

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance Services
<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
<b>Submitted to:</b>	Council
<b>Date:</b>	17 July 2024
<b>Title:</b>	Committee Terms of Reference Changes
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Council Plan priority:</b>	Delivering Best Value
<b>Key decision:</b>	Not applicable
<b>Why:</b>	Not applicable
<b>Subject to call in?:</b>	Not applicable
<b>Why:</b>	

<b>Proposed decision(s)</b>	
That Council approves the changes to the terms of reference for Works Council and Staff Appeal Committee as recommended by Constitution and Member Development Committee.	

<b>Executive summary</b>	
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. At a meeting on 27 <sup>th</sup> June 2024 Constitution and Member Development Committee agreed to recommend the changes to Council.	

## **1. Purpose**

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

## **2. Recommendations**

- 2.1 That the Council

- 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.
- 3.2 Some members of Constitution and Member Development Committee have previous experience in Works Council and/or Staff Appeal Committee and therefore understand and agree with the clarity provided by having a clear separation in membership between the two meetings.

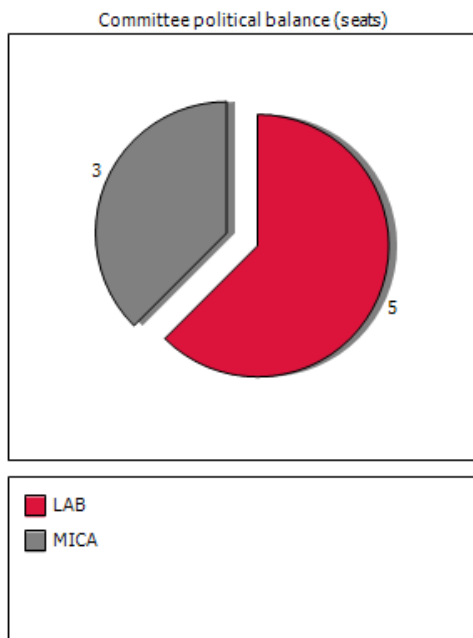
## **4. Background and relevant information**

- 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. That Member is aware of the proposed changes should the changes be approved that Member would have to relinquish membership of one of the meetings.
- 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
Terms of Reference for Staff Appeals Committee and Works Council to be amended.	Democratic Services Officer	On approval

**Appendices**  
**None**

**Background papers**

Body	Report title	Date
Constitution and Member Development Committee	Committee Terms of Reference Changes	27 <sup>th</sup> June 2024

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