

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
Relevant Executive Member:	Executive Member for Finance and Governance
Submitted to:	Constitution and Member Development Committee
Date:	27 June 2024
Title:	Committee Terms of Reference Changes
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	Not applicable
Why:	Not applicable
Subject to call in?:	Not applicable
Why:	

Proposed decision(s)
<p>That the Constitution and Members Development Committee</p> <ul style="list-style-type: none"> • Approves the changes to the terms of reference of the Works Council and the Staff Appeals Committee and recommends full Council approves the changes as follows:. • Works Council – Members of Works Council are prohibited from being a member on Staff Appeal Committee. • Staff Appeal – Members of Staff Appeal Committee are prohibited from being a member on works Council.

Executive summary
<p>Following advice from for the Local Government Association (LGA) and in line with best practice it is proposed to change the terms of reference for Works Council and Staff Appeal Committee to reflect that a Member cannot sit on both committees in order to have a clear separation of roles.</p>

1. Purpose

1.1 To seek approval from Constitution and Member Development Committee to amend the terms of reference for Works Council and Staff Appeal Committee.

2. Recommendations

2.1 That the Constitution and Members Development Committee

- Approves the changes to the terms of reference of the Works Council and the Staff Appeals Committee and recommends full Council approves the changes as follows:.
- Works Council – Members of Works Council are prohibited from being a member on Staff Appeal Committee.
- Staff Appeal – Members of Staff Appeal Committee are prohibited from being a member on works Council.

3. Rationale for the recommended decision(s)

3.1 Having clear separation of roles in place is good practice in local government and has been suggested to us by the Chair of the Improvement Board following feedback from the LGA.

4. Background and relevant information

4.1 Having reviewed the trade union consultation framework as part of our improvement journey the Chair of MIIAB provided feedback from the LGA workforce team.

4.2 We currently have one Member that sits on both Works Council and Staff Appeal Committee.

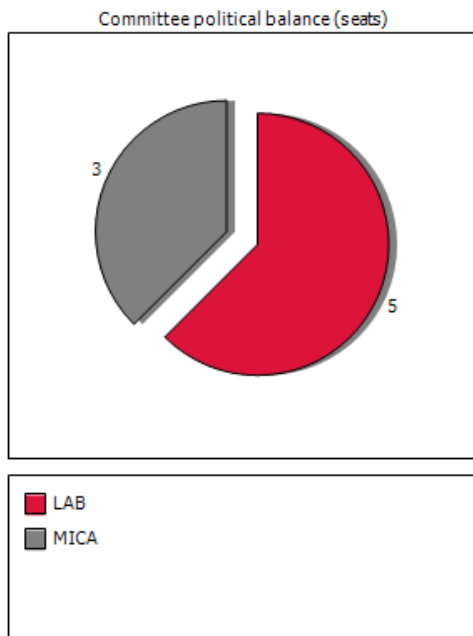
4.3 The current Terms of Reference and membership requirements for Works Council and Staff Appeal Committee are;

4.4 Terms of Reference - Works Council

- To be an advisory body to the Council.
- To establish regular consultation between elected members of the Council and the recognised trades unions on issues affecting the Council at a strategic level. As this is not a negotiating body, the rights of the trades unions to negotiate issues through the proper negotiating process are preserved.
- To present resolutions for the Executive's consideration.
- To discharge any functions specifically assigned to the Works Council.
- To review annually the operation and performance of the Works Council, including setting and evaluating performance indicators.

Seats: 10

Quorum: 2 Elected Members + 2 Trade Union Representatives



4.5 Terms of Reference - Staff Appeals Committee

- To have delegated powers to hear relevant staff appeals.

Membership:

- Chair and two other members to be selected from the full committee shown below to sit at each panel meeting.

Panel meetings need not be politically balanced.

4.6 It is proposed to add the following statements to the terms of reference

- Works Council – Members of Works Council are prohibited from being a member on Staff Appeal Committee.
- Staff Appeal – Members of Staff Appeal Committee are prohibited from being a member on Works Council.

5. Other potential alternative(s) and why these have not been recommended

5.1 The other option would be to carry on with the existing terms of reference. This has not been recommended as there may be a perception of conflict of interest for any members sitting on both Works Council and Staff Appeal Committee.

6. Impact(s) of the recommended decision(s)

6.1 Financial (including procurement and Social Value)

There are no financial implications of the proposed changes.

6.2 Legal

The proposed changes promote good governance insofar as they avoid any conflict or perceived conflict of interest, in respect of the possible cross over of business between Works Council and the Staff Appeal Committee.

6.3 Risk

There are no implications arising from the proposed changes.

6.4 Human Rights, Public Sector Equality Duty and Community Cohesion

There are no implications arising from the proposed changes.

6.5 Climate Change / Environmental

There are no implications arising from the proposed changes.

6.6 Children and Young People Cared for by the Authority and Care Leavers

There are no implications arising from the proposed changes.

6.7 Data Protection

There are no implications arising from the proposed changes.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Report to Full Council for approval	Nicola Finnegan	17 th July 2024

Appendices

N/A

Background papers

No background papers were used in the preparation of this report.

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