

Overview and Scrutiny Panel Call in of Cabinet Decision re Future of EKHR - Covering Report

Overview and Scrutiny Panel	25 May 2021
Report Author	Director of Law and Governance
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader of Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Previously Considered by	Cabinet 29 April 2021

Executive Summary:

This report is a brief cover report to present the original Cabinet report about the future of East Kent Human Resources (EKHR) which was considered by Cabinet on 29 April 2021. The link to the Cabinet report is at annex 1. The link to the decision notice is at annex 2

Recommendation(s):

The Committee is requested to consider the Cabinet decision and then take one of the following actions as set out in the Overview and Scrutiny Procedure Rules:

- a) Take no further action or:
- b) Refer it back to Cabinet setting out any recommendations from Overview & Scrutiny

Corporate Implications

The corporate implications are all as set out in the original report at annex 1.

1.0 Introduction and Background

- 1.1 Cabinet considered and approved his decision on 29 April 2021, following agreement with Canterbury City Council (CCC) and Dover District Council (DDC) to consider the proposal at their similar committees.
- 1.2 On 29 April, the Cabinet decision was as follows:
 1. That EKHR should be disbanded and that the HR service returns in house;

2. That authority is delegated to the Interim Head of Shared Services, in consultation with the Chief Executive and Leader, to carry out all necessary processes to give effect to the decision;
3. That authority is given to the Interim Head of Shared Services to sign off and enter into any agreements necessary to give effect to the decision. This includes, but is not limited to, novation of contracts between any of the three Councils and any third parties;
4. To recommend to Council that the East Kent Shared Services Collaboration Agreement dated 14 October 2016 is amended to reflect the changes set out in recommendations 1 - 3.

- 1.3 Full details of the proposal and rationale are set out in the original report to Cabinet.
- 1.4 CCC's Policy Committee approved the decision to disband EKHR and take the service back in house on 19 April. DDC approved the decision at its Cabinet meeting on 17 May and confirmed the decision would not be subject to call-in.
- 1.5 Members are reminded of the status of this decision. Cabinet was asked to make the decision to disband EKHR and take the service back in house because Cabinet is the appropriate decision maker under the Collaboration Agreement signed between TDC, CCC and DDC, on 14 October 2016. That Agreement states that if the Councils terminate the collaboration agreement, the staff will transfer back in house whether TUPE applies or not, to be employed in as similar roles as possible to those which they undertake within the shared service. Please see paragraph 2.6 of the original report.
- 1.6 As the Cabinet decision is in line with the Collaboration Agreement and CCC and DDC have now made the decision to disband the service and take it back in house, that decision cannot be changed.
- 1.7 After the service returns in house, the decision on how it operates and is organised sits with the Head of Paid Service, as she is responsible for all staffing matters within the Council. However, as set out in the original report, members will have more involvement and opportunity to comment on staffing policies for TDC.

2.0 The Call in

- 2.1 The decision was called in on 11 May over the concern that there is a need to identify the range of options considered when this decision was made and why the option decided upon was chosen.

3.0 Options

- 3.1 The Committee is requested to consider the Cabinet decision and then take one of the following actions as set out in the Overview and Scrutiny Procedure Rules:
 - c) Take no further action or:
 - d) Refer it back to Cabinet setting out any recommendations from Overview & Scrutiny

Contact Officer: Estelle Culligan, Director of Law and Democracy and Interim Head of Shared Services
Reporting to: the Chief Executive (as member of the EKS Strategic Board)

Annex List

Annex 1: [The Future of East Kent HR \(EKHR\) report](#)

Annex 2: [Decision Notice on the future of EKHR](#)

Background Papers

None

Corporate Consultation

Finance: As in original report

Legal: As in original report