

EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Tuesday 3 July 2012 at 12.30 pm in the Executive Meeting Room, Guildhall, 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 Leo Madden (Vice-Chair)
Councillor Lynne Stagg
Councillor Rob Wood
Councillor Simon Boshier
Councillor Donna Jones

Officers Present

David Williams, Chief Executive
Michael Lawther, City Solicitor and Monitoring Officer
Jan Paterson, Senior Manager, Human Resources
Frank Regan, Health & Safety Manager
Jacqueline Coonie, Senior Manager, Human Resources
Sue Page, Finance
Paul Hodgson, Employment Lawyer,
Hampshire County Council
Mike Vickers, Fleet Manager
Jon Bell, Head of Audit & Performance Improvement
Tony Nicholas, Head of Asset Management

Union Representative

Ms Lindsay Williams, Unison

19 Apologies for Absence (AI 1)

There were no apologies for absence.

20 Declarations of Interests (AI 2)

Councillor Rob Wood declared a personal, non-prejudicial code of conduct interest in that his son-in-law works at Harbour School.

Councillor Lynne Stagg declared a personal, non-prejudicial code of conduct interest in that her daughter is a teacher in a Portsmouth school.

21 Minutes – 10 April 2012 (AI 3)

RESOLVED that the Minutes of the meeting of the Employment Committee held on 10 April 2012 be confirmed and signed by the Chair as a correct record.

22 NJC Letter from UNISON and response (AI 4)

A deputation was made by Lindsay Williams of Unison in support of the national letter from Unison sent on 21 March 2012 to chief executives and leaders of councils in England, Northern Ireland and Wales regarding the difficulties facing staff following

- a third year without a pay increase,
- local government employers failing to pay the £250 promised by the chancellor in the 2010 budget to those earning below £21,000 unlike public sector workers in the civil service, the NHS and teachers,
- potential further cuts in pay and conditions and
- the changes to the qualification threshold for working tax credit.

The chair of the panel Councillor Gerald Vernon-Jackson thanked Ms Williams for her deputation.

During discussion the following points were made

- Central government funding had been cut by 8% whereas local government funding had been cut by 28%. Central Government have not provided any funding to cover their promised increase.
- There was a general agreement that tackling low pay is an issue that needs to be addressed but that the most effective way of doing this is probably through collective pay bargaining and continuing with national pay negotiations.
- Committee members felt that the second recommendation in the report concerning increasing hours for part time staff was sensible and members would be interested to receive a report on progress made in this regard.

RESOLVED that (1) a response is sent to Unison confirming the council's commitment to national collective bargaining, and

(2) managers are asked to confirm that they have considered increased hours for part-time staff when putting forward a vacancy to the Members Recruitment Panel

23 Equal Pay Audit (AI 5)

(TAKE IN REPORT)

Ms Jan Paterson, Senior HR Manager presented the report which showed the outcomes of the Equal Pay Audit 2011/12 ensuring the council can fulfil its statutory obligations in respect of equal pay for its employees and deliver its corporate commitment to equality. Ms Paterson explained that the Equality

Act came into force on 1 October 2010 and this gives women and men a right to equal pay (and other terms and conditions) for equal work. Nationally, the full time gender pay gap has narrowed since 1975 when legislation on equal pay first came into force, but there remains a gap of 14.9% between women's and men's mean average full time pay. The completion of an equal pay audit was included as an objective with the council's single equality scheme action plan. Ms Paterson explained that the key findings are set out in the equal pay audit report and a summary of recommendations is provided on page 13 of the report. The analysis of total gross pay has identified significant pay gaps in four of the council's pay bands. The causes of the pay gaps have been investigated and in each case the pay gaps have been found to be for justifiable reasons and not due to inequality.

During discussion the following points were made

- A request was made that in future perhaps equality of opportunities could be considered and reflected in the report.
- It was possible that fewer women were on the higher pay scales from choice which could be for example that they were not prepared to work the longer hours required.
- A query was raised about whether opportunities for management qualifications were available in PCC and consideration would be given to this outside the meeting.
- The analysis across all pay bands on page 5 of the audit shows a very low disparity for most of the bands which is a good result.

RESOLVED that the committee

- (1) notes the key findings of the Equal Pay Audit 2011/12;**
- (2) agrees the recommendations set out within the Equal Pay Audit report.**

24 Health and Safety Annual Report (AI 6)

(TAKE IN REPORT)

Mr Frank Regan, Health & Safety Manager introduced the report which updates the committee on Portsmouth City Council's health and safety performance for the period 1 April 2011 to 31 March 2012.

During discussion the following points were clarified

- With regard to 3.3.6 of the report school staff were not included and the reason for this is that there is a problem with data collection. As yet there is no combined database for schools – only individual databases
- The definition of what constitutes a violent incident is stipulated by legislation. There has only been one violent incident for the period being looked at which involved a child pushing a teacher (resulting in a significant injury). Very good management procedures are in place and the number of incidents is very low for Portsmouth schools

RESOLVED that the 2012/13 Health & Safety action plan be agreed and endorsed by the Employment Committee.

25 PCC Driving At Work Policy (AI 7)

(TAKE IN REPORT)

Mr Mike Vickers, Fleet Manager introduced the report and said that PCC currently operates just over 100 vehicles which annually cover in excess of 750,000 miles per year. Around 900 staff regularly use their own vehicles for business purposes “the grey fleet” covering some 1.2 million miles per year. PCC currently has no formal policy in place to help manage its driving activities and the associated liabilities. The legislative framework places responsibility on senior PCC staff for the management of work related driving. Mr Vickers went on to say that the lack of provision for the management of driving at work has already been noted by Chartis (PCC insurance company) as outlined in the report.

During discussion the following points were clarified

- Members are not employees of the council and therefore are not covered by this policy.
- Staff and volunteers are covered by the policy.

A suggestion was made that 4.5.1 of the report which advises that PCC Fleet Manager is responsible for providing professional and expert advice regarding driving at work activities relating to council business should be included much earlier in the report.

In response to a question, it was confirmed that Chartis is one of the biggest public sector insurers and of those authorities insured by them Portsmouth City Council compared very unfavourably with other authorities as it had no driving for work policy. The current report and draft driving for work policy aims to address this.

RESOLVED that the committee ratifies the policy attached to the report for inclusion in to the PCC Health and Safety provision.

26 Leadership and Management Programme (LAMP) (AI 8)

(TAKE IN REPORT)

Jan Paterson, Senior HR Manager introduced the report which presents a review of the leadership and management programme. Ms Paterson explained that the programme had been developed in order to get managers to behave in a particular way. Feedback received had been good particularly with the programmes designed to help with specific problems such as crucial conversations. Ms Paterson advised Employment Committee that the Governance & Audit Committee had asked for more information about the programme in the form of updates by service.

RESOLVED that the committee notes the report.

**27 Sickness, Wellbeing and Occupational Health Report
(Qtr 4 – 1 Jan to 31 March 2012) (AI 9)**

(TAKE IN REPORT)

Ms Lindsay Williams made a deputation on this item.

Ms Jacqueline Coonie, Senior HR Manager introduced the report which was to provide an overall analysis of sickness absence within each service (excluding schools, internal agency and all casuals) and to inform members of occupational health initiatives being undertaken. The report shows that there has been an increase in the average number of sickness days per employee from 9.1 days in the previous quarter to 9.4 days in this quarter. The City Solicitor said that there had been problems with occupational health referrals as there were fewer staff in occupational health to deal with the referrals. Changes to occupational health service are outlined in section 7.3 of the report. The City Solicitor also said that it should be possible to learn something from the various figures in the different services.

Members of the committee expressed concern that the average number of sickness days taken had increased to 9.4% and it was decided that a members' working group would be re-established to look into this. It was suggested that this group should consist of two members of the administration and one member of the opposition and that this should be pursued outside of the meeting. A report would be brought back to Employment Committee after the group had met.

During discussion the following points were made

- There appeared to be a discrepancy in the table concerning Planning Services as the table currently shows that total days lost in the quarter for long term sickness in the third column read 0 whereas the figure in the total long term sickness in column 5 was shown as being 1.
- Various suggestions were made as to how the sickness absence could be reduced.

RESOLVED that

- (1) the sickness absence figures continue to be reviewed on a regular basis;**
- (2) the Occupational Health Service and Employee Engagement teams continue to work on initiatives supporting employee wellbeing to reduce overall sickness absence levels;**
- (3) a working group to look at sickness absence levels be set up comprising two members of the administration and one member of the Conservative group.**

28 Employment Law Update (AI 10)

(TAKE IN UPDATE)

Members' attention was drawn to the auto-enrolment, new employer pension duties 1 October 2012. This requires all employers to automatically enrol eligible job holders into a pension scheme. The new duties will be formally implemented over four years starting on 1 October 2012. The City Solicitor said that this may lead to an increase in liability but that the pension fund was currently well funded. He said that he would arrange for a report to be brought to this committee at a future meeting.

RESOLVED that the committee notes the employment law update.

29 Senior Management Structure (AI 11)

(TAKE IN REPORT AND APPENDICES)

The chair of the committee, Councillor Vernon-Jackson invited those who wished to make deputations to do so.

Mr Jon Bell, Head of Audit & Performance Improvement made his deputation which was in favour of the proposed structure.

Ms Suki Binjal, Head of Legal, Licensing & Registrars was unable to attend the meeting today owing to sickness but had sent a written deputation which Ms Lindsay Williams, Unison representative read out on her behalf. The deputation was also circulated at the meeting. The deputation was against the proposed restructure.

A deputation was also received from Ms Lindsay Williams in her capacity as Unison representative. Ms Williams said although Unison agrees that an overhaul is needed, Unison is against the current proposed restructure.

Mr Tony Nicholas, Head of Asset Management made a deputation stating that he felt that AMS should not be split up as the success of the service was in his view largely due to individual parts of AMS being aware of the aims of the whole service.

The chair then introduced Mr Paul Hodgson, employment lawyer from Hampshire County Council who had been invited to the meeting in case members wanted advice on any matter which required independence from employees of Portsmouth City Council. The Chief Executive of Portsmouth City Council, Mr David Williams was then invited to introduce the report. He said that the Employment Committee membership was the same as last year so that all members of the committee were familiar with the background to the current report. The Chief Executive said that he hoped that most of the discussion about the restructure could take place in open session. He explained that more than 50 representations had been submitted and that these had been anonymised and had been distributed to the committee.

The Chief Executive referred the Employment Committee to section 7 on page 8 of the report which outlined the response to the representations and proposed amendments to the revised structure. The Chief Executive then drew Employment Committee members' attention to page 9 of the report concerning the proposed restructure at head of service level. The Chief Executive then referred to the recommendations on page 11 which had been formulated after considering representations made. The Chief Executive also said that further work is being undertaken regarding the proposed move of Oracle/EBS team to IS to resolve technical concerns in relation to the proposed transfer of the service.

The Chief Executive next referred to section 8 of the report Next Steps and said that members of Employment Committee would need to decide whether to (1) slot in where heads of service are substantially performing the role proposed in the selected structure, (2) to ring fence recruitment to those postholders at that level who are at risk or performing a part of the role or (3) to advertise the post on the open market and invite the relevant postholders to apply accordingly. He said that external legal advice was available to the committee at this meeting.

30 Exclusion of Press and Public (AI 12)

It was proposed by Councillor Gerald Vernon-Jackson and seconded by Councillor Leo Madden that in view of the contents of the following item on the agenda, the Committee was recommended to adopt the following motion:

That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the report contain information defined as exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.

RESOLVED that the committee adopt the motion set out above.

31 Report from the Chief Executive on Proposals for Changes to Senior Management Structure including Exempt Appendix 6 (AI 13)

The Chief Executive explained that Mr Paul Hodgson from Hampshire County Council was in attendance at the meeting today in order to provide impartial legal advice to the committee. During discussion the following points were clarified

- The City Solicitor confirmed that he was responsible for the legal advice received by PCC and that the proposed merger of HR, Audit & Performance and Legal Services should not make any difference to this.
- The Chief Executive confirmed that he was satisfied that an equality impact assessment had been carried out.
- Members of the committee felt that the proposed restructure brought greater equality to heads of service in terms of the numbers in each service.
- Members of the committee felt that the restructure should concentrate on the posts that were needed going forward rather than on the personalities of those people filling the posts.

A discussion took place about whether or not to ring fence recruitment to those postholders who are at risk or to advertise the post on the open market and invite the relevant postholders to apply and legal advice was given to the committee to inform their decision.

It was proposed by the chair of the panel, Councillor Gerald Vernon-Jackson and seconded by Councillor Rob Wood that the committee accept the proposals put forward by the Chief Executive in the report with some changes as set out below

- (1) The proposed changes to Asset Management be revised as follows:
 - (i) Property Maintenance be transferred to Housing Management to remain in Adult Services Directorate.
 - (ii) Security to be moved to Customer, Community & Democratic Services.
 - (iii) The rest of AMS including Property Management, Design and Facilities be transferred to Economic Development and Business Support and Regeneration.
 - (iv) That Audit & Performance Improvement, HR and Legal be merged into a combined post and that this be advertised on the open market. The postholders who are “at risk” will progress through the application process with the guaranteed offer of an interview.

- (v) That an interview panel of five consisting of a sub-committee of three Liberal Democrats and two Conservative members be set up.

It was proposed by Councillor Donna Jones and seconded by Councillor Simon Boshier that recruitment for the combined HR, Legal & Performance Improvement post be ring fenced to those postholders at that level who are at risk.

Upon being put to the vote this was lost.

Upon the proposal standing in the name of Councillor Gerald Vernon-Jackson being put to the vote this was carried.

RESOLVED that (1) Audit & Performance Improvement, HR and Legal be merged into a single service unit;

(2) Registrars be transferred to Customer, Community & Democratic Services;

(3) Licensing be transferred to Community Safety;

(4) Carbon Management and Sustainability team and Park & Leisure Contract Management both be transferred to Transport & Environment;

(5) Planning, Strategic Land Acquisitions & Disposal and Inward Investment be transferred to Culture in a service unit to be called City Development & Cultural Services;

(6) Property Maintenance be transferred to Housing Management and that this remains in Adult Services Directorate;

(7) Security be transferred to Customer, Community & Democratic Services;

(8) the rest of AMS including Property Management, Design and Facilities be transferred to Economic Development and Business Support;

(9) support to the voluntary sector be transferred from Customer, Community & Democratic Services to Adult Social Care;

(10) members note the financial implications of the proposals as set out in section 11 of the report and in exempt Appendix 6, the costs of which will be funded from the MTRS reserve;

(11) the combined post of Head of Audit & Performance Improvement, HR & Legal be advertised on the open market. The postholders who are "at risk" will progress through the application process with the guaranteed offer of an interview;

(12) that an interview panel be set up to comprise a sub-committee of five being constituted of three members of the Liberal Democrat group and two members of the Conservative group.

The meeting ended at 3.17 pm.

Chair

VJP/DMF
11 July 2012
emp20120703m.doc