studies in Dorset irrespective of age. It is therefore open to children to petition the Council about an issue of particular concern to them.
- 3.6 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons. Decisions about whether a petition is vexatious, abusive or otherwise inappropriate will be made by a

senior officer of the Council after consulting with the Chairman of the Standards and Governance Committee.

4. What will the Council do when it receives my petition?

4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

4.2 If your petition is supported by 50 or more signatories then it will be reported by the Chairman to the relevant Council committee.

4.3 If your petition is supported by 1,000 or more signatories it will be scheduled for a debate at the next meeting of the full County Council and you can also ask to speak to the meeting as a deputation.

4.4 Alternatively a petition can call for a senior officer of the Council to be called to account at a meeting of the Audit and Scrutiny Committee (holds the council's decision makers to account). This requires 500 or more signatories in support of the petition.

4.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer being called to account, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

4.3 If the petition applies to a planning or rights of way application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, other procedures apply.

4.4 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition. ~~Decisions about whether a petition is vexatious, abusive or otherwise inappropriate will be made by a senior officer of the Council after consulting with the Chairman of the Standards and Governance Committee.~~

4.5 To ensure that people know what we are doing in response to the petitions ~~we receive the details of all the petitions submitted to the Council~~ they will be published on our website when they are reported to the Council or a committee, except in cases where this would be inappropriate. We will also keep available for inspection at our offices all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. ~~We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.~~ All personal details are kept securely and are not passed to any third party for any purpose.

5. How will the Council respond to petitions?

5.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition

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- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's audit and scrutiny committee
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

~~5.2 The Audit and Scrutiny Committee is the committee of councillors responsible for scrutinising the work of the Council – in other words, the Audit and Scrutiny Committee has the power to hold the council's decision makers to account.~~

~~5.35.2~~ If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners including District and Borough Councils, Dorset Fire Authority, Dorset Police, NHS Bodies, Probation and the Environment Agency.

~~5.45.3~~ Where possible we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible on our website.

~~5.55.4~~ If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

6. Consideration at Full Council and Committees Full council debates

6.1 If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given ten minutes to present the petition as a deputation at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive (the Cabinet) are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

~~6.16.2~~ The same rules for representations at full Council meetings will apply to any committee considering a petition.

7. Officer evidence

- 7.1 Your petition may ask for a senior council officer to give evidence at a public meeting of the Audit and Scrutiny Committee about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected councillors to enable them to make a particular decision.
- 7.2 If your petition contains at least 500 signatures, the relevant senior officer will give evidence at a public meeting of the council's Audit and Scrutiny Committee. The Council's definition of senior officer includes the Chief Executive, Directors and Heads of Service. You should be aware that the Audit and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chairman of the Committee by contacting Lee Gallagher, Democratic Services Manager up to three working days before the meeting and you can also speak at the beginning of the meeting as a deputation.

8. E-petitions

- 8.1 The Council welcomes e-petitions which can be created and submitted through <https://epetitions.dorsetforyou.com/list-www.dorsetforyou.com>. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures, up to a maximum of 12 months.
- 8.2 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 8.3 If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.4 When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. ~~If you would like to present your e-petition as a deputation to a meeting of the Council, please contact the Democratic Services Manager within 10 working days of receipt of the acknowledgement.~~
- ~~8.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.~~
- ~~9. How do I 'sign' an e-petition?~~
- ~~9.1 You can see all the e-petitions currently available for signature on Dorset for You once the facility is available.~~

~~9.2~~ When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

10.9. What can I do if I feel my petition has not been dealt with properly?

~~10.19.1~~ If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Audit and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

~~10.29.2~~ The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on Dorset for You.

11.10. Suggested template for paper petitions to Dorset County Council

This petition is organised by [*insert name of petition organiser and address. The organiser must live, work or study in Dorset*].

Subject matter of petition

This petition is about [*insert subject matter*] and asks Dorset County Council [*please insert a short statement of what action you would like the County Council to take in response to your petition*].

I support the petition to [*insert petition aims*] and I confirm that I live, work or study in Dorset:

	Full name	Address	Signature
1			
2			
3			
4			
5			

11. Representations

- 11.1 In addition to petitions the County Council often receives representations from individuals and organisations about planning applications and other regulatory decisions to be made by the Planning Committee or the Roads and Rights of Way Committee. Often such representations are made in response to a statutory consultation requiring representations to be made within a prescribed timescale.
- 11.2 Late representations, received after a report to a committee or the Cabinet has been sent out with the agenda papers for the meeting, will be reported orally at the meeting. However, in doing so directors will ensure that undue weight is not given to such representations and they will make it clear to members that late representations should be considered within the context of all of the other representations received on the matter under consideration.
- 11.3 In the case of the Planning Committee, late representations received after a report has been sent out, will be circulated on an "update sheet" sent to members one working day before the Committee meeting. That update sheet will contain a summary of all formal consultee responses received late and the number of other late representation received together with a summary, provided that summary raises new points not already addressed by the report. The update sheet will also bring to members' attention any corrections to the report and any new information that may have a bearing on the decision. Any further late representations received after midday on the working day preceding the Committee will not be included in the update and nor will they be reported verbally to members, other than in exceptional circumstances and with the prior agreement of the Chairman of the Planning Committee. It remains open to those interested in a planning application to make direct comments to the Planning Committee as part of the Committee's public speaking arrangements.

Appendix 3

Executive Shareholder Group for The Pan Dorset LATC: Role and Remit

The LATC Business Case recommended that the Councils exert their controlling powers over Tricuro Support Limited and its subsidiary Tricuro Limited through the creation of an Executive Shareholder Group (**ESG**). This is a non-Executive body with delegated powers from the three local authorities involved: Bournemouth Borough Council, Dorset County Council and Borough of Poole (the **Councils**).

Each of the Councils is to enter into a Shareholders' Agreement to set out the terms on which the Councils will participate in Tricuro Support Limited as its shareholders. The Shareholders' Agreement is the document that establishes the membership and role of the ESG.

Role

The purpose of the ESG is to act on behalf of the shareholder Councils in scrutinising performance against the care contract and Business Plan, review value for money and investment plans, define the strategic direction of Tricuro Support Limited and Tricuro Limited, review risks and approve reserved matters (listed within the Shareholders' Agreement). Appendix A provides a set of Terms of Reference for the ESG.

Membership

The ESG will have a membership consisting of 10 Elected Members; 5 from Dorset, 3 from Bournemouth and 2 from Poole.

In addition, each Council will be able to nominate up to three officers to attend meetings of the ESG from time to time with the ability to speak but not vote so that, for example, the Director of Adult Services from each of the Councils could attend, together with a financial officer and commissioning director.

The selection of members to attend the ESG is left to each Council in relation to their number of attendees. It is suggested that the ESG should meet on at least a quarterly basis, to hold the Company directors to account for performance against the Business Plan, the quality and value of the services provided to the Councils and management of risks.

Relationship

Shareholder governance is an essential component in order to ensure that the requirements of the Teckal Exemption are satisfied (i.e. the need for the Councils to exert control and influence over Tricuro Support Limited and Tricuro Limited).

There is a need however, to achieve a balance between the Councils' 'control and influence' and the space the companies need to be able to develop. It is possible that too close control and influence will create the risk of recreating a Council Directorate and not enough may mean that the Councils cannot demonstrate the control required.

Executive Shareholder Group's Terms of Reference (TORs)

Purpose

1. The Councils own the share capital of Tricuro Support Limited and wish to be kept informed by the Company board of directors in respect of the following matters, to offer non-binding advice and scrutiny, to provide strategic guidance and binding approval of the reserved matters as shareholder:
 - (a) the service and quality performance matched against contractually agreed service levels, using Key Performance Indicators as a summary guide;
 - (b) progress against the business plan and associated budgets for the current year on a quarterly basis;
 - (c) proposed and adopted business plans and budgets for future years to be presented in draft as they are developed;
 - (d) the review of future service developments and opportunities;
 - (e) the annual report and accounts in draft before these are submitted to the general meeting of the company;
 - (f) compliance with relevant legislation;
 - (g) events and reputational damage likely to have a significant impact on operations or financial outcomes as they occur; and
 - (h) other matters as notified by the ESG to the directors from time to time.
2. The Councils' consent to reserved matters (as defined by the Shareholder Agreement) will be required.
3. At the start of each financial year the Councils should consider whether the Profit Share Proportions set out in the Shareholders' Agreement should be amended to reflect any significant changes in the prices of their annual care contracts.
4. The mechanism for facilitating this will be an Executive Shareholder Group ("ESG"), as detailed below.

Membership

5. The membership of the ESG shall consist of elected members, selected by each Council.
6. Membership of the ESG will cease if the person concerned ceases to be an elected member of, or employed by, the relevant Council.
7. The chairperson of the ESG shall be selected from the members of ESG and shall rotate between a member nominated by each of the Councils on an annual basis.
8. Any member of the ESG may at any time resign his/her membership and/or any appointment as Chairperson.

Proceedings

9. Meetings shall be called at quarterly intervals but may be called at other times on the requisition of any two members.
10. Subject to paragraph 11 below, notice of not less than ten business days must be given of any meeting to each of the members of the Executive Shareholder Group and to the directors of the Company which shall include an agenda specifying in reasonable detail the matters to be discussed, together with any relevant papers for discussion at such meeting.

11. Not less than 45 days' notice will be given to each of the members of the Executive Shareholder Group of any intention to propose a vote on any special reserved matter, in accordance with clause 6.1 of the Shareholders' Agreement.
12. The quorum shall be five, which must include at least one Elected Member appointed by each of the Councils. Named substitutes can be nominated in place of a member.
13. If a quorum is not present at an Executive Shareholder Group Meeting, the attendees present may adjourn the meeting to a date not less than 5 Business Days later, and the quorum for a meeting adjourned in accordance with this clause and held at such later date shall be any [five] members of the Executive Shareholder Group.
14. Any member may participate in a meeting of the ESG and form part of a quorum notwithstanding any other responsibilities of that member within the Council. It will be for each Council to manage any conflicts of interest that may arise.
15. The Chairperson shall within fifteen working days of each meeting of the ESG furnish to the member of each Council having responsibility for the Council's shareholding in Tricuro Support Limited a copy of the minutes of that meeting together with any recommendations (including minority recommendations) of the ESG as to actions by the Councils as shareholder.

Voting

16. Save for the special reserved matters outlined in clause 6.1 of the Shareholders Agreement, majority voting shall apply to the decisions of the Executive Shareholder Group, with each elected member of each Council having one vote.
17. For special reserved matters in clause 6.1 of the Shareholders Agreement each shareholding Council has one vote, and decisions require unanimous voting.
18. In the event that a member of the ESG does not have the requisite authority of its appointing Council in order to vote on a particular matter, voting on that matter will be postponed to the next available ESG meeting.

Support

19. The Councils will provide all necessary administrative and secretarial support for the ESG on a rotating basis, with the Council of the Chair being responsible for this role.
20. The Chairperson may invite such advisers or other contributors to the proceedings of the ESG as he/she thinks fit.

Relationship with Tricuro Support Limited

21. The ESG and its members are not directors of Tricuro Support Limited and the Company board of directors shall not seek or accept instructions or consent from the ESG as a director or shadow director. The ESG will have a role in approving certain reserved matters under the terms of the Shareholders' Agreement relating to Tricuro Support Limited, but any other recommendations of the ESG shall be advisory only and shall not obligate the board to act in accordance therewith.
22. The ESG will consider the options available to the company for improving its performance or mitigating adverse consequences in the light of actual or reasonably anticipated circumstances and offer non-binding proposals, recommendations and opinions (all of which Tricuro Support Limited accepts shall be without liability on the part of the Councils or any individual member) as a representative of the Councils on any matter affecting the Councils as a shareholder in Tricuro Support Limited and/or as indirect owners of any subsidiary of Tricuro Support Limited. Neither the members of the ESG nor the Councils shall owe any duties (fiduciary or otherwise) under these Terms of Reference or at law or in equity to Tricuro Support Limited or any subsidiary of it. Tricuro Support Limited acknowledges that the members of the ESG may take into consideration solely the interests of their appointing Council in giving any proposal, recommendation or opinion.

23. The ESG may submit reports and recommendations for action to the Leader, the Deputy Leader and/or any Shareholder Representative (if this is another identified person) of each Council and shall make such reports and recommendations where the conduct of the business of Tricuro Support Limited or the circumstances affecting it give reasonable cause for concern. Any of the aforesaid receiving such reports and recommendations shall nevertheless effect his or her own decision thereon.
24. The Shareholder Agreement provides for:
- a. Tricuro Support Limited to supply ESG members with the agendas and support papers provided to the board of Tricuro Support Limited and/or the board of any subsidiary company of Tricuro Support Limited and shall do so at the same time, as far as possible, as the relevant board receives those agendas and papers (except for minutes, which need only be supplied after signature). In addition, Tricuro Support Limited will supply the ESG with all information and data reasonably requested by the ESG to enable it to reach an informed judgment on any matter within its purview under these Terms of Reference.
 - b. The ESG shall provide Tricuro Support Limited with the timings of ESG meetings, agendas and any papers.
 - c. Tricuro Support Limited shall ensure that at least one representative shall attend each meeting of the ESG who shall be a director of Tricuro Support Limited and qualified to address the issues indicated by the ESG for discussion.

**Agreed on behalf of
The LATC**

Signature

Name

Capacity

Date

**Agreed on behalf of
Dorset County Council**

Signature

Name

Capacity

Date

**Agreed on behalf of
Bournemouth Borough Council**

Signature

Name

Capacity

Date

**Agreed on behalf of
Borough of Poole Council**

Signature

Name

Capacity

Date

APPENDIX 4

Dorset Pension Fund Committee**Terms of Reference:**

To exercise all functions of the Council as administering authority under Local Government Superannuation Act and Regulations and deal with all matters relating thereto

In broader terms this means that the Committee has responsibility for:

- Determining the overall investment strategy and strategic asset allocation of the Fund, and in doing so taking proper professional advice.
- Overseeing the preparation of and regularly reviewing the Fund's key policy documents including the Statement of Investment Principles (SIP), Funding Strategy Statement, Governance Policy and Compliance Statement, Business Plan, Communications Strategy.
- Appointing and reviewing the performance of all Fund Managers and other professional service providers.
- Reviewing all aspects of performance across the Pension Fund service.
- Deciding upon requests for admission of qualifying organisations wishing to join the Fund.
- Deciding upon key pension policy and discretions that are the responsibility of the Administering Authority.
- Ensuring that at all times that these responsibilities are discharged in the best interests of the Fund.
- **Making appointments to the Pension Board of the Dorset County Pension Fund.**

Membership:

9 (all with voting rights) comprising 5 members of the County Council, (not more than one being a member of the Cabinet), 1 nominated by Bournemouth Borough Council, 1 nominated by the Borough of Poole and 1 representing Dorset District Councils, plus 1 scheme member nominated by the unions.

Note:

As an exception to Council Procedure Rule 51(d), the Chairman and Vice Chairman may be any member of the Committee with voting rights.

Personnel Appeals Committee**Terms of Reference:-**

(a) ~~Except in the case of the Chief Executive, Directors, Statutory Officers and Heads of Service the award of discretionary payments in cases of early retirement or redundancy under the Local Government Pension Scheme Regulations 1997 (as amended) which involve the early introduction of pension benefits, including the introduction of deferred benefits on compassionate grounds.~~

(a) Except in the case of the Chief Executive, Assistant Chief Executive, Directors, Statutory Officers and Heads of Service the award of discretionary payments under various Local Government and pension scheme regulations which involve the early introduction of pension benefits, at a cost to the county council, for business reasons or on compassionate grounds. This includes benefits arising from retirements or redundancy.

~~(b) To take decisions in relation to the early introduction of pension benefits arising from cases where staff redeployment has not been possible upon redundancy or reorganisation.~~

(b) In the case of discretionary payments awarded under Local Government Pension Scheme regulations, to take decisions in accordance with the county council's 'Statement of Policy on the Local Government Pension Scheme 2014 Discretions'.

(c) To act as a pay board to hear and determine matters relating to labour market adjustments for additional increments or zonal pay;

(d) To determine whether costs arising from the premature retirement and redundancy of a member of staff whose salary is charged to a school's delegated budget should be borne by a budget retained by the County Council or by the delegated budget of the school, except in the following circumstances:-

- (a) when these costs arise from a change in the organisation of schools, including amalgamations and closures;
- (b) when these costs will be funded from the budget for schools in financial difficulty, held within the school's budget.

In these two circumstances, responsibility for the determination is delegated to the Director for Children's Services.

Note:

- i. In the case of staff paid under School Teacher Scales or under related Scales, one non-voting teacher member, to be selected by the Director for Corporate Resources after consultation with the Director for Children's Services, shall be appointed for each meeting.
- ii. In cases of appeals against grading decisions the quorum for meeting shall be three members.

Membership: 5 (not being members of the Cabinet)

Reserve members for each political group represented on the Committee are also appointed to ensure that meetings can be arranged at short notice.

Staffing Committee**Terms of Reference:-**

- (a) To determine the terms and conditions on which staff hold office (including procedures for dismissal).
- (b) To appoint Directors, ~~Deputy Chief Executive~~, Assistant Chief Executive and Heads of Service and to deal with the appointments process and recommend an appointee for the posts of Chief Executive, Monitoring Officer or Section 151 Officer.
- (c) To deal with issues relating to redundancy, disciplinary action or capability in respect of the Chief Executive, Directors, Statutory Officers and Heads of Service.
- ~~(d) The award of discretionary payments in cases of early retirements or redundancy under the Local Government Pension Scheme Regulations 1997 (as amended) in respect of the Chief Executive, Directors, Statutory Officers and Heads of Service.~~
- (d) The award of discretionary payments under various Local Government and pension scheme regulations which involve the early introduction of pension benefits, at a cost to the county council, for business reasons or on compassionate grounds, in respect of the Chief Executive, Assistant Chief Executive, Directors, Statutory Officers and Heads of Service. This includes benefits arising from retirements or redundancy.
- ~~(e) To exercise the functions of the County Council in relation to pension benefits other than those exercised by the Personnel Appeals Committee.~~
- (e) In the case of discretionary payments awarded under Local Government Pension Scheme regulations, to take decisions in accordance with the county council's 'Statement of Policy on the Local Government Pension Scheme 2014 Discretions'.

Note: The Officer Employment Procedure Rules shall apply in respect of terms of Reference b and c above.

Membership: The County Council has agreed to a departure from the rules requiring political balance for this Committee. Its membership will include:-

5 members to include the Chairman of the County Council, Leader of the Council and 3 other members (to be nominated by the Group Leaders).

Note: When sitting as an appointments panel **or as a disciplinary panel:**

- (a) For the appointment of **or conducting a disciplinary hearing into the conduct of or hearing an appeal by the Chief Executive**, Directors, Deputy Chief Executive, **Monitoring Officer or Section 151 Officer** or recommendations to Council for the appointment of Chief Executive, Monitoring Officer or Section 151 Officer, its membership will be varied to comprise the Chairman and Leader of the County Council **or their nominees** and three other members to be nominated by the Group Leaders on each occasion (one of whom should be the relevant Cabinet member).
- (b) For the appointment of **or a hearing into the conduct of the** Assistant Chief Executive and Heads of Service, its membership will be varied to comprise three members to be nominated by the Group Leaders on each occasion (one of whom should be the relevant Cabinet member).

Incidental Changes to the Constitution: The Terms of Reference of the Staffing Committee and Personnel Appeals Committee, and the Scheme of Delegation

The changes outlined below include a number of incidental amendments if the proposed changes to the Terms of Reference of the Staffing Committee and Personnel Appeals Committee is approved.

Part 3: Scheme of Delegation, Appendix 5

2 Powers to be delegated to the Chief Executive

- 2.8 The role of hearing and determining grievance appeals is delegated to the Chief Executive or a director after consultation with one member of the Personnel Appeals Committee and one trades union representative drawn from any one of the recognised trades unions
- 2.9 The role of hearing and determining end of employment appeals is delegated to the Chief Executive or a director after consultation with two members of the Personnel Appeals Committee

3 Powers delegated to the Chief Financial Officer

~~3.11 (a) To make awards in accordance with the Superannuation Regulations (Injury Allowances) equal of 50% of:-~~

- ~~(i) the pension the employee would have received but lost completely because at the time of their enforced early retirement they did not have sufficient qualifying service for a pension;~~
- ~~(ii) the additional pension the employee would have received but for the enforced early retirement;~~
- ~~(iii) the additional pension the employee would have earned had they not had to take lower paid employment (involving a lower rate of pay and/or reduced hours) because of the injury.~~

~~In all cases such allowances, together with any State Injury Award, must not exceed the total pension the employee could have earned.~~

~~Where in any particular case and for whatever reasons, an allowance within these guidelines is considered inappropriate then the Director shall consult with the Cabinet Member for Corporate Resources before making a determination.~~

4 Powers to be delegated to the Monitoring Officer

- 4.1 To act as the person specified by the County Council as administering authority, to consider disputes in respect of the Local Government Pension Scheme referred under the Local Government Pension Scheme (Amendment) Regulations 2004, for Stage two reconsideration (deputising to be undertaken by the Deputy Monitoring Officer).

~~7. Powers delegated to the Head of Human Resources and Exchequer Services~~

- ~~7.1 To act as the person specified by the County Council as a scheme employer under the Local Government Pension Scheme (Amendment) Regulations 2004 to consider disputes about first instance decisions on pension matters.~~

7. Powers delegated to the Head of Human Resources and Organisational Development

- 7.1 To act as the person specified by the county council as a scheme employer, to consider disputes in respect of the Local Government Pension Scheme, about first instance decisions on pension matters.
- 7.2 Redundancy payments for teachers
- 7.3 Extension to full and half sick pay

Incidental Changes to the Constitution: The Scheme of Delegation

The changes outlined below include a number of incidental should the recommended proposals regarding the Scheme of Delegation be approved.

Part 3: Scheme of Delegation

9. Delegations of people management matters under Manager Self Service

- ~~9.1 The Scheme of Delegation operates on the basis that a post at a particular management level has delegated power for all matters which can be decided by any post at a more junior management level within line management to the post e.g. management level 1 posts also have delegated power within their line management structures for all matters delegated to managers at levels 2 through to 5.~~
- ~~9.2 Details of the people management delegations given to particular levels of managers are listed in Appendix 6.~~
- ~~9.3 There has been a tendency in the past for higher level managers to expect matters to be referred to them for decision even though others had delegated authority to act on their behalf. The clear expectation now is that decisions must be made at the appropriate level, as set out in the table in Appendix 6.~~
- 9.1 The scheme of delegation for people management matters, Appendix 7, operates on the basis that people management decisions are delegated to the lowest possible level.
- 9.2 The scheme of delegation for people management matters can be varied by the Head of Paid Service, in consultation with the Corporate Leadership Team, Monitoring Officer and Section 151 Officer.

Part 3: Scheme of Delegation, Appendix 5

1 Powers to be delegated to the senior managers

- ~~1.3 To make decisions about making individual posts redundant, or agreeing to an individual's early retirement, subject to the approval of the Personnel Appeals Committee in respect of the award of discretionary payments in cases which involve the early introduction of pension benefit.~~