

Voluntary Redundancy Applications from Senior Leadership Team Officers made under the Council's Voluntary Redundancy Scheme

Executive Member(s): Cllr Bill Revans

Local Member(s) and Division: n/a

Lead Officer: Duncan Sharkey – Chief Executive

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Summary / Background

1. The report presents the role of the Special Members' Panel, in approving and/or recommending decisions on the dismissal of officers at Executive Director and Service Director level and/or those holding statutory chief officer roles by reason of redundancy (including voluntary redundancy). The report and discussion will contain personally identifiable and sensitive information and will therefore be discussed in confidential session as part of the meeting of the Panel.
2. The proposed redundancies are due to applications made under the Council's Voluntary Redundancy Scheme from Executive Directors and Service Directors and/or those holding a statutory chief officer role.

Recommendations

3. That the Special Members Panel agree:
 - i) The case for applying exemption information provisions as set out in the Local Government Act 1972, Schedule 12A and therefore treat the attached confidential Appendix A and supporting appendices (the main report) in confidence, as they contain information relating to any individual, information which is likely to reveal the identity of any individual and commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.
 - ii) To pass a resolution to exclude the press and public from the meeting where there is any debate or discussion regarding exempt information in Appendix A or its supporting appendices.
 - iii) The recommendations as set out in the main report in Appendix A and its supporting appendices.

Reasons for recommendations

4. Appendix A and its supporting appendices contain exempt information as set out in the Local Government Act 1972, Schedule 12A and therefore the Panel is recommended to treat these in confidence as they contain information relating to individual, information which is likely to reveal the identity of any individual and commercially sensitive information. The case for maintaining the exemption outweighs the public interests in disclosing that information.
5. The Council's Constitution (Part 15 - Officer Employment Rules) sets out the role of the Special Members Panel and its functions. The role of the Panel is to meet as a Committee of the Council to endorse the proposed dismissal of a chief officer or deputy chief officer on the grounds of redundancy, together with the associated redundancy payment. If the proposal includes the dismissal of the Head of Paid Service (Chief Executive), the Section 151 Officer (Executive Director of Resources and Corporate Services) or the Monitoring Officer (Service Director- Governance, Democratic & Legal Services), then the Panel can only recommend the dismissal to a full meeting of Council, with the decision then taken by Full Council.

There is also a requirement for Full Council to approve any financial settlement more than £100,000, as required under s40 of the Localism Act, 2011 and the Council's Constitution.

Other options considered

5. Options to mitigate redundancies have been considered. These are set out in the main report and have also been considered as part of consultation on the voluntary redundancy scheme in February and March 2024.

Links to Council Plan and Medium-Term Financial Plan

6. A voluntary redundancy scheme was set up to support the Council's financial emergency, long term financial stability and the Council's vision for a leaner and more productive organisation. The Scheme was launched in February 2024.

Financial and Risk Implications

7. The financial implications of the voluntary redundancies are set out in sections of the main report.
8. There are employment and governance risks when running a voluntary redundancy programme. These have been mitigated through working with legal experts in these areas and through ongoing dialogue and consultation with trade unions.

Likelihood	2	Impact	4	Risk Score	8
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Legal Implications

9. The Local Authorities (Standing Orders) (England) Regulations 2001 state that the dismissal of a member of staff of the authority must be discharged by the Head of Paid Service. But this does not apply to the dismissal of the Head of Paid Service, statutory chief officer, non-statutory chief officer, or deputy chief officer.
10. Somerset Council's Constitution sets out that the decision maker for dismissals on the grounds of redundancy for such officers is the Special Members Panel, subject to the executive objections process and the requirement for Full Council to approve any financial settlement exceeding £100,000. The Panel can only recommend the dismissal of the Head of Paid Service, S151 and MO, with the actual decision taken by Full Council.
11. Further Legal and Governance implications are included in the main report.

HR Implications

12. HR implications of the voluntary redundancy scheme have been considered throughout the consultation. The implications of the voluntary redundancy scheme are contained within the main report.

Other Implications:

Equalities Implications

13. An Equalities Impact Assessment to support the implementation of the Voluntary Redundancy Scheme is included in the appendices of the main report.

Community Safety Implications, Climate Change and Sustainability and Social Value Implications

14. Not applicable.

Health and Safety Implications and Health and Wellbeing Implications

15. All staff have been offered and reminded of the Council's employee assistance programme and dedicated HR support.

Background

16. The Panel's key tasks in this matter revolve around considering detailed and highly confidential information on behalf of the Council and coming to considered conclusions. Should the Panel need to present any recommendations to the Council, the Panel must present enough information to enable the Council to

endorse its conclusions but without compromising the Council's statutory role as the decision maker in relation to any question of dismissal.

17. The Panel is asked to note that the Constitution entitles the officer who is the subject of the recommendation to appear before the Panel and make representations prior to any decision being taken. Employment law also requires that the employee is given the right to appeal against the Panel's decision.
18. Further background information is provided in the main report.

Background Papers

19. Somerset Council's Constitution – Part I5 Officer Employment Rules.
20. Reports to Executive (7 February 2024 and 8 April 2024) and Scrutiny Committee Corporate & Resources (7 March 2024) – Developing the approach to Transformation - Future Council.
21. As set out in the main report.

Appendices

- Main report (Appendix A and supporting appendices) - Somerset Council Voluntary Redundancy Scheme Applications from members of the Senior Leadership Team.

Report Sign-Off (if appropriate) (internal use only - not for publication)

	Officer Name	Date Completed
Head of Paid Service	Duncan Sharkey	23/04/2024
Legal & Governance Implications	Scott Wooldridge	23/04/2024
Finance & Procurement	Nicky Hix	23/04/2024
Workforce	Dawn Bettridge	23/04/2024