

Terms of Reference – Partnership Working Group, Joint Personnel Committee and Joint Appeals Committee

Preamble

- 1.1 The councils shall act at all times in a way that promotes effective collaborative working. In particular, each, council will:
- work in good faith with the other council towards the mutual advantage of the councils and to explore opportunities and develop them into New Proposals where appropriate;
 - co-operate as appropriate, seeking improvement and efficiencies in relevant policies, procedures and structures where economic and effective (and, for the avoidance of doubt where to do so would not fetter the discretion and political will of a council), to meet the requirements of their Best Value Duty;
 - provide such reasonable information (as may be determined by the council from whom the information is sought) to each of the other councils in a form that is readily usable and in a full and timely manner. Relevant information shall include, without restriction or limitation any information that could reasonably be expected to impact upon this Agreement or the councils to this Agreement, save where to disclose such information would place the disclosing council in contravention of any applicable law or regulation;
 - co-operate in identifying, as early as reasonably possible, any issues or problems that will or may tend to prevent the achievement of the Joint Working Objectives and to reach and implement solutions to overcome such issues or problems and the identification and resolution of such issues or problems where possible through the Partnership Working Group or Joint Staffing Committee or, in the event that the relevant body is unable to agree, through the Executive/Cabinet or Councils as appropriate, or through the Dispute Resolution Process as set out in the Inter Authority Section 113 Agreement.
- 1.2 The councils acknowledge that any decisions made or authorisations given pursuant to this Agreement are subject to appropriate delegations and the decision making/authorisation procedures of each individual council. Any decisions are not intended to fetter the decision making requirements set out in the Constitution or legitimate democratic discretion of any of the councils.
- 1.3 Each council shall nominate members for appointment to each of the Joint Committees and the Partnership Working Group and may also nominate substitute members who may attend and vote in the absence of a nominee. A council may change their nominees from time to time by notice in writing to the Monitoring Officer for their council.
- 1.4 The Chair and Vice Chair shall be appointed by the relevant Joint Committee and the Chairing of the Joint Committees shall rotate between the councils on an annual basis. If the Chair is from one authority the Vice Chair shall be from the other. For the municipal year 2018/19 Cherwell District Council will Chair the Partnership Working Group and Oxfordshire County Council will Chair the Joint Personnel Committee and Joint Appeals Committee.

- 1.5 The formal Joint Committee shall adopt the Standing Orders and Procedure Rules of Oxfordshire County Council
- 1.6 The Partnership Working Group will be administered by Cherwell District Council Democratic Officers, the Joint Personnel Committee and Joint Appeals Panel will be supported by Oxfordshire County Council Democratic Officers.
- 1.7 The establishment of the Joint Committees does not prevent either of the council from carrying out any of the Joint Committee functions concurrently.

PARTNERSHIP WORKING GROUP

CHERWELL DISTRICT COUNCIL AND OXFORDSHIRE COUNTY COUNCIL

This Partnership Working Group is joint working group of Cherwell District Council and Oxfordshire County Council. It is established as an informal working group with the express intention of exploring the creation of a shared management team and possible areas of shared services, and for preparing recommendations to both authorities for achieving effective joint arrangements.

TERMS OF REFERENCE

MEMBERSHIP

- 5 elected members from each council as appointed by the Leaders
- 5 substitute members to be appointed for each council

OBJECTIVES

Overview:

To consider joint arrangement proposals and performance and to make recommendations to the Joint Personnel Committee or separate councils for decision as required.

In detail:

To oversee the development, on a service by service basis, of a detailed business case for the creation of joint arrangements. This is likely to include recommendations as to:

- Delivering an effective and lean joint management structure
- Identifying areas to develop joint working in line with the principles agreed by both councils - including opportunities for development of aligned policy and procedures where appropriate
- Scoping the financial baselines and the capacity to improve (or maintain) the financial position of both councils
- Identifying other key benefits and associated success criteria for shared arrangements
- Establishing shared support services, serving the needs of both councils to the standards agreed by each
- Maximising the opportunities for joint initiatives and joint working with partners in ways that better meet the needs of residents
- Determining and recommending a mechanism/formula for the allocation of associated costs and efficiencies across both organisations, including a ratio for the apportionment of costs, one-off costs including redundancy and associated pension costs, arising from the creation of the Shared Senior Management Team and Shared Services
- Detailing the risks to both Councils and recommending mitigating actions to both authorities
- Establishing protocols to deal with Communications and those specified in the Inter Authority Section 113 Agreement

The Partnership Working Group will produce recommendations to the Joint Personnel Committee, Executive, Cabinet and Full Councils of both authorities, as appropriate.

REMEDIES UNDER THE SECTION 113 AGREEMENT

The Working Group shall have the role, as agreed under the Section 113 Agreement (Clauses 7.3, 7.5 and 10.1) in terms of seeking to achieve a remedy where, under one council wishes to withdraw from the Agreement and the informal Dispute under Clause 10 of the Agreement has not been successful.

QUORUM

The Working Group's meetings will be considered quorate if three elected members from each council are present.

NUMBER AND FREQUENCY OF MEETINGS

The Working Group will meet on at least four occasions a year.

The Working Group will convene at a time convenient to a majority of its Members.

The meetings will alternate between Banbury and Oxford. Officers will facilitate a standard agenda for the meetings and maintain a record of decisions and actions, together with a risks and issues log.

TIMETABLE

In its first meeting, the Working Group will agree a workplan (officers to provide a draft workplan in advance) and timescale. Notwithstanding this, it is expected that:

- Draft recommendations will be sent to the controlling and opposition groups of both authorities
- Final recommendations will be sent to the Joint Personnel Committee or each authority's Executive and Council as required

In any event, the Group will report to both Councils on its findings and recommendations in relation to the establishment of a Shared Management Team no later than six months after the signing date of the relevant Section 113 agreement.

STATUS OF THE WORKING GROUP

The Working Group is an informal working group of both authorities. As such, its meetings will not be subject to the constitutional provisions relating to access to proportionality or the information procedure rules of either authority. Its final recommendations, and the rationale for them, will of course be made public.

JOINT PERSONNEL COMMITTEE

CHERWELL DISTRICT COUNCIL AND OXFORDSHIRE COUNTY COUNCIL

Under Local Government Act 1972 s.101 (5) two or more local authorities may appoint a joint committee to discharge any of their functions that are not reserved for the sole decision of a single authority in legislation. The Joint Committee can authorise an officer employed by either authority to act on its behalf. Whilst it is envisaged that the majority of daily business and processes such as recruitment, personnel and appeals will be carried out under each employing authority's decision making processes, there are a few functions which are best delivered through joint arrangements.

Area: the Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

Membership: the Committee shall be comprised of 10 Councillors, 5 from Cherwell District Council and 5 from Oxfordshire County Council with 5 named substitutes from each authority. All Councillors including substitutes will receive appropriate training before they can participate as a Committee member.

Quorum: will be 3 Members from each authority.

Chairman: the Chairman and Vice Chairman will be elected by the committee and will be representative of each authority.

Decision making: decision will be by a majority of Members of the committee present and voting.

Terms of Reference

- To have responsibility for and to take any decision on staffing matters, (other than those delegated to officers) and any other non-executive decisions function specifically delegated to the committee by the respective councils, for any shared service established for the councils
- To have responsibility for and to take any executive decisions (other than those delegated to officers), specifically delegated to it by the respective Executive arrangements of the councils with regard to any shared service established for the councils
- To ensure that any shared service meets the requirements of the councils in furthering the objectives of their respective corporate plans.
- To set and monitor performance standards and budgets for shared services, providing intervention where required.
- To take all executive decisions with regard to any established and future shared service.

Shared Management

In the case of shared Chief Officer posts:

- To act as the interviewing panel for the Head of Paid Service (Chief Executive), making recommendations to the councils for formal appointment.
- To act as the interviewing panel and appoint shared chief officers (Officers who report to the Chief Executive) working across the councils (NB. Anyone involved in the decision for a particular post must be present throughout the entire interview process).

Shared Posts

Where a business case has been agreed by the councils and a decision made to share a service between them to:

- Agree posts to be declared 'at risk', and to approve dismissal, including compulsory or voluntary redundancy and the exercise of discretionary awards to any post where costs are shared or are going to be shared. This excludes the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (if shared) on the grounds of misconduct which must be the subject of a resolution of the relevant full Council following compliance with the procedure set out in the Officer Employment Procedure Rules.
- Determine the terms and conditions of employment of any posts where costs are shared or are going to be shared.
- Determine and review all policies affecting the employment of staff in posts where costs are shared or going to be shared.
- Approve the creation of new posts where this is an increase to the establishment and there is no budget where costs are shared or are going to be shared.
- Approve any restructuring of teams involving more than twenty posts where costs are shared or are going to be shared.

Shared Statutory Officer Discipline

The role and responsibilities of the Joint Personnel Committee with regard to shared Statutory Officer disciplinary action is to:

- Deal with minor instances of unsatisfactory conduct at an early stage.
- Ensure that the Statutory Officer clearly understands the standards of conduct expected of him/her.
- Carry out, or make arrangements for, an investigation when any breach of discipline is alleged.
- Ensure that the Statutory Officer subject to investigation is kept up-to-date with progress.
- Decide, in the most serious cases whether or not to suspend or (where the Statutory Officer has already been suspended by the Head of Paid Service or Monitoring Officer under their delegated powers) to continue the suspension of the Statutory Officer, in accordance with the Statutory Officer disciplinary policy.

- Report to Full Council (of the employing authority) in respect of a recommendation to dismiss, having convened a Panel comprising Independent Persons in accordance with the Officer Employment Procedure Rules.

JOINT APPEALS PANEL

CHERWELL DISTRICT COUNCIL AND OXFORDSHIRE COUNTY COUNCIL

Area: The Joint Committee shall exercise its authority for the areas comprising of Cherwell District Council and Oxfordshire County Council.

Membership: The Committee shall be comprised of 6 councillors, 3 from Cherwell District Council and 3 from Oxfordshire County Council with 3 named substitutes from each authority. They may not be members of the Joint Personnel Committee. All councillors including substitutes will receive appropriate training before they can participate as a Committee member.

Quorum: will be 2 Members from each authority.

Chairman: The Chairman and Vice Chairman will be elected by the Committee and will be representative of each authority.

Decision making: decision will be by a majority of Members of the Committee present and voting.

Terms of Reference

- To hear and determine any appeals by or grievance appeals against the Head of Paid Service (Chief Executive) made by any member of the Senior Management Team of either council.
- To hear and determine any appeals brought by Chief Executive and if shared Monitoring Officer and Section 151 Officer against any disciplinary sanctions imposed short of dismissal.
- To hear and determine any appeals against any disciplinary sanctions imposed on a Chief Officer who is shared between Cherwell District Council and Oxfordshire County Council excluding the statutory officers referred to above.