

# Public Document Pack

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1 March 2024

## **Governance Committee**

A meeting of the Committee will be held at **2.15 pm** on **Monday, 11 March 2024** at **County Hall, Chichester PO19 1RQ**.

Tony Kershaw

Director of Law and Assurance

## **Agenda**

### **1. Declarations of Interest**

Members and officers must declare any pecuniary or personal interest in any business on the agenda. They should also make declarations at any stage such as an interest becomes apparent during the meeting. Consideration should be given to leaving the meeting if the nature of the interest warrants it. If in doubt please contact Democratic Services before the meeting.

### **2. Minutes of the last meeting of the Committee (Pages 3 - 6)**

The Committee is asked to agree the minutes of the meeting held on 6 November 2023 (cream paper).

### **3. Urgent Matters**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances.

### **4. Pay Policy Statement 2024/25 (Pages 7 - 18)**

Report by the Director of Human Resources and Organisational Development.

The Committee is invited to consider the proposed Pay Policy Statement, as set out in the report, for recommendation to the County Council.

### **5. Revisions to the Constitution (Pages 19 - 22)**

Report by the Director of Law and Assurance.

The Governance Committee is asked to agree some minor changes to the Constitution for referral to the County Council for approval. These are to formalise current expectations relating to the mandatory training requirements

for the members of certain panels and committees, as recommended by the Member Development Group, and revisions to the terms of reference of this Committee and of the Health Overview and Scrutiny Committee to ensure these are in line with current practice and recent legislative changes.

## 6. **Committee Business Planning**

The next meeting of the Committee will be held at 2.15 pm on 20 May 2024 at County Hall, Chichester.

Members are invited to discuss and agree plans for the business of future meetings of the Committee. There are no planned agenda items at the current time.

**To all members of the Governance Committee**

## **Governance Committee**

6 November 2023 – At a meeting of the Governance Committee held at 2.15 pm at County Hall, Chichester PO19 1RQ.

Present: Cllr Bradbury (Chairman)

Cllr Burrett, Cllr A Jupp, Cllr Lord, Cllr Marshall, Cllr O'Kelly, Cllr Waight and Cllr Sparkes

Apologies were received from Cllr Wickremaratchi and Cllr Oxlade

### **Part I**

#### **16. Declarations of Interest**

16.1 Cllr Burrett declared an interest in the items on the Pension Advisory Board Chairman recruitment as a deferred Member of the West Sussex Local Government Pension Scheme.

#### **17. Minutes of the last meeting of the Committee**

17.1 Cllr Burrett requested a change to the third sentence of minute 11.8 to read 'Cllr Burrett commented' rather than 'He commented' so it was clear the comment was by Cllr Burrett and not the Chairman.

17.2 Resolved – That, with the amendment set out in minute 17.1 above, the minutes of the meeting held on 13 September 2023 be approved as a correct record and that they be signed by the Chairman.

#### **18. Pension Advisory Board Chairman Recruitment**

18.1 The Committee was informed that the appointment of the current Pension Advisory Board Independent Chairman expires on 31 May 2024 and that the Chairman has indicated that he is not planning on applying for the position again due to retirement. The Committee therefore considered a report by the Director of Finance and Support Services and the Director of Law and Assurance (copy appended to the signed minutes) on proposals for recruiting to the chairmanship of the Board.

18.2 The Chairman informed members that he had requested that the version of the report which goes to Council for approval makes it explicit that there will be a review meeting with the Chairman and Vice-Chairman of the Governance Committee before the interview process to review applications.

18.3 Cllr Burrett commented that the job description attached to the report at Appendix 1 is written as a mixture of second and third person. The Committee agreed it would be better if that inconsistency was removed.

18.4 Members were reassured that the revised procedure put forward in the report is in accord with the practices of other local authorities.

18.5 Resolved -

- (1) That, subject to the text being written in the second or third person rather than a mixture of both, the Job Description for the Independent Chairman, as set out at Appendix 1 to the report, be approved; and
- (2) That the Director of Finance and Support Services and the Director of Law and Assurance:
  - (a) Arrange for the role of Independent Chairman to the West Sussex Pension Advisory Board to be advertised with the remuneration set out in paragraph 2.5 of the report and for an appropriate recruitment exercise to be undertaken; and
  - (b) In consultation with the Chairman and Vice-Chairman of the Governance Committee, appoint the Independent Chairman of the West Sussex Pension Advisory Board.

## **19. Minor revisions to the Constitution**

19.1 The Committee considered a report by the Director of Law and Assurance on minor revisions to the Constitution for recommendation to the County Council (copy appended to the signed minutes).

19.2 In line with the discussion under the last item about the recruitment of a Chairman for the Pension Advisory Board, members were informed of additional wording to be added to the amendment to the job description of the Chairman of the Pension Advisory Board, as set out in Appendix 1. On page 20, at the end of the current additional text in bold italics in the third bullet point the words 'to include a meeting prior to the interviews proceeding' should be inserted.

19.3 Cllr Burrett questioned the need to include the amendment to Part 2 of the Constitution in Appendix 1 given that amendments to that section could be made by the Director of Law and Assurance. He also asked if the word 'advise' in the amendment to the terms of reference point 12 of the Regulation, Audit and Accounts Committee should read 'recommend to'. It was confirmed that the amendment to Part 2 had been included for the sake of completeness. In relation to the word 'advise', the text matches the wording in the similar terms of reference of the Governance and Standards Committees.

19.4 Resolved – That, subject to the additional wording set out in minute 19.2 above, the County Council be recommended to approve the changes to the Constitution set out in Appendix 1 to the report.

## **20. Appeals Panel Annual Report 2022/23**

20.1 The Committee considered the Annual Report of the Appeals Panel for 2022/23 (copy appended to the signed minutes).

20.2 Resolved – That the Appeals Panel Annual Report 2022/23 be noted.

## **21. Report of the Member Development Group**

21.1 The Committee considered a report by the Chairman of the Member Development Group (MDG) which contained an update on the member development programme for 2023/24 and on activity undertaken by MDG since the last update to the Committee in June 2023 (copy appended to the signed minutes). In the absence of the MDG Chairman, the report was introduced by Cllr Waight who is a member of MDG.

21.2 Cllr O’Kelly referred to the member development regional round table mentioned in paragraph 3.5 of the report and asked if there had been any particular learning from the meeting. The Head of Democratic Services commented that it had been helpful to compare practice with the two other councils who attended. The most notable difference between those councils and the County Council was that they did not set dates in advance for member sessions but instead arranged ad hoc sessions with at least a month’s notice. At West Sussex the feedback from members is that it is helpful to have dates set in advance. In terms of attendance at any ad hoc sessions that are held, the Head of Democratic Services said there is usually still a reasonable turnout. She commented that the option of hybrid sessions is a useful addition, particularly for short sessions.

21.3 Looking at the attendance details for sessions on page 26 of the report, members felt that in future where sessions, such as visits, had a limit on numbers that should be included in the statistics.

21.4 Cllr Jupp referred to the mandatory training covered in paragraph 2.3 and asked whether MDG felt there should be refresher training during the four-year council term, particularly in relation to safeguarding. The Head of Democratic Services said reminders are put in The Bulletin members’ newsletter with links to online refresher training. She commented that MDG will soon be starting to think about post-election training for the Council elections in May 2025, to include plans for any future training requirements.

21.5 The Committee expressed its thanks for the work of MDG and for the support from officers, particularly in relation to the mandatory training.

21.6 Resolved – That the report be noted.

## **22. Date of Next Meeting**

22.1 The next meeting of the Committee will be held at 2.15 pm on 5 February 2024 at County Hall, Chichester. Planned agenda items include:

- Pay Policy Statement

## Agenda Item 2

The meeting ended at 2.50 pm

Chairman

**Report to: Governance Committee****11 March 2024****Pay Policy Statement 2024/25****Report by: Director of Human Resources and Organisational Development****Electoral divisions: N/A**

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**Summary**

The report sets out the Pay Policy for approval and recommendation to full Council before the end of March as required by law.

**Recommendation**

That the proposed revisions to the Pay Policy Statement, as set out in Appendix 1, be endorsed for recommendation to the County Council.

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**Proposal****1 Background and context**

- 1.1 The Localism Act requires each local authority to produce a Pay Policy Statement (the 'statement') explaining its approach to the pay of its 'chief officers' and its 'lowest paid' employees and the relationship between the two. The statement must be published and accessible to the public. The statement must be approved annually before 31 March each year prior to the financial year to which it relates.

**2 Proposal details**

- 2.1 Appendix 1 to this report, the Pay Policy Statement 2024/25, sets out the pay determination arrangements for staff.
- 2.2 There are no material changes in the pay arrangements outlined in the Pay Policy Statement since last year. The change in wording, highlighted in marked text in Appendix 1, are to provide clarity regarding the arrangements relating to the Chief Executive. It is anticipated that the Pay Policy Statement for 2024/25 will need to cover arrangements where the Chief Executive is directly employed by the County Council and the current arrangements where the Chief Executive is also the Chief Executive of East Sussex County Council.
- 2.3 The pay multiples between the highest paid employee and the median employee earnings and between the highest paid employee and the lowest paid employee are shown in Appendix 2. With effect from 6 January 2020 the County Council's Chief Executive has also been the Chief Executive of East Sussex

County Council with the two roles being carried out together and salary costs shared equally between authorities. With these arrangements in place the highest paid salary in the County Council is not for the post of Chief Executive, as was the case prior to 2019/20. The reference figure used for the pay multiples as of 31 March 2023 is that of the highest paid West Sussex County Council employee.

**3 Other options considered (and reasons for not proposing)**

3.1 Not applicable.

**4 Consultation, engagement and advice**

4.1 Not applicable.

**5 Finance**

5.1 There are no financial implications arising from the Pay Policy Statement.

5.2 The pay policy will enable members and residents to understand the County Council's approach to pay and reward and the value for money this provides.

**6 Risk implications and mitigations**

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
The County Council does not meet the requirements of the Localism Act.	Endorsement of the Pay Policy Statement for the recommendation of County Council. Publication of the Pay Policy Statement once approved by the County Council.

**7 Policy alignment and compliance**

7.1 The County Council is required to have in place a Pay Policy Statement approved annually by the County Council.

Gavin Wright

**Director of Human Resources and Organisational Development**

**Contact Officer:** Colin Chadwick, Head of HR Specialist Services, 0330 2223283, colin.chadwick@westsussex.gov.uk

**Appendices**

Appendix 1: Pay Policy Statement

Appendix 2: Pay multiples

**Background papers**

None



## **West Sussex County Council Pay Policy Statement**

For financial year 1 April 2023~~4~~ - 31 March 2024~~5~~  
As approved by the County Council on TBC

### **1. Aim of the Pay Policy**

- 1.1 The County Council's pay policy aims to ensure value for money whilst enabling the County Council to deliver high quality services to the residents of West Sussex.
- 1.2 The County Council seeks to set pay rates that are competitive but will determine pay at an appropriate level in accordance with relevant legislation, overall affordability, and other relevant factors in recruiting and retaining its workforce.

### **2. Governance Arrangements**

- 2.1 The Governance Committee determines the terms and conditions of employment for all staff.
- 2.2 The Scheme of Delegation provides for the Director of Human Resources and Organisational Development to manage, review and apply the County Council's Human Resources strategy and policies and to apply, with the Chief Executive, the appropriate pay and conditions for the appointment of staff. The responsibilities of members are as described in this Statement.
- 2.3 The Chief Executive is required to keep the Governance Committee informed of any matters of significance relating to staff terms and conditions.

### **3. Scope of the Pay Policy Statement**

- 3.1 This pay policy statement meets the statutory duty to provide the County Council with a description of the policy on staff remuneration for annual approval. It provides information on remuneration arrangements for staff directly employed by the County Council, excluding staff in schools.
- 3.2 The County Council defines its lowest paid employees as those staff paid on the first spinal column point of the County Council's pay grades for National Joint Council (NJC) for Local Government Services staff.
- 3.3 The relationship between the remuneration of the lowest paid employees and that of the Council's senior officers is as described in this statement and by reference to published data requirements.

### **4. Grading, or Fixed Pay Point, Structure**

- 4.1 For the officer on Strategic Management Grade (SMG) Tier 1 (i.e. the Chief Executive/Head of Paid Service) a single fixed pay point and grading is determined by the Leader and Cabinet Member for Finance and Property, with advice from the Director of Human Resources and Organisational Development, with reference to benchmarking remuneration arrangements, including Hay evaluation scores, of relevant comparator organisations. This

arrangement applies where the post holder is an employee of the County Council.

- 4.2 For **at least part of** the period covered by this Statement the payment for the services of the Head of Paid Service (the Chief Executive) will be by way of a payment to East Sussex County Council, which will be the employer of the person appointed to the post and who also holds the equivalent post at East Sussex. That Council will determine the salary in consultation with this Council's Leader and Cabinet Member for Finance and Property. This Council will be responsible for paying half of the salary and associated on-costs of the post.
- 4.3 For staff on Strategic Management Grades (SMG) a single fixed pay point and grading is determined either by the Chief Executive or, if appropriate, the Director of Human Resources and Organisational Development using the Hay job evaluation scheme and benchmarking remuneration arrangements, including Hay evaluation scores, of relevant comparators where available.
- 4.4 For staff on Hay Grades the County Council uses the Hay job evaluation scheme to allocate jobs to the appropriate Hay pay grade.
- 4.5 For staff on NJC pay grades the County Council uses the NJC formal job evaluation procedures to allocate roles to the appropriate council pay grade.
- 4.6 For staff appointed on Uniformed Fire Fighters, Teachers (Centrally Employed), Soulbury and Youth Worker terms and conditions, grading is established using national frameworks.
- 4.7 Salaries for staff who have transferred into the authority under Transfer of Undertakings (Protection of Employment) Regulations (TUPE) or Cabinet Office Statement of Practice (COSOP) arrangements are those applicable at time of transfer and, by agreement, may also be determined in accordance with the local pay framework described above.
- 4.8 NJC and Hay pay grades are published on the County Council's website.

## **5. Pay Progression**

- 5.1 Staff on NJC and Hay grades are eligible for annual incremental increases to base pay until they reach the top of the grade for their role. There is no further base pay progression once the employee reaches the maximum of the grade, with the exception of a small number of staff who retain an entitlement to an additional long service increment, in accordance with the rules of a scheme which is no longer current.
- 5.2 Incremental progression is subject to satisfactory performance and this will be defined within the Council's Performance Management Policy/Procedure.
- 5.3 Pay progression for Uniformed Fire and Rescue Service, Teachers (Centrally Employed), Soulbury and Youth and Community Worker roles is based on assessment against national standards and/or terms and conditions of service.
- 5.4 Pay progression for newly qualified social workers is determined by the Continuous Professional Development (CPD) and Pay Progression Policy.

Progression is subject to satisfactory completion of an Assessed and Supported Year in Employment (ASYE).

- 5.5 Pay progression can also be achieved where an agreed career grade scheme is in place. Employees must satisfy specified criteria.
- 5.6 In exceptional circumstances staff increments may be accelerated within an employee's grade at the discretion of the Director in consultation with the Director of Human Resources and Organisational Development on the grounds of special merit or ability.
- 5.7 The pay progression arrangements for staff who have transferred into the authority with protected terms and conditions are those applicable at time of transfer.

## **6. Local Pay Awards**

- 6.1 There is no automatic annual cost of living increase for staff on SMG or Hay grading arrangements.
- 6.2 **Where the Head of Paid Service is an employee of the County Council, pay awards for Strategic Management Grade Tier 1 are determined locally by the Leader and the Cabinet Member for Finance and Property in consultation with the Director of Human Resources and Organisational Development. Where the arrangements in paragraph 4.2 apply, through an agreement with East Sussex County Council whilst the postholder is employed by that Council any pay award will be in agreement with East Sussex County Council.** Any pay increase will be subject to reference to benchmarking remuneration arrangements of relevant comparators **and** Any pay award will follow consultation with the officer concerned.
- 6.3 The pay awards for staff on Strategic Management Grades, Tiers 2-4, are determined locally and are approved by the Chief Executive in consultation with the Director of Human Resources and Organisational Development. Any pay award will follow consultation with the staff concerned.
- 6.4 The pay awards for staff on Hay pay grades are determined locally and are approved by the Chief Executive in consultation with the Director of Human Resources and Organisational Development; and following consultation with the staff concerned and UNISON.
- 6.5 The total sum available for any pay increase for staff is decided annually by the Cabinet Member for Finance and Property on the recommendation of the Chief Executive, in consultation with the Director of Finance and Support Services, (S151 Officer) and Director of Human Resources and Organisational Development. This is based on consideration of appropriate market and other relevant information, including the performance of the County Council and affordability.
- 6.6 In exceptional circumstances; and as approved by the Leaders of East Sussex and West Sussex County Councils in the case of SMG Tier 1; and as approved by the Chief Executive in the case of SMG Tier 2 to 4 and Hay grades - an unconsolidated additional payment may be made to recognise exceptional performance. **Where the Head of Paid Service is appointed in agreement**

***with East Sussex County Council, such approval in the case of a SMG Tier 1 officer will be jointly with the Leader of East Sussex County Council.***

## **7. Market Supplements**

- 7.1 The County Council may pay a market supplement, in addition to base salary, in order to recruit or retain staff with special skills, experience or knowledge.
- 7.2 Market supplements are applied, reviewed and withdrawn in accordance with the County Council's market supplement policy which is published on the County Council's website.

## **8. Remuneration on Appointment and Promotion**

- 8.1 It is the County Council's policy to appoint at the minimum of the relevant pay range – where a pay range as opposed to a single spot pay point applies, unless:
- the individual is deemed to be immediately capable of performing the role at the optimum level required for the post;
  - the market value for the individual's experience and/or skills demands a higher entry point;
  - appointment above the minimum of the grade is required to ensure pay parity with other employees performing the role, with similar skills and experience; or
  - nationally determined arrangements apply to remuneration on recruitment and promotion.
- 8.2 The Governance Committee has delegated the authority to determine standard terms and conditions for staff and to delegate to appropriate roles the determinations of salaries on appointments as set out in this Statement.

## **9. Other elements of the Remuneration Package**

### **9.1 Allowances and Enhancements**

The County Council pays allowances to staff for additional responsibilities and duties as required to deliver services. The Allowances and Enhancements Policy is published on the County Council's Website.

Allowances for Uniformed Firefighters, Teachers (centrally employed by the County Council), Soulbury and Youth and Community Workers are determined in accordance with national arrangements, and as amended locally.

Staff who have transferred into the authority are covered by the applicable terms in place at time of transfer and as amended locally.

The Director of Law and Assurance is the Returning Officer for County Council elections and is eligible to receive election fees for carrying out these duties.

## 9.2 Annual Leave

Annual leave entitlements vary according to the terms and conditions of employment. Annual Leave entitlements are published on the County Council's website.

## 9.3 Pension Scheme

Membership is determined by the relevant conditions of service and is subject to the rules of the scheme. The County Council operates the following pension schemes: Local Government Pension Scheme (LGPS), the Teachers' Pension Scheme **2015** (TPS) ~~the Teachers' Pension Scheme 2015~~, the Fire Fighters Pension Scheme (now closed to new entrants) (FPS), the New Fire Fighters Pension Scheme (NFPS) (now closed to new entrants), the Firefighters' Pension Scheme 2015, the NHS Pension Scheme and the 2015 NHS Pension Scheme. ***Some employees may also have membership in the following pension schemes, all of which are now closed to the future build-up of service: the Teachers' Pension Scheme, the Firefighters' Pension Scheme 1992, the Firefighters' Pension Scheme 2006, and the NHS Pension Scheme.***

## 9.4 Abatement of Pension

Staff who are employed or re-employed by the County Council and who are in receipt of pension either under the ~~Local Government Pension Scheme (LGPS), or the Fire Fighters Pension Scheme (FPS 1992 or FPS 2006), NHS Pension Scheme or Teachers Pension Scheme~~ and NFPS) are subject to the ***Scheme's*** rules on abatement of pension for the relevant scheme. The ***general principle*** ~~Abatement of Pension Policy~~ is ***that the new salary plus pension cannot exceed the previous salary*** published on the County Council's website.

~~9.5 Staff in receipt of an NHS or Teachers' pension are subject to the relevant Pension Scheme Regulations on abatement.~~

# 10. Termination of Employment

## 10.1 Severance

Should a severance payment be proposed that exceeds any threshold prescribed by Regulations, the County Council shall act in accordance with the requirements of those Regulations. Until such time any severance payment shall be in accordance with statutory guidance, the Council's pay policy and Scheme of Delegation, including relevant cabinet member approval.

## 10.2 Redundancy

The County Council's policy on redundancy, redundancy payments and re-employment is determined by the Governance Committee and is available on the County Council's website.

Staff who have transferred into the authority are covered by the applicable terms in place at time of transfer.

## **11. Settlements of employment-related claims**

- 11.1 In exceptional circumstances, and specifically so as to settle a claim or potential dispute, the Director of Law and Assurance can agree payment of a termination settlement sum in consultation with the Director of Human Resources and Organisational Development, subject to any requirements of the statutory guidance referred to in paragraph 10.1 and the Council's Scheme of Delegation.

## **12. Pay Protection**

- 12.1 The County Council's pay protection policy is approved by the Governance Committee. The policy provides a mechanism for assisting employees to adjust to a reduction in pay as a result of organisational change, job evaluation or redeployment as a result of ill health or disability.
- 12.2 Staff who have transferred into the authority with protected terms and conditions are covered by the applicable terms in place at time of transfer.

## **13. Remuneration of staff on a Contract for Services, or engaged via a third-party Agency**

- 13.1 The County Council intends that individuals engaged via a Contract for Services are remunerated at a rate consistent with pay of directly employed staff performing a comparable role. However, the County Council may reflect market factors in remuneration levels, whilst ensuring value for money.

## **14. Employment Tax**

- 14.1 The Council encourages the direct employment of staff and pays them via the payroll system in order to ensure that appropriate deductions for income tax and national insurance contributions are made. However, in exceptional circumstances individuals may be engaged through a Contract for Services in accordance with the relevant legislation.

## **15. Publication of information on the remuneration of staff; or individuals engaged via Contracts for Service**

- 15.1 The County Council publishes information relating to the remuneration of staff over a level defined by Government guidance in the Annual Report and Accounts and on the West Sussex Data Store on the County Council's website. In addition, the County Council publishes the pay ratio between the highest paid salary and the lowest salary and this information is available on the County Council's website.
- 15.2 Gender pay reporting will be published annually in accordance with legislative requirements.
- 15.2 The County Council will ensure that all of its arrangements for managing personal data in relation to staff contractual, payment and performance arrangements are managed in accordance with all Data Protection legislation and the County Council's current Data Protection Policies. The County Council is

committed to ensuring the security and maintaining the confidentiality of all personal staff data.

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### Pay Multiples

Date	Highest Paid	Median Pay	Median Pay Ratio (to highest paid)	Lowest Pay	Lowest Pay Ratio (to highest paid)
31/3/23	£159,452	£28,718	1:5.55	£20,258	1:7.87
31/3/22	£152,637	£29,174	1:5.23	£18,333	1:8.33
31/3/21	£164,583	£28,672	1:5.74	£17,842	1:9.22
31/3/20	£153,153	£27,905	1:5.49	£17,364	1:8.82
31/3/19	£190,020	£26,470	1:7.18	£16,394	1:11.59
31/3/18	£190,050	£25,301	1:7.51	£15,014	1:12.66
31/2/17	£184,111	£25,593	1:7.19	£14,514	1:12.69
31/3/16	£194,369	£25,183	1:7.72	£13,500	1:14.4

#### Notes:

- (1) Pay multiples:
  - (a) As specified in the Local Government Transparency Code 2015, the 'pay multiple' compares the earnings of the highest paid employee to the median full time equivalent earnings of all employees (excluding staff based in schools) at the specified date.
  - (b) 'Lowest pay' is the full-time equivalent lowest earnings of all employees (excluding schools) at the specified date.
- (2) The salary of the highest paid employee is used for the purposes of the pay multiples. With effect from 6 January 2020 the County Council's Chief Executive has also been the Chief Executive of East Sussex County Council with salary costs shared equally between authorities. Consequently, the highest paid salary in the County Council is not for the post of Chief Executive.
- (3) The remuneration payable to the Authority's senior employees and the payments made for the services of senior officers who are not directly employed are published in the County Council's annual accounts. The accounts for 2022-23 show that payments of £163,681 have been made to East Sussex County Council for the shared services of the Chief Executive.

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**Report to Governance Committee****11 March 2024****Revisions to the Constitution****Report by Director of Law and Assurance****Electoral divisions: Not applicable.**

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**Summary**

The Governance Committee is asked to agree some minor changes to the Constitution for referral to the County Council for approval. These are to formalise current expectations relating to the mandatory training requirements for the members of certain panels and committees, as recommended by the Member Development Group. In addition, two revisions are proposed to the terms of reference of this Committee and of the Health Overview and Scrutiny Committee, to ensure these are in line with current practice and recent legislative changes.

**Recommendations**

That the County Council be recommended to approve the changes to the Constitution set out in paragraphs 2.1, 2.3 and 2.4.

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**Proposal****1 Background and context**

- 1.1 Approval to change most parts of the Constitution is reserved to the County Council itself, on the recommendation of the Governance or Standards Committees. The Director of Law and Assurance has authority to revise certain parts. This report sets out three proposed revisions to the Constitution.
- 1.2 Some Council committees require a particular level of training to ensure their members take sound decisions and have a thorough understanding of their responsibilities. Training is generally understood to be a requirement for the Appeals Panel, Fostering Panel, Pensions Committee and Planning and Rights of Way Committee but this is not included in the Constitution. The Member Development Group (MDG) has considered this as part of a review of training requirements for all members. It recommends that these panels/committees' terms of reference be revised to include that members be required to undertake certain mandatory training (and as set out in the table at paragraph 2.2).
- 1.3 The Health and Care Act 2022 makes several changes to how local authorities engage with the NHS. One of these relates to the health scrutiny function, with the removal of the power to refer proposals for the substantial reconfiguration of NHS services to the Secretary of State. Whilst the NHS is still required to

consult on such proposals, the committee that fulfils the health scrutiny function may now only write to the Secretary of State to request that proposals be called-in. The Department of Health and Social Care expects these requests only to be used in exceptional situations where local resolution has not been reached. It is therefore necessary to amend the terms of reference of the Council’s Health and Adult Social Care Scrutiny Committee.

- 1.4 The Governance Committee’s terms of reference include that it should receive a report on staffing matters twice a year from the Chief Executive or Director of Human Resources and Organisational Development. This was added in 2017 to cover any updates on general staffing matters, including as raised through officer liaison with trades unions. Since that time the Council’s Performance and Resources report has been introduced, providing detailed workforce information for consideration by Cabinet and each scrutiny committee on a quarterly basis. The Committee has therefore not received these reports and, to avoid any duplication, it is proposed that this be removed from the Committee’s terms of reference. The Committee continues to play an important role in staffing policy matters, including receiving an annual report on Staff Appeals and reviewing the Staff Pay Policy annually.

**2 Proposal details**

- 2.1 As recommended by the MDG, it is proposed that the following statement be included in the terms of reference of the Appeals Panel, Fostering Panel, Pensions Committee and Planning and Rights of Way Committee (in Part 3 of the Constitution):

- Members of this Committee are required to undertake training as specified by the relevant Director or lead service officer, prior to being able to take part in meetings of the Committee.

- 2.2 This requirement will apply to all committee members, including any co-opted members. The current training requirements for each panel/committee are set out below (but will not be included in the Constitution, to allow the flexibility for these to be revised, in consultation with the relevant panel/committee chair). It should be noted in particular that the functions of the County Council’s Planning and Rights of Way Committee are very different from those of a district or borough council and familiarity with such a committee as a member of such a Council will not suffice.

<b>Panel or Committee</b>	<b>Mandatory training requirement</b>
Appeals Panel	To be completed prior to taking part in any meetings: <ul style="list-style-type: none"> <li>• Staff Dismissal Appeal Process</li> <li>• Staff Grievance Appeal Process</li> <li>• School Transport Appeal Process</li> </ul>
Foster Panel	To be completed prior to taking part in any meetings, with at least one day refresher training per year: <ul style="list-style-type: none"> <li>• Fostering Process and role of the Foster Panel</li> <li>• Observation of a Foster Panel meeting</li> </ul>

Panel or Committee	Mandatory training requirement
Pensions Committee	<p>To acquire and maintain an appropriate level of knowledge and understanding in compliance with the Fund Training Strategy. Induction training with officers should be completed prior to taking part in meetings. Areas of knowledge and understanding currently include:</p> <ul style="list-style-type: none"> <li>• Pensions Legislation</li> <li>• Public Sector Pension Scheme governance</li> <li>• Financial markets and pension fund investments</li> <li>• Pension Fund operation and administration</li> <li>• Actuarial methods, standards and practices</li> <li>• Procurement and relationship management</li> </ul>
Planning and Rights of Way Committee	<p>Training to be provided by officers in relation to:</p> <ul style="list-style-type: none"> <li>• Role and Operation of the Committee, including member interests</li> <li>• Background to the Planning System</li> <li>• Waste and Minerals Planning</li> <li>• Planning applications process</li> <li>• Determining Planning Applications</li> <li>• Definitive Map Modification Orders</li> <li>• Town and Village Green applications</li> <li>• Public path creations, diversions and extinguishments and any relevant legislation</li> </ul>

2.3 To ensure the Council's health scrutiny processes are in line with legislative requirements, it is proposed that the Health and Adult Social Care Scrutiny Committee's terms of reference be revised as follows:

- To discharge the statutory Health Scrutiny functions (~~including power of referral~~) on behalf of the County Council.

2.4 To reflect current practice on reporting workforce information to members, it is proposed that the following paragraph be removed from the Governance Committee's terms of reference:

- To receive a report on staffing matters twice a year from the Chief Executive or Director of Human Resources and Organisational Development.

### **3 Other options considered (and reasons for not proposing)**

3.1 If left unamended, the Constitution would not reflect current practice and legislative requirements.

### **4 Consultation, engagement and advice**

4.1 Service lead officers responsible for the panels and committees referred to have been consulted on the training requirements for members. MDG has been consulted on proposals for mandatory training requirements. Members of the Health and Adult Social Care Scrutiny Committee have been advised of the change in legislation relating to the health scrutiny power of referral.

## 5 Finance

5.1 There are no revenue or capital finance implications.

## 6 Risk implications and mitigations

<b>Risk</b>	<b>Mitigating Action (in place or planned)</b>
That the Constitution becomes out of date or inconsistent with practice	Regular review of this nature keeps the Constitution up to date and consistent with practice
Decision-making is not sound or legal	The requirement for mandatory training to be undertaken by members of certain non-Executive decision-making committees and panels.

## 7 Policy alignment and compliance

Keeping the Constitution under regular review is aligned to the aim of the Local Government Act 2000 that Constitutions should evolve and be regularly reviewed to ensure that it is a transparent and up to date document. Strengthening the provisions of the Constitution should serve to maintain high standards of decision-making.

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### **Background papers**

None