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Date: **24 November 2021**
Our ref: **General Purposes Committee/Agenda**
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GENERAL PURPOSES COMMITTEE

2 DECEMBER 2021

A meeting of the General Purposes Committee will be held at **3.00 pm on Thursday, 2 December 2021** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Ashbee (Chair); Councillors: Albon, R Bayford, Dexter, Everitt, Ovenden, Rev. S Piper, Rawf, D Saunders, M Saunders, Wing and Wright

SUPPLEMENTARY AGENDA

Item
No

Subject

3. **PROGRESS UPDATE ON IMPLEMENTATION OF THE STATUTORY RECOMMENDATIONS** (Pages 3 - 8)

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UPDATE ON STATUTORY RECOMMENDATIONS

General Purposes Committee	2 December 2021
Report Author	Madeline Homer, Chief Executive
Portfolio Holder	Cllr Ash Ashbee, Leader of Council
Status	For Information and for Recommendation
Classification:	Unrestricted
Previously Considered by	Council - 2 November 2021
Ward:	All

Executive Summary:

A report to update the Committee about progress to addressing the statutory recommendations made on 12 October 2021 and accepted by the Council on 2 November 2021.

Recommendation(s):

The Committee is recommended to:

1. Note the report and the appointment of the Independent Monitoring Officer.
2. Make any comments on the appended Statutory Recommendations Action Plan for recommendation to Council.

Corporate Implications

Financial and Value for Money

The cost of the Independent Monitoring Officer (IMO) will be £1500 per day (to include the IMO at £1000 per day and an assistant at £500 per day). The precise total costs at this stage are unknown until the total length of time of the work is known. The Local Government Association (LGA), which sourced appropriate candidates, has confirmed it will cover the costs of the IMO through an LGA grant.

The additional work set out in the Statutory Recommendations Action Plan and any additional work required to support the IMO, will be covered by officers within their existing roles. It is not anticipated that there will be any extra cost of this work.

Legal

The statutory recommendations are made under section 24 of the Local Audit and Accountability Act 2014.

Corporate

In accepting the statutory recommendations, the Council committed to bringing regular updates to both General Purposes Committee and meetings of full Council as appropriate.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

All actions taken to address the statutory recommendations will take account of the public sector equality Duty. Equality Impact Assessments will be undertaken as necessary and the impact of any proposals and actions on people with protected characteristics will be considered at all times.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 At the extraordinary meeting of Council on 2 November 2021, Council received and accepted the statutory recommendations made by its external auditors, Grant Thornton on 12 October 2021. In addition to the recommendations, which included regular reports to this Committee, Council agreed an additional recommendation, to report at regular intervals to Council. The report and minutes of the meeting can be found at the following Link:

<https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=141&MIId=6087>

- 1.2 This is the first report of a series to update GPC as the work progresses. Any comments/recommendations that the Committee makes will be included in the report to Council on 9 December.

2.0 The Current Situation

- 2.1 The Local Government Association sourced two candidates for the role of Independent Monitoring Officer (IMO). The Leader and Chief Executive interviewed both candidates and have chosen Mr Mark Hynes.
- 2.2 Mr Hynes is currently Director of Governance and Law and Monitoring Officer at the London Borough of Waltham Forest
- 2.3 Mr Hynes will be assisted by Mr Michael Berriman.
- 2.4 A Statutory Recommendations Action Plan has been prepared which covers the statutory recommendations, those people who will be involved and some additional actions which will be taken to address the recommendations. The Plan will be updated once the IMO has started and has had input into the work.
- 2.5 A comprehensive piece of work has been identified to update and revise various employment policies. A number of policies have been identified as a priority for review including the Council's Whistleblowing Policy, Disciplinary Policy, Grievance Policy and Dignity at Work Policy.
- 2.6 Although some of these policies require only minor wording changes, a few policies require further work, to bring them up to date and make them clearer and more workable. For example, the Disciplinary Policy is currently split across three documents, which is confusing and unclear. The HR team will lead on the review of the policies, led by the HR Manager. All policies will be subject to a process of consultation with staff and will be reported to this Committee for final approval and sign off.

3.0 Next Steps

- 3.1 If agreed, a similar report will be taken to Council on 9 December, together with any comments/recommendations that this Committee makes.
- 3.2 This report is just the first step in a series of updates which will be reported to this Committee and Council as the work progresses.
- 3.3 The steps outlined above at paragraph 2.4 - 2.6 may be amended subject to any comments that the IMO might have and subject to any additional work that the IMO wishes to undertake.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

Annex List

Annex 1: Statutory Recommendations Action Plan

Background Papers

None

Corporate Consultation

Finance: *Chris Blundell (Director of Finance)*

Legal: *Estelle Culligan (Director of Law and Democracy)*

Statutory Recommendations Action Plan

Objective		To capture actions required in response to the Section 24 Audit recommendations					RAG: Key
Lead Officer		Chief Executive	Madeline Homer				Not started
Lead Member		Leader of the Council	Cllr Ash Ashbee				In progress
Project Team Members		TDC Deputy Monitoring Officer	Estelle Culligan				Completed
		S151 Officer	Chris Blundell				
		Independent Monitoring Officer (IMO)	Mark Hynes				
NO	Auditor Recommendation	Responsible Officer	Actions	RAG	Timeframe		Outcome
					Start	Finish	
1	Improving Governance	CE/Leader					
1.1	<i>Commission an experienced, independent Monitoring Officer from a large local authority to report to the General Purposes Committee on:</i>	CE/Leader	Develop a brief and approach the LGA for suitable candidates		Oct 2021	Nov 2021	Independent Monitoring Officer recruited
1.1.1		TDC Deputy MO	Timetable a meeting schedule for GPC meetings		02/12/2021	TBC	Meetings scheduled to enable a set reporting process for IMO
1.2	<i>A risk assessment of the current employment tribunal claims and propose actions which safeguard the Council's best interest including a detailed financial analysis of the options available to the Council.</i>	IMO/S151	Report to GPC		02/12/2021	Ongoing	
1.3	<i>An assessment of the status of all outstanding grievances, alleged whistleblowing complaints and any continuing suspensions and propose a plan of action to address them.</i>	IMO	Report to GPC			Will be determined by TDC democratic meeting timetable	
1.4	<i>A lessons learnt report collating themes and recommendations from all externally commissioned reports and any other appropriate evidence</i>	IMO	Report to GPC; regular updates to full Council at various stages			Will be determined by TDC democratic meeting timetable	
2	Improving Governance	CE/Leader					
2.1	<i>Bring the current IDSC process to a conclusion with clear actions that are reported and action monitored</i>	Chair of the IDSC	A conclusions report is submitted to GPC			TBC	
3	Improving Governance	CE/Leader					
3.1	<i>Agree an approach where the Council demonstrates that it is responding to the substance of concerns raised including a clear agreement on where Officer and Member responsibilities lie.</i>	IMO/CE/Leader/TDC Deputy Monitoring Officer	Report back to GPC and onto Full Council			TBC	Members and Officers are clear around their respective responsibilities.
3.2		CE/TDC Deputy Monitoring Officer	Develop Grievance Process for Statutory Officers		Feb 2021	Oct 2021	Process agreed and adopted.
		CE	Develop a Vision and Set of Principles.		Feb 2020	Sept 2020	Vision and Principles adopted.
3.3		CE	Embed the Vision & Principles with in the organisation		June 2020	April 2022	Clear set of principles that the council operates within.

3.3		CE; HR Manager	Review Whistleblowing Policy			TBC	Better clarity and ease of use of policy across the organisation. Better support for managers in achieving more timely and effective outcomes.
3.4		CE; HR Manager	Review Disciplinary and Grievance Policies			TBC	Better clarity and ease of use of policies across the organisation. Better support for managers in achieving more timely and effective outcomes.
3.5		CE; HR Manager	Review Dignity at Work Policy			TBC	Better clarity and ease of use of policy across the organisation. Better support for managers in achieving more timely and effective outcomes.
3.6		CE; HR Manager	Review the Behaviours Framework comprising expected behaviours/competencies within each service area. Develop brief Staff Charter summarising key points/expectations between employer/employee			TBC	Promote an understanding by all staff of behavioural expectations and encourage performance management. Managers provided with the tools to manage and support staff.
3.7		CE; HR Manager	Undertake skills gap analysis; development and coaching for staff and members; introduction of monthly Development time (some compulsory); identify core list of training; link e-learning to our relevant policies			TBC	Ensure Staff and Members are appropriately supported with regular training and awareness on TDC policies.
3.8		TDC Deputy Monitoring Officer	Refresh the existing training programme for Members and identify mandatory and optional training, eg Equality/GDPR/Constitution and the way the Council works/Training for Licensing and Planning Committees			TBC	Members have the appropriate training and awareness on a regular basis.
4	Financial Sustainability	S151 / Cabinet Portfolio Holder Finance					
4.1		S151	Directors to review budgets to identify savings.		October 2021	October 2021	Process has started
4.2	<i>Revisit the financial plans and identify additional savings plans to address the further cost pressures created in resolving the grievances and whistleblowing complaints</i>	S151	Finalise the 2022-23 Budget and 2022-2026 Medium Term Financial Strategy (MTFS)		Sept 2021	February 2022	The 2022-23 Budget Strategy was approved by Cabinet on 18 November 2021, within this was a proposal to make a £180,000 contribution to reserves over the life of the MTFS in order to restate the reserves that were used to fund the cost pressures. There is still a £691,000 budget gap in the forecast 2022-23 budget and as such work is ongoing to identify savings in order to balance next year's budget.
End							