

**ITEM: 11**

**WEST OF ENGLAND COMBINED AUTHORITY (“WECA”)**

**DATE: 15 MARCH 2017**

**OPERATIONAL POLICIES**

**Purpose of Report**

- 1 This report advises members of the need for the West of England Combined Authority to adopt a suite of operational policies to ensure the West of England Combined Authority can perform its functions and manage its employees and staff in accordance with adopted policies and procedures.
  - 1.1 That gives delegated authority to the Interim Chief Executive to develop the suite of policies and procedures required for the lawful and efficient operation of West of England Combined Authority. Where appropriate some of these will be brought back to West of England Combined Authority for approval.
  - 1.2 As detailed on the agenda, West of England Combined Authority was created by the West of England Combined Order on 9th February 2017. The West of England Combined Authority is constituted as a local authority and as such it must comply with a range of statutory requirements and must ensure that it has in place appropriate operational policies.

**Issues For Consideration**

- 2 In terms of statutory requirements, the West of England Combined Authority will be required to comply with certain legislative requirements for which it will require operational policies. Examples of policies it will need to adopt include (but are not limited to) the following: Freedom of Information Act 2000 (FOIA), Data Protection Act 1998 & 2003, Information Regulations 2004, Pay Policy Statement, Data Transparency Regulations, data sharing, business continuity procedures.
  - 2.1 As it employs staff and/or engages individuals or organisations to work for or on its behalf it will need policies that set out clearly how staff and employees will be recruited, managed and work within the organisation. Examples of policies it will need include, recruitment and selection processes, managing performance, ill health, grievance and disciplinary procedures, whistleblowing, ICT Security and Use policies.

- 2.2 In addition the West of England Combined Authority will need to have in place policies that are available to members of the public to enable the public to comment on the activities of the West of England Combined Authority. This will include the development of policies, including a published complaints procedure. The Member Code of Conduct forms part of the Constitution. Consideration will need to be given as to whether the West of England Combined Authority should adopt a safeguarding policy.
- 2.3 The above paragraphs provide an indication of the nature of the policies and procedures that should be adopted by the West of England Combined Authority, it is not exhaustive and many policies will evolve as the work of the West of England Combined Authority evolves.
- 2.4 Officers will prepare a full list of the policies and procedures required for the lawful and efficient operation of West of England Combined Authority. Where appropriate these will be brought back to West of England Combined Authority for approval. This shall include, but not be limited to, the approval of the Pay Policy.

#### **Consultation:**

- 3 There has been no consultation in relation to the content of this report. However appropriate consultations/briefings will be undertaken in relation to specific policies, particularly HR related policies.

#### **Other options considered:**

- 4 There are no other options to be considered that arise as a direct result of this report.

#### **Risk management/assessment:**

- 5 It is important that the West of England Combined Authority as a public body and an employer has all necessary policies and procedures to enable it to operate lawfully and in a transparent manner. Failure to have required policies could expose the authority to a risk of challenge.

#### **Public Sector Equality Duties:**

- 6 The public sector equality duty created under the Equality Act 2010 means that public authorities must have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 6.1 The Act explains that having due regard for advancing equality involves:
- Removing or minimizing disadvantages suffered by people due to their protected characteristics.
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

- 6.2 The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected in the design of policies and the delivery of services, including policies, and for these issues to be kept under review.

**Economic Impact assessment:**

- 7 There are no Economic Impacts to be considered that arise as a direct result of this report.

**Resource and Legal Implications:**

- 8 Certain policies are required by law, e.g. the Freedom of Information Publication Scheme, others such as Data Protection and HR employee management policies should be put in place as a priority so as to manage risks appropriately. Certain policies will be required to ensure compliance with the financial regulations contained in the Constitution.
- 8.1 As the authority develops and grows as an employer, so policies will need to be reviewed.

**Finance Implications:**

- 9 There are no direct financial implications that arise from this report. However failure to adopt appropriate policies could expose the West of England Combined Authority to financial risks.

Advice given by: Tim Richens, Interim Chief Financial Officer, West of England Combined Authority

**Legal Implications:**

- 10 The adoption of appropriate policies and procedures is essential so as to ensure the actions and decisions of the West of England Combined Authority do not expose the authority to unnecessary risk of challenge.

Advice given by: John McCormack, Interim Monitoring Officer, West of England Combined Authority

**Land/Property Implications;**

- 11 There are no land/property implications that arise as a direct result of this report.

Advice given by: No Advice Required

**Human Resources Implications:**

- 12 Staff who TUPE to the new Combined Authority will do so with their existing contractual terms and conditions including any policies and procedures regarded as part of their contracts. These policies will have been consulted on by the outgoing Local Authority with unions in the past. There may be some differences in policies and procedures between the different contributing Authorities although these are not likely to be substantial. Managers in the new organisation will however need to be aware that when managing staff, there might be different policies applying within their teams depending on which Council their staff were employed by.

- 12.1 New recruits to the Combined Authority will be appointed under a West of England Combined Authority contract with West of England Combined Authority policies and procedures. These could be policies adopted from one of the contributing Authorities as these have already been consulted on with unions. Future changes to policies could be considered as the organisation evolves and where changes are substantive, they would need to be consulted on with unions at the time.

Advice given by: Catherine Lovett – Senior Human Resources Consultant BANES

**Recommendation:**

- 13 That West of England Combined Authority gives delegated authority to the Interim Chief Executive to prepare and submit to the West of England Combined Authority a comprehensive list of policies and procedures for approval by the West of England Combined Authority (including but not limited to the Pay Policy).

**Author:**

Patricia Greer, Interim Chief Executive, West of England Combined Authority

**West of England Combined Authority Contact**

Joanna Greenwood,  
West of England Combined Authority,  
Engine Shed,  
Station Approach,  
Temple Meads,  
Bristol,  
BS1 6QH,

Tel: 0117 35 76324

**Background Papers**

Any person wishing to inspect the Background Papers, used in the preparation of this Report, should seek the assistance of the Contact Officer for the meeting, who is and who is available by telephoning Joanna Greenwood on 0117 35 76324. Writing to West of England Combined Authority Office, Engine Shed, Station Approach, Temple Meads, Bristol, BS1 6QH. Email: [Joanna.greenwood@westofengland.org](mailto:Joanna.greenwood@westofengland.org).