



# Part 3

## Responsibility for Functions

*Extract only*

#### 4. RESPONSIBILITY FOR COUNCIL FUNCTIONS – COUNCIL COMMITTEES AND TERMS OF REFERENCE

##### 4.1 Committees and Memberships

4.1.1 The Council has established the following Committees with memberships and quoracy arrangements as follows –

Committee	Membership	Quorum
Employment Committee	7 Council Members, with a recommendation that at least one of which must be an Executive Member.	3 Members
Appointment Committee	5 Council Members, at least one of which must be an Executive Member.	3 Members
Investigation and Disciplinary Committee	3 Council Members, at least one of which must be an Executive Member	3 Members
Health and Wellbeing Board	At least one Council Member appointed by the Leader of the Council; the Council's Directors of Adult Social Services, of Children's Services, and of Public Health; a CCG representative; a Healthwatch representative; any additional person/body the Board or the Council (subject to consultation with the Board) thinks appropriate.	One Third

4.1.2 The ability of appointed Members to serve on certain Council Committees or Panels, or on certain Sub-Committees or Panels established by those bodies, may be dependent upon the appointed Members having attended such relevant training as may be determined by the Council.

4.1.3 The Terms of Reference for each of the above Committees are as follows.

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## **4.8 Employment Committee**

- 4.8.1 The Employment Committee will, in pursuance of the Council or 'non-executive' function relating to the power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal) as defined in Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended), with reference to s112 of the Local Government Act 1972 –
- a) Determine all terms and conditions matters and other Council-related functions for all employees;
  - b) Determine all matters related to the Council's Reward Strategy;
- 4.8.2 The Employment Committee shall be consulted on and give consideration to matters related to the Council's Workforce Strategy;
- 4.8.3 The Employment Committee shall, pursuant to Schedule 1 of the Local Authorities (Standing Orders) Regulations 1993 and subject to the requirements of the Council's Employment Procedure Rules, agree to the recruitment to posts of Chief Officer and the statement specifying the duties of the post, any qualifications or qualities to be sought in the person to be appointed, and arrangements for the post to be advertised;
- 4.8.4 The Employment Committee shall determine whether recruitment to individual posts of Deputy Chief Officer or the discipline of individual Deputy Chief Officer postholders is to be undertaken either by elected Members or by or on behalf of the Head of Paid Service;
- 4.8.5 The Employment Committee shall, pursuant to Schedule 1 of the Local Authorities (Standing Orders) Regulations 1993 and subject to the requirements of the Council's Employment Procedure Rules, agree to the recruitment to such posts of Deputy Chief Officer identified under term of reference 4.8.4 as being subject to recruitment by elected Members, the statement specifying the duties of the post, any qualifications or qualities to be sought in the person to be appointed, and arrangements for the post to be advertised;
- 4.8.6 The Employment Committee will, in furtherance of the Council's receipt of the statutory reports of the Head of Paid Service under s4 of the Local Government Act 1989, consider significant Departmental restructuring proposals;
- 4.8.7 The Employment Committee will be the 'deciding committee' for the purposes of JNC Chief Officers and the making of representations prior to any potential redundancy situation.
- 4.8.8 The Employment Committee will establish a Sub-Committee to consider Stage 1 hearings under the Chief Executive Grievance Procedure.

4.8.9 The Employment Committee will establish a Sub-Committee (the 'Disputes Committee') with full delegated powers of the Council and the Executive (through a delegation from the Leader of the Council to the Executive Member(s) of the Disputes Committee) to resolve declared collective disputes.

#### 4.8.10 **Employment Committee Sub-Committees**

- a) The Sub-Committee established to consider Stage 1 hearings under the Chief Executive Grievance Procedure shall comprise three or five Members on a politically balanced basis, it being noted that involvement at this stage might exclude those Members from involvement in later stages or processes should the matter progress;
- b) The Sub-Committee established to act as the Dispute Committee shall comprise five members, one of whom must be an executive member with powers to act, on a politically balanced basis.

### 4.9 **Appointments Committee**

- 4.9.1 The Appointments Committee shall, pursuant to Schedule 1 of the Local Authorities (Standing Orders) Regulations 2001 and subject to the requirements of the Council's Employment Procedure Rules –
- a) Longlist, shortlist and interview for the post of Head of Paid Service/Chief Executive and recommend an appointment to Council;
  - b) Longlist, shortlist, interview and appoint to the posts of Chief Officer (as defined by s2 of the Local Government and Housing Act 1989); and
  - c) Longlist, shortlist, interview and appoint to such posts of Deputy Chief Officer (as defined by s2 of the Local Government and Housing Act 1989) as determined by the Employment Committee.

### 4.10 **Investigation and Disciplinary Committee**

- 4.10.1 The Investigation and Disciplinary Committee shall, pursuant to Schedule 1 of the Local Authorities (Standing Orders) Regulations 2001 and subject to the requirements of the Council's Employment Procedure Rules –
- a) Make recommendations to Council as to the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer;
  - b) Take disciplinary action short of dismissal against the Head of Paid Service, Monitoring Officer and Chief Finance Officer;
  - c) To suspend and keep under review the suspension of the Head of Paid Service, Monitoring Officer and Chief Finance Officer (other than in emergency situations requiring immediate suspension);
  - d) To take disciplinary action up to and including dismissal against Chief Officers (as defined by the Local Government and Housing Act 1989 but with the exception of the Monitoring Officer and Chief Finance Officer);
  - e) To take disciplinary action up to and including dismissal against such Deputy Chief Officers (as defined by the Local Government and Housing Act 1989) as determined by the Employment Committee.

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## **4.12 Health and Wellbeing Board**

- 4.12.1 To lead and co-ordinate system-wide actions, including those of the Council, NHS Oldham CCG and partners in assessing the health needs of the local population and to prepare and publish the statutory Joint Strategic Needs Assessment (JSNA) in accordance with s196 of the Health and Social Care Act 2012;
- 4.12.2 To lead and co-ordinate system-wide actions, including those of the Council, NHS Oldham CCG and partners in support of the preparation and publication of the Board's Health and Wellbeing Strategy in accordance with s196 of the Health and Social Care Act 2012;
- 4.12.3 To approve submission of the Better Care Fund Plan to NHS England;
- 4.12.4 To encourage those persons and organisations holding responsibility for the commissioning or provision of any health or social care services in the Borough to work together in an integrated and/or partnership manner for the benefit of the local population;
- 4.12.5 To consider reports from the Commissioning Partnership Board on key issues, including the joint commissioning intentions of the Council and the CCG and the Locality Plan;
- 4.12.6 To be advised of further joint health and social care commissioning arrangements agreed and implemented between the Council and/or the CCG and/or other partners and be kept updated as to key issues arising;
- 4.12.7 To be consulted in relation to the CCG annual report and performance assessment in connection with s14Z of the NHS Act 2006;
- 4.12.8 To ensure that the Council complies with its duties to improve public health as set out in Sections 2B and 111 of the National Health Act 2006 as amended;
- 4.12.9 To undertake such oversight of local safeguarding arrangements as the Board considers appropriate and necessary;
- 4.12.10 To undertake, jointly with the Bury and Rochdale Health and Wellbeing Boards, such oversight of the Bury, Oldham and Rochdale Child Death Oversight Panel as the Board considers appropriate and necessary.

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## **9. OFFICER SCHEME OF DELEGATION**

### **Section 9B - General Delegations to Officers**

#### **1. General delegations to Officers**

- 1.1 The Chief Executive, the Deputy Chief Executive, a Strategic Director, a Managing Director or other named Officer shall have power to carry into effect without reference to the Council or the Executive, matters of day to day management and administration and, in particular, the following functions:

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#### 1.1.4 Personnel

##### a) Personnel Policies

- The Strategic Director Communities and Reform (or such Officer who is senior Officer with responsibility for HR) shall have authority to determine all policy matters in relation to staffing, including consultation and industrial relations arrangements (but excluding appeals, individual disciplinary matters and terms and conditions of service), unless otherwise directed by the Leader of the Council.

##### b) Dispute Resolution

- In the event that the Deputy Chief Executive, a Strategic Director, a Managing Director or nominee is unable to reach agreement following required consultation on any matter, the matter will be referred to the Chief Executive/Head of Paid Service for advice or recommendation for resolution of the issue, including referral to the Disputes Committee.

##### c) Suspension

- The Strategic Director Communities and Reform (or such Officer, other than the Head of Paid Service, Monitoring Officer or Chief Finance Officer, who is most senior Officer with responsibility for HR), in consultation with the Leader of the Council and the Director for Workforce and Organisational Development, has power to suspend the Head of Paid Service, Monitoring Officer or Chief Finance Officer with immediate effect in an emergency situation.
- The Strategic Director Communities and Reform (or such Officer, other than the Head of Paid Service, Monitoring Officer or Chief Finance Officer, who is most senior Officer with responsibility for HR), in consultation with the Director for Workforce and Organisational Development, has authority to take all actions to progress any investigations into the conduct of the Head of Paid Service, Monitoring Officer or Chief Finance Officer, as the case may be, or other actions as may be required, following the suspension of one or more of those Officers.
- The Chief Executive, in consultation with the Director for Workforce and Organisational Development or their nominee, has the power to suspend Chief Officers.

##### d) Early Release

- Applications for early release are to be authorised by the Strategic Director Communities and Reform or nominee with responsibility for HR and the Director of Finance in consultation with the relevant Executive Member.

The following are delegated to the respective Deputy Chief Executive, Strategic Director or Managing Director who must ensure that any action is managed within the Directorate's bottom line budget.

e) Appointments

- To appoint employees unless the appointment falls within the responsibility of the Appointments Committee (i.e. Chief Officers and such Deputy Chief Officers as might be determined by the Employment Committee).
- To appoint employees or contractors on a temporary basis to provide cover for absences of employees or to cater for peaks in workload. Such employees should be employed on terms set out in guidelines issued by the Strategic Director Communities and Reform or nominee.
- To approve removal expenses for an employee taking up employment with the Council in accordance with the Council's Removal and Relocation Scheme.

Each Directorate Scheme of Delegation should specify the level of Officers with powers to appoint.

f) Departmental Structure

- To deploy existing employees within the overall structure of the Directorate.
- To agree changes to staffing structures except where either
  - the restructure is deemed to be 'significant' and/or requires consideration by the Employment Committee on other grounds; or
  - the restructure involves the re-grading of posts and/or the creation and grading of new posts in which case the decision must be taken in consultation with the relevant Cabinet Member and the proposals must have been subject to prior consultation with the Strategic Director Communities and Reform or nominee (as lead Officer for HR matters) and the Director of Finance or nominee.
- To undertake prior consultation with all appropriate parties affected by a staffing structure proposal, notably the Trades Unions, prior to a decision being made.
- To authorise the filling of the vacant half of a job share post following the resignation of one of the job-share partners.
- To authorise career grade progression for relevant employees in line with previously agreed criteria.

g) Discipline and Dismissal

- To discipline and dismiss employees with the exception of Chief Officers and such Deputy Chief Officers as might be determined by the Employment Committee.

Each Directorate Scheme of Delegation should specify the level of Officers with powers to discipline and dismiss.

h) Additional Payments

- To approve acting up payments, e.g. honoraria in line with guidelines issued by the Strategic Director of Communities and Reform or nominee.
- To authorise merit increments and ex-gratia payments in line with guidelines issued by Strategic Director of Communities and Reform or nominee.

- To approve non-contractual overtime payments to employees.
  - To request the Director of Finance to approve the making of loans for car purchase to employees who are approved as essential car users.
- i) Allowances
- To approve eligibility for essential and casual car allowances within an overall car allowance scheme approved by Council.
  - To approve the payment of a telephone allowance to applicable employees.
- j) Special Leave
- To authorise time off for public duties in line with guidelines issued by the Strategic Director Communities and Reform.
  - To authorise carer's leave for sick dependents in excess of 5 days subject to such decisions being notified to the Strategic Director Communities and Reform or nominee.
  - To authorise a leave of absence without pay for a maximum of 30 working days per year. This can be extended up to 3 months in consultation with the Strategic Director of Communities and Reform or nominee.
  - To authorise all other requests for special leave in line with the guidelines issued by Strategic Director of Communities and Reform or nominee.
- k) Miscellaneous
- To authorise employees to attend courses.
  - To approve claims for damages to employees' personal effects, clothing and motor vehicles in accordance with guidelines issues by the Director of Finance.
  - To authorise employees taking up additional employment outside the Council in line with National Terms and Conditions of Service and the provisions of the Council's Code of Conduct.