

EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Tuesday 18 January 2011 at 12.15 pm in the Civic Offices, Portsmouth.

(NB These minutes should be read in conjunction with the agenda and reports for the meeting.)

Present

Councillor Gerald Vernon-Jackson (In the Chair)
Councillor Jim Fleming
Councillor Leo Madden
Councillor Lynne Stagg
Councillor Steve Wemyss
Councillor Rob Wood

Apologies for Absence

There were no apologies for absence.

1 Declaration of Members' Interests (AI 1)

There were no declarations of members' interest.

2 Minutes from the meetings dated 2 December 2010 and 21 December 2010

(TAKE IN MINUTES OF EMPLOYMENT COMMITTEE MEETINGS
DATED 2 DECEMBER 2010 AND 21 DECEMBER 2010)

RESOLVED that the minutes of the meetings of the Employment Committee held on 2 December 2010 and 21 December 2010 be confirmed and signed by the Chair as a correct record.

3 Employee Appeals

(TAKE IN REPORT BY THE HEAD OF HUMAN RESOURCES)

A deputation was made by Ms Lindsay Williams of Unison on behalf of Unison, Richard White of Unite the Union and Carl Whittaker of GMB Union. During the deputation the following points were made:-

- The unions felt that it was important that members stayed on the Appeal Panel so that the process felt fair.
- The unions said that although staff would still be able to follow the appeals process, the appeal panel would be made up of senior officers. Unions would advise all failed appellants to take their case to employment tribunals as they felt that if appeal panels were made up of officers only, there would be a possibility of bias.
- The unions said that the number of possible people who could sit on the appeal panels would be reduced if they were made up of senior management personnel.

- The unions said they had suggestions for savings and requested a joint meeting with senior management before the budget meeting to discuss options as an alternative to mass redundancies.

Councillor Gerald Vernon-Jackson thanked the unions for their deputation.

The Head of Human Resources, Ms Kay White introduced the report and said that members had requested that the decision taken on 1 July 2010 on member involvement in employment appeals be reconsidered. She explained that in recent years the council has been at risk and suffered at employment tribunals because of the length and complexity of the HR processes involved, including the appeals process. She went on to explain that when the matter had been discussed at 1 July 2010 Employment Committee, the view of the committee at that time was that to reduce the involvement of members would be a retrograde step and the proposed revised HR Appeals Policy had not been approved at that meeting.

Ms White went on to say that there was now potential for a significant increase in appeals against redundancy and it is believed prudent, given that members have significant calls on their time, that the requirement for appeals to be heard by three members be changed - other than for senior staff on the JNC for Chief Officers' terms and conditions of service.

During discussion, the following points were raised:-

- No statistical evidence had been gathered so that it was not possible to say whether, in authorities that had no member involvement, there had been an increase or decrease in the number of employment tribunal claims.
- The Chief Executive, Mr David Williams, said that he had worked for a number of authorities that operated different arrangements from Portsmouth City Council and that in his experience, member involvement on appeal panels was operated in a minority of authorities, although he acknowledged that a specific survey on this point had not been undertaken. He went on to say that he felt that it was very important that a change was made against member involvement on the Appeals Committee, for the reasons given in the report. He said that there were ways to monitor the fairness of the system - including bringing a further report back to the Employment Committee.
- Councillor Fleming said that he was concerned that currently the appeals panel could draw on 42 members whereas under the new proposed arrangements, senior management at PCC would be involved and there would therefore be only a fraction of the number of people available to sit on the appeal panels. He said that he had concerns over the principle of a move away from member involvement and requested that it be minuted that he fundamentally disagrees with the proposed approach.
- The point was made that it would still be open to an employee to take his or her case to an Employment Tribunal in the event that they were not

happy with the internal appeals process.

- The Committee felt it was important to ensure that the appeal panel was not made up of the same people who took the original decision.
- The Chief Executive confirmed that although he had made it clear that he was operating an 'open-door policy' with regard to ideas for reducing the number of redundancies whilst still making the requisite savings, the unions had not so far met with him. Ms White said that the unions had raised some suggestions at a meeting the previous day and that these should be explored.

Councillor Gerald Vernon-Jackson said that he was happy to meet with the unions but that changes to the appeals panel should in his view be considered separately from budget proposals and that a decision on appeals changes could be taken now.

It was proposed by Councillor Gerald Vernon-Jackson, seconded by Councillor Leo Madden that members should no longer be involved in employment appeals and this was agreed by a majority. Councillor Jim Fleming asked that it be minuted that he opposed the proposal.

RESOLVED that Members should no longer sit on Employment Appeals other than for senior staff on the JNC for Chief Officers' terms and conditions of service and a revision to the HR Appeals Policy and the Constitution be made.

4 Exclusion of Press and Public

RESOLVED that the press and public be excluded for consideration of the following items on the grounds that the reports contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972.

5 Reductions to Senior Management Structure (TAKE IN EXEMPT REPORT BY THE CHIEF EXECUTIVE)

The Chief Executive Mr David Williams introduced the report and set out its aims. He said that the proposed reductions would save the council money whilst safeguarding service delivery. He went on to say that the exempt appendix showed details of the costs and savings involved.

During discussion it was confirmed that there was a set formula for redundancy payments and there had been no additional enhancements.

Following further discussion it was proposed by Councillor Gerald Vernon-Jackson, seconded by Councillor Leo Madden that the recommendations as set out in the report be approved and this was agreed by a majority.

RESOLVED that

- (1) members agree the further reductions in senior management posts and the confirmation of the arrangements for the Head of Asset Management and the Head of Revenues & Benefits as set out in Section 3 of the report;**
- (2) members approve the financial implications as set out in the exempt financial appendix, the costs of which will be funded from the MTRS;**
- (3) an appointment committee of 5 members be appointed to be responsible for the appropriate recruitment to the Head of Finance post;**
- (4) members record their thanks to those senior managers taking voluntary redundancy or early retirement for their work for the council and the city.**

6 Employee Issues in relation to the Budget Position – Update (TAKE IN EXEMPT REPORT)

The Chief Executive outlined the report and its aims. He said that the appendix to the report outlined the pros and cons of each proposal. Ms Kay White confirmed that weekly meetings were held with the trade unions and that the unions had asked for an urgent meeting to be set up with senior management concerning their proposed alternatives to redundancies.

There followed a discussion about whether or not to put forward all the proposals outlined in Appendix 1 or whether there should be any additions or deletions. The Committee reached an agreement as to the package of proposals they would wish to secure through negotiation with the trade unions.

7 Date of Next Meeting

The date of the next Employment Committee Meeting was confirmed as being 1 March 2011 at 12.15 pm but it was noted that an additional meeting may be required before then.

The meeting concluded at 1.30 pm.