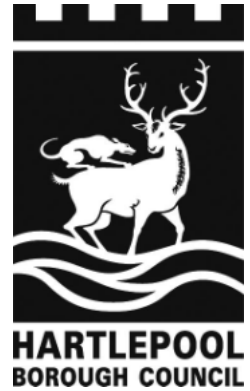


FINANCE AND PERFORMANCE PORTFOLIO

DECISION SCHEDULE



Friday, 30 April 2010

at 10.00 am

in Committee Room A, Civic Centre, Hartlepool

Councillor R Payne, Cabinet Member responsible for Finance and Performance will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

2.1 Single Status Agreement Appeals - *Chief Customer and Workforce Services Officer*

2.2 Place Survey 2010 – Joint Procurement – *Head of Performance and Partnerships*

3. ITEMS FOR INFORMATION

No items

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items

5. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006

6. **KEY DECISION**

No items

7. **OTHER ITEMS REQUIRING DECISION**

- 7.1 Approval for Compulsory Redundancy (Para 4)- *Chief Customer and Workforce Services Officer*
- 7.2 Employees In Tied Accommodation (Para 4) – *Chief Customer and Workforce Services Officer*
- 7.3 Landscaping Scheme At Hindpool Close Surestart Children's Centre (Para 3) – *Assistant Director (Resources)*
- 7.4 Support For Businesses (Para 3) – *Chief Financial Officer*

FINANCE AND PERFORMANCE PORTFOLIO

Report to Portfolio Holder

30 April 2010



Report of: Chief Customer and Workforce Services Officer

Subject: SINGLE STATUS AGREEMENT APPEALS

SUMMARY

1. PURPOSE OF REPORT

To provide an update on progress on appeals received and obtain ratification of Appeals Panel outcomes in respect of High Priority Appeals.

2. SUMMARY OF CONTENTS

The report provides a background to the Appeals Procedure together with an update on the progress of appeals received and requests ratification of Appeals Panel outcomes in respect of High Priority Appeals

3. RELEVANCE TO PORTFOLIO MEMBER

Corporate Issues.

4. TYPE OF DECISION

Non Key.

5. DECISION MAKING ROUTE

Portfolio meeting only.

6. DECISION(S) REQUIRED

To note progress on appeals received and ratify Appeals Panel outcomes in respect of High Priority Appeals.

Report of: Chief Customer and Workforce Services Officer

Subject: SINGLE STATUS AGREEMENT APPEALS

1. PURPOSE OF REPORT

- 1.1 To provide an update on progress on appeals received and obtain ratification of Appeals Panel outcomes in respect of High Priority Appeals.

2. BACKGROUND

- 2.1 The Single Status Appeals Procedure was agreed at the Performance Portfolio Holder meeting on 27 June 2008.

- 2.2 The agreed procedure provides

- “The Executive Member with responsibility for HR will be regularly advised of appeals received and progress made in dealing with them” and
- “All Appeal Panel outcomes must be ratified by the Executive Member with responsibility for HR or Governors (Governing Body, Pay Review Committee or Appeals Committee), as appropriate, prior to any changes being implemented.”

- 2.3 Provision for the ongoing costs of appeal outcomes has been made in the Council's base budget since 2007/08 to meet the cost of implementing any successful appeals from 1st April 2007. This provision was initially set at £400,000, inclusive of employers national insurance and pension costs, for 2007/08. This figure has been increased in the budget by the annual cost of living pay award and at 2009/10 prices amounts to £415,000. Schools have made separate provision in their own budgets for appeals by school staff.

3. PROGRESS ON APPEALS

- 3.1 Appeals currently received and not yet dealt with are shown in the following table.

Department	Intention to Appeal submitted but appeal not submitted yet	Appeals Received/Priority				
		High	Medium	Low	Very Low	Total
Chief Executive's	0	5	60	4	3	72
Child and Adults	0	20	64	54	7	145
Regeneration and Neighbourhoods	0	7	60	54	7	128
Schools	0	5	6	6	0	17
Total	0	37	190	118	17	362

3.2 Outcomes for High Priority Appeals have previously been ratified as follows

	Pay band increased on Appeal and Outcome Ratified (no of employees affected)	Pay band stayed the same on Appeal and Outcome Ratified (no of employees affected)	Pay band decreased on Appeal and Outcome Ratified (no of employees affected)	Ongoing Financial Impact for the Council at the maximum of the Pay Band (inc. Employers costs)	Back pay costs processed through payroll
Chief Executive's	2 (3)	11 (18)	0 (0)	£12,687.50	
Child and Adults	5 (5)	17(39)	1 (1)	£15,620.50	
Regeneration and Neighbourhoods	4(4)	39(51)	3(5)	£1,231.25	
Schools	0 (0)	3 (3)	0 (0)	0	
Total	11(12)	70 (111)	4 (6)	£29,539.25	

4. APPEAL PROCESS

4.1 Administrative arrangements are in place to process the appeals and ensure employing departments are engaged in the process and Job Evaluation analysts are able to comment on claims.

4.2 Appeals will be prioritised in accordance with the Single Status Agreement as follows:

Priority	Type of Appeal	Due for Completion
High	Appeals received from current employees who are continuing to	December 2009

	receive protection at 1 July 2008/Appeals which do not need an Appeals Panel to meet/ Appeals from employees who leave the Council from areas where job losses are needed/ Appeals from employees who retire from the Council due to ill health and the Teesside Pension Fund Doctor (for LGPS members) or the Council's Occupational Health Advisor (for non LGPS members) has determined that they meet the Local Government Pension Fund Tier 3 Ill Health criteria	
Medium	Appeals received from current employees who were receiving protection prior to 1 July 2008/Appeals received from current employees who do not gain initially	September 2010
Low	Appeals received from current employees who gained initially	January 2011
Very Low	Former employees	March 2011

- 4.3 Additional temporary resources have been allocated to assist with processing appeals. It should be noted that any increase in appeals as a result of recent or proposed restructures etc. could impact upon the ability to meet this timetable.
- 4.4 Since your last meeting the Appeals Panel has met on 1 occasion and has agreed outcomes, subject to ratification, in respect of 7 appeals (relating to 10 jobholders).of the 21 outstanding High Priority appeals.
- 4.5 In determining the appeal outcomes, the Appeal Panels have considered the submissions made by appellants as well as 'sore-thumbing' the original evaluation. This is essential to ensure the robustness of individual evaluations and the job evaluation scheme as a whole. Whilst there are 3 possible overall outcomes (pay band increases, pay band remains the same or pay band decreases), this may mask changes to particular factor levels and/or 'tidying up' evaluations.
- 4.6 A summary of the outcomes, of the Appeals Panels, subject to ratification is set out below

	Pay band increased on Appeal and Outcome Ratified (no of employees affected)	Pay band stayed the same on Appeal and Outcome Ratified (no of employees affected)	Pay band decreased on Appeal and Outcome Ratified (no of employees affected)	Ongoing Financial Impact for the Council at the maximum of the Pay Band (inc. Employers costs)
Chief Executive's	1(2)	0(0)	0 (0)	£2912.50
Child and Adults	0 (0)	2(4)	1 (1)	-£4256.50
Regeneration and Neighbourhoods	2(2)	1(1)	0(0)	£8183.75
Schools	0 (0)	0 (0)	0 (0)	0
Total	3(4)	3 (5)	1 (1)	£6839.75

4.7 As indicated above, the Portfolio Holder is responsible for ratifying the outcomes in respect of Council employees whereas Governors are responsible for ratifying the outcomes in respect of school employees. Similarly, the Council is responsible for any changes in employee costs for Council employees whereas schools are responsible for any changes in employee costs for school employees (hence no ongoing costs are identified above in respect of school employees)

4.8 Further details of the outcomes of individual appeals is included in the "Not for Publication" Appendix A attached to this report.

This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to individual.

4.9 Assuming the outcomes for Council employees are ratified, a running total of £36,379.00 of the ongoing budget provision of £415,000 will have been utilised. The additional back pay costs will be reported once the outcomes have been processed through payroll.

4.10 The Portfolio Holder will continue to receive regular reports regarding the appeals programme and appeal outcomes for Council employees that require ratification before they can be implemented and Portfolio Holder ratification is being sought as part of this report. Appeal decisions for school employees require Governor ratification before they can be implemented and arrangements are being made to obtain such ratification in respect of appeals from school employees.

- 4.11 Trade unions will be updated regularly at the monthly Single Table Meeting with Hartlepool Joint Trade Unions Committee Representatives regarding the appeals programme and appeal decisions which have been ratified.
- 4.12 Work will commence on processing Medium Priority Appeals once a short review of processes and other arrangements has been concluded.

5. RECOMMENDATION

- 5.1 The Portfolio Holder notes the progress made and ratifies the Appeals Panel Outcomes in respect of Council employees (as detailed in the “Not for Publication” schedule attached to this report).

6. REASONS FOR RECOMMENDATIONS

- 6.1 The Appeals Procedure is an integral part of the Single Status agreement and requires that the Executive Member with responsibility for HR be regularly advised of and progress made in dealing with appeals received and ratifies the outcomes of Appeals Panels in respect of Council employees.

7. BACKGROUND PAPERS

Cabinet report 23 December 2007.
Cabinet report 27 May 2008.
Performance Portfolio report 27 June 2008
Performance Portfolio report 26 September 2008
Performance Portfolio report 2 February 2009
Performance Portfolio report 26 February 2009
Performance Portfolio report 17 April 2009
Finance and Performance Portfolio report 14 July 2009
Finance and Performance Portfolio report 5 November 2009
Finance and Performance Portfolio report 23 February 2010
Finance and Performance Portfolio report 23 March 2010

8. CONTACT OFFICER

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FINANCE AND PERFORMANCE PORTFOLIO

Report To Finance and Performance Portfolio Holder

30 April 2010

**Report of:** Head of Performance and Partnerships**Subject:** Place Survey 2010 – Joint Procurement

SUMMARY**1. PURPOSE OF REPORT**

The purpose of the reform is to inform the Portfolio Holder of the proposed procurement arrangements for the 2010 Place Survey.

2. SUMMARY OF CONTENTS

As part of national performance management requirements the Council is required to undertake a Place Survey every 2 years. This is a statutory requirement. Discussions have been held with officers with Tees Valley local authorities to consider the benefits of jointly procuring the 2010 Place Survey. Discussions have been held with Tees Valley colleagues. The view is that this approach will offer the best mix of costs and benefits.

3. RELEVANCE TO PORTFOLIO MEMBER

Performance and consultation are part of the remit of the Portfolio Holder

4. TYPE OF DECISION

Non key

5. DECISION MAKING ROUTE

Portfolio Holder and then to Contracts Scrutiny Committee for information

6. DECISION REQUIRED

That the Portfolio Holder approves the waiving of the Council's contract procedures rules and approves procurement of the 2010 Place Survey on a joint Tees Valley basis.

Report of: Head of Performance and Partnerships

Subject: PLACE SURVEY 2010 – JOINT
PROCUREMENT

1. PURPOSE OF REPORT

- 1.1 To inform the Portfolio Holder of the proposed procurement arrangements for the 2010 Place Survey.

2. BACKGROUND

- 2.1 As part of national performance management requirements the Council is required to undertake a Place Survey every 2 years. This is a statutory requirement. The first survey was in 2008 and the Council has been informed that the 2010 survey needs to be undertaken in autumn 2010. The results from the survey are used in the Comprehensive Area Assessment process.
- 2.2 In 2008 the Council contracted out the main elements of the work required including printing, postage and processing of returned questionnaires. The Council procured the 2008 survey on its own following the Council's own procurement process. The cost was approximately £10,000.

3. 2010 PLACE SURVEY

- 3.1 Discussions have been held with officers with Tees Valley local authorities to consider the benefits of jointly procuring the 2010 Place Survey. Discussions have been held with Tyne and Wear colleagues who jointly procured the 2008 survey and their feedback was positive.
- 3.2 The key benefits of a joint procurement are that a shared approach should bring lower procurement process costs, potentially lower costs from suppliers and access to experience and knowledge of other authorities. The key risks are that there will be additional time and costs in coordinating a joint procurement and authorities will be unable to agree a common specification and provider. Overall the view has been reached that a joint procurement is worth pursuing and the most likely route to achieve overall value for money. Nevertheless costs may be higher than 2008. This will depend on a number of factors including the final guidance (which we have to follow), the impact of inflation and amount of competition.
- 3.3 The Constitution states that the Council's contract procedures apply to every contract for the supply of goods, materials or services or for the execution of works. There are a number of standard exceptions but none of these apply in this case. Therefore Portfolio Holder approval is required to waive contract procedure rules in accordance with Part A – Scope of Contract Procedure Rules 1.3:

‘No exception from any of the rules shall be made otherwise than by direction of the Executive or the Council or in any case of urgency, the Chief Officer after consultation with the Monitoring Officer. A record of any exception from any of the provisions of these procedure rules shall be reported to the Contracts Scrutiny Committee at their next meeting, and shall specify the case or urgency by which the exception shall have been justified.’

3.5 If the exception sought is approved then the procedure followed will be such that it:

- has been determined and recorded prior to its commencement
- ensures a level of competition consistent with the nature and value of the contract
- is transparent and auditable
- provides value for money, and
- records the reasons for choosing the successful contractor

This is in accordance with Part A – Scope of Contract Procedure Rules 1.7. In addition this exception to the procedure rules will be reported to Contracts Scrutiny Committee as required by Part A – Scope of Contract Procedure Rules 1.5.

3.6 If it is agreed to pursue a joint procurement approach then one of the Tees Valley authorities will take the lead on the procurement process and the procurement rules of the lead authority for procurement would be applied.

4. RECOMMENDATION

4.1 That the Portfolio Holder approves the waiving of the Council's contract procedures rules and approves procurement of the 2010 Place Survey on a joint Tees Valley basis.

5. REASONS FOR RECOMMENDATIONS

5.1 Joint procurement is the route that offers most advantages and lowest risks.

6. BACKGROUND PAPERS

None

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