

EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Tuesday, 15 September 2015 at 12.15 pm at the Conference Room A - Civic Offices

Present

Councillor Donna Jones (in the chair)
Councillor Luke Stubbs (Vice-Chair)
Councillor John Ferrett
Councillor Darren Sanders
Councillor Linda Symes
Councillor Gerald Vernon-Jackson

Officers Present

David Williams, Chief Executive
Michael Lawther, City Solicitor
Jon Bell, Director of HR, Legal & Procurement
Rochelle Brown, HR Business Partner
Shaun Tetley, Payroll and Pensions Manager
Mark Tutton, Building Services Support Manager
Di Smith, Interim Director of Children's Services & Education
Paddy May, Corporate Strategy Manager

26. Apologies for Absence (AI 1)

There were no apologies for absence.

27. Declarations of Members' Interests (AI 2)

There were no declarations of members' interests.

28. Minutes of the Meeting held on 16 June 2015 (AI 3)

RESOLVED that the minutes of the meeting of the Employment Committee held on 16 June 2015 be confirmed and signed by the chair as a correct record.

29. Corporate Health and Safety Annual Report (AI 4)

(TAKE IN REPORT)

Mark Tutton introduced the report which updated the committee on the Portsmouth City Council's Health & Safety (H&S) performance for the period 1 April 2014 - 31 March 2015. He explained that there are four appendices to the report. Appendix 1 - H&S Unit Corporate Action Plan for 2015/16,

Appendix 2 - Update of H&S Unit Corporate Action Plan 2014/15, Appendix 3 - School Incident Statistics, Appendix 4 - Portsmouth City Council Incident Statistics. Mr Tutton explained that all the actions contained in last year's action plan had been completed and that the recommendation in the report was that the committee agree and endorse the 2015/16 H&S action plan.

During discussion the following matters were clarified:

- With regard to item 3.3.5 - classroom based corporate fire safety warden training, it was confirmed that this had now been completed.
- With regard to legionella it was confirmed that the legionella management policy had been revised and that an annual report of incidents was submitted to Governance & Audit & Standards Committee.
- With regard to 3.4.5 - violent incident reports, concern was expressed that these appeared to be increasing. Di Smith said that this could be as a result of higher reporting of incidents and she was aware that Harbour School had revised its policy to make it mandatory that all incidents are reported. With regard to incidents occurring in academies, as academies are no longer PCC's responsibility, incidents in academies do not appear in PCC statistics. Members asked Jon Bell to find out how academies record such incidents. Members felt that it was important that this information was available so comparisons could be made with PCC schools and academies.
- In response to a query on item 5 of Appendix 1 - implement and facilitate a corporate H&S management audit and inspection programme, it was confirmed that this had not yet been completed and the target date of 31 July 2015 would therefore be amended to 31 December 2015.

RESOLVED that the 2015/16 H&S action plan be agreed and endorsed by the Employment Committee.

30. Employee Benefits Portal (AI 5)

(TAKE IN REPORT)

Shaun Tetley, Payroll & Pension Manager introduced the report advising that its purpose was to seek approval in principle to select and procure an employee benefits portal, subject to its demonstrating employer recruitment and retention benefits, employee benefits and overall financial savings. Mr Tetley explained that there are numerous external providers of benefits portals and the market is fiercely competitive to the extent that the cost to the council of procuring a portal will be minimal. He said that the employer savings can be significant and would make an important contribution towards budget savings. The level of savings would be influenced by the range of benefits that are included in the package and by ensuring that the scheme is widely promoted to staff.

In response to questions the following matters were clarified:

- Insurance cover could be arranged to deal with situations where for example an employee buys a car and then leaves before the end of the car purchase term.
- A query was raised about how to convey to staff pension implications of taking up some of the options that would become available. The Payroll & Pensions manager said that the effect on pension would need to be clearly stated in the frequently asked questions part of the portal. Some options affect pension and some do not. It would also be possible to mitigate against the pension effects by for examples AVCs or buying additional pension benefits. He said that it would be made very explicit to employees.
- Jon Bell said that no consultation with the unions had yet taken place and there would be a need to consult. Shaun Tetley said that he and Louise Wilders, Director of Community & Communication had arranged a meeting about using SurveyMonkey to gauge reaction to the scheme before the matter was progressed further.
- The proposed implementation date would be 1 April 2016 but a procurement exercise would have to be carried out and this would take time. Some providers already have a framework in place which may speed up to process. Michael Lawther, City Solicitor undertook to ensure the procurement process in connection with this was as swift as it could be.
- It was confirmed that this project will require the appointment of dedicated resource to manage all aspects of the portal as set out in Section 5.3 of the report. However the Payroll & Pension Manager was confident that the estimated savings based on the likely take-up would be significant.
- In response to a query about whether the salary sacrifice element should be disaggregated, it was confirmed that no consultation had yet taken place and this could be considered at that stage.

RESOLVED that

- (1) Employment Committee approve the implementation of an employee benefits portal, subject to recommendations 2 and 3 below.**
- (2) Employment Committee delegates the selection of the employee benefits portal to the Director of Finance and IS and Director of HR, Legal and Procurement. The selection criteria will incorporate a financial appraisal to demonstrate that financial savings will accrue from this initiative.**
- (3) Employment Committee delegate authority to the Director of HR, Legal and Procurement in consultation with the Chair of the Employment Committee to investigate and implement the appropriate range of benefits to be included in the portal.**

31. Hampshire Pension Fund Panel Appointment (AI 6)

The name of the fund changed with effect from 16 July to Joint Hants Pension Fund Panel and Board. The Leader introduced this item and advised that Councillor Hugh Mason had agreed to continue in this role. He had however said that he would be equally content for another councillor to take his place if this was the will of the committee. The committee endorsed the appointment of Councillor Hugh Mason and also agreed that delegated authority be given to the chair of the committee to appoint a member to the role should Councillor Hugh Mason not wish to continue in the role for any reason.

RESOLVED that Councillor Hugh Mason be appointed to serve on the Hampshire Pension Fund Panel to 30 September 2017 (subject to the appointee remaining an elected member and confirming he will accept the appointment.)

32. Definition of a Chief Officer at Portsmouth City Council (AI 7)

(TAKE IN REPORT)

The Director of HR, Legal & Procurement, Jon Bell introduced the report which was to seek approval from members for a definition of what is meant by a chief officer employed by Portsmouth City Council. He explained that this report is also connected to agenda item 9 of this meeting regarding the children's services structure. During discussion a member raised concerns that the proposed Deputy Directors of Children's Services would not be included within the definition of a chief officer. Other members of the Committee said that PCC had been through a senior management restructure process and that the chief officer definition should reflect this. The Director of HR, Legal & Procurement confirmed that a senior management structure had been agreed and it would be confusing to depart from that.

RESOLVED that Employment Committee notes that the outdated reference to SM2 in the delegations to the Employment Committee (section 2, part 2, para 3) be updated to a catch all definition of *Chief Officer*, which should be:

- (1) on the JNC terms and conditions, and**
- (2) defined as one or more, of the following:**

- **The Chief Executive**
- **The Deputy Chief Executive**
- **The S151 Officer**
- **A direct report to the Chief Executive (i.e. Port Manager; Director of Public Health; Director of Regulatory Services, Community Safety and Troubled Families; Director of Integrated Commissioning Unit; Director of Adult Services; and, Director of Children's Services and Education)****
- **A direct report to the Deputy Chief Executive (i.e.**

Director of Housing and Property; Director of Transport, Environment and Business Support; Director of Culture and City Development; Director of Finance and Information Services (NB also S151 officer); Director of HR, Legal and Procurement; and, Director of Community and Communication)

****NB The recommendations contained in a later report at this meeting (Agenda Item 9) were agreed that amended the structure so that there is no longer a post entitled Director of Children's Services and Education. Instead, it was agreed that there would be a Director of Children's Services (statutory DCS) with two new posts both reporting to the DCS ie (1) Deputy Director of Children's Services - Social Care and (2) Deputy Director of Children's Services - Education.**

33. Equal Pay Audit (AI 8)

(TAKE IN REPORT)

The Director of HR, Legal & Procurement introduced the report which presented the outcomes of the equal pay audit 2015, ensuring the council can fulfil its statutory obligations in respect of equal pay for its employees and deliver its corporate commitment to equality. The report sets out the results of the audit. He advised that with regard to basic pay no issues were identified. With regard to total pay, he advised that there are some minor pay differences but there are reasons for these as set out in table 3 on page 9 of the report.

During discussion it was confirmed that

- The available data only allowed for a comprehensive audit based on gender and not for example on ethnicity etc. Although some information was available it was not held consistently historically. Going forward through the self-serve system more information will be available although it is not possible to make it compulsory for people to provide certain information.
- With regard to a query about the living wage concerning whether differentials should be removed altogether or maintained, the Director of H&R, Legal & Procurement said that this was a very wide subject and no decisions had yet been made. A report would be brought to a future Employment Committee so that members could decide how to proceed with regard to the Living Wage. Much debate had been conducted at national level and the LGA were currently considering the matter.

RESOLVED that the Employment Committee:

- (1) Note the key findings of the Equal Pay Audit 2015;**

- (2) Agree the recommendations set out within the Equal Pay Audit report.**

34. Children's Services Senior Management Structure (AI 9)

The Chief Executive, David Williams introduced the report advising that its purpose was to advise members of proposed modifications to the senior management structure for Children's Services, in order to clarify reporting lines and accountability.

He advised members that Di Smith had acted as interim director of Children's Services and thanked her for her contribution. The Chief Executive explained that the interim DCS had reviewed the Children's Services' structure and had concluded that the structure should provide greater clarity around the respective roles of the DCS and the officers responsible for both safeguarding and education. In particular, the structure should make it clear that the DCS is solely accountable to the Chief Executive for Children's Services and that senior managers for both safeguarding and education should reported directly to the DCS.

During discussion a member was concerned that staff may consider the creation of deputy director posts as downgrading the roles. The Chair of the Committee confirmed that feedback and consultation had been very positive and supportive.

RESOLVED that Members

- (1) Revise the senior management structure, as agreed by this committee on 19 February 2015, to the effect of deleting the post of Director of Children's Social Care.**
- (2) Note the creation of the posts of (i) Deputy Director of Children's Services - Social Care and (ii) Deputy Director of Children's Services - Education, each reporting to the Director of Children's Services.**

35. Changes to the designated independent person dismissal procedures (AI 10)

(TAKE IN REPORT)

As this item affected the Head of Paid Service, David Williams and the Monitoring Officer, Michael Lawther, both officers left the meeting for this item.

The report was introduced by Jon Bell, Director of HR, Legal & Procurement and Paddy May, Corporate Strategy Manager. The committee was advised that the purpose of the report was to inform members of a change to the procedures recently agreed by full Council that must be followed for the dismissal of designated statutory officer posts (Head of Paid Service, Monitoring Officer or Chief Finance Officer). These new changed procedures were set by central government. In order to ensure that the new procedures

are in line with employment law, this report also seeks approval from the committee of an appeals process to be followed in the event of such a dismissal which will then be placed before full council. It was stressed that it was not envisaged that the process would be invoked often. The Local Government Association has published an advisory bulletin which suggests a new process that could be followed that would be consistent with the new regulations and employment laws.

During discussion the following matters were clarified:

- Members asked that the order of the bullet points in 5.3 of the report be changed to reflect the finalised process timeline.
- Members asked that a right of appeal must be exercised within 14 days of the recommendation of the independent panel and that this be written in to the process.
- Members asked that a flow chart of the process outlined in section 5 of the report (taking into account suggested changes by members to the sequence of events) be appended to the report before it goes to Governance & Audit & Standards Committee and on to full Council.
- Members were advised that the Local Government Association is currently considering the process and may provide clarification.

In light of comments made by members the recommendations in the report were amended slightly.

RESOLVED that Employment Committee

- (1) notes the new process for dismissal of designated statutory officer posts (set out in paragraphs 4.1-4.4) and also the new Officers' Employment Procedure Rules in Part 3D of the constitution that have been approved by Council (see Appendix 1) in line with Government requirements and which have been subsequently modified to take account of the contents of this report;**
- (2) agrees that in order to meet the new requirements, and also employment law, that the specific process to be followed, set out in section 5, (subject to the order of the bullet points in 5.3 being amended to reflect the finalised process time line and subject to writing in to the process that a right of appeal must be exercised within 14 days of the recommendation of the Independent Panel) is proposed to Full Council for adoption (via Governance and Audit and Standards Committee) with the proposed new Officers Employment Procedure Rules shown as Appendix 1.**

36. HR Policy Changes (AI 11)

(TAKE IN REPORT)

Mr Lee Sprake, branch secretary, Unison was invited to make his deputation. This included the following points:

- He felt that elected members should be involved in the appeals policy.
- He felt that removing the second appeal stage in the grievance section of the formal action policy was unfair.

The Leader thanked Mr Sprake for his deputation and asked the Director of HR, Legal & Procurement to outline reasons why member involvement was not part of the process. The Director of HR, Legal & Procurement said the issues were:

- Logistical issues
- Potential inconsistency of decisions
- The current process ensures that decisions are taken by directors and those who understood operational issues in detail.

In response to queries the following matters were clarified:

- The second appeal stage removal only applied to the grievance policy not to dismissals.
- Members had reservations about recommendation vi of the report which sought to increase the qualifying criteria for redeployment support from one year to two years' continuous local government service. The Director of HR, Legal & Procurement said that the reasons for this recommendation are set out in paragraph 9 of the report. Rochelle Brown advised members that the reason for the recommendation was partly about managing expectations as the redeployment register has fewer opportunities as time goes on.

Members wish to vote individually on the recommendations in the report and this was agreed. It was proposed by Councillor John Ferrett and seconded by Councillor Donna Jones that recommendation (1) be amended so it would read

"Adopt the new Appeal policy, but to include an option in cases of appeals against dismissal for the appellant to have an elected member to sit on the panel (Appendix 1) and note consequent amendments to other associated policies."

It was proposed by Councillor Donna Jones and seconded by Councillor John Ferrett that recommendations (2), (3), (4) and (5) be adopted. Upon being put to the vote this was carried. It was proposed by Councillor John Ferrett and seconded by Councillor Donna Jones that recommendation (6) of the report be deleted. Upon being put to the vote this was carried.

RESOLVED that Employment Committee

- (1) Adopt the new Appeal policy, but to include an option in cases of appeals against dismissal for the Appellant to have an elected**

Member to sit on the Panel (Appendix 1), and note consequent amendments to other associated policies.

- (2) Note that the Director of HR, Legal and Procurement will update all other policies to reflect new job roles created by latest senior management restructure (in particular removing references to Heads of Service and Strategic Directors).**
- (3) Note that the 2nd appeal stage in the grievance section of the Formal Action policy will be removed.**
- (4) Note the different composition of dismissal panels (excluding schools and probationary dismissals) as detailed in the report.**
- (5) Change the requirement in the Flexible Retirement policy from a permanent reduction in salary of at least 50% to a permanent reduction in salary of at least 20%. Achieved through either a reduction in hours or band of post or a combination of these.**

37. Sickness Absence - Quarterly Report (AI 12)

(TAKE IN REPORT)

Several members of the committee were late for other council business. A deputation was made by Lee Sprake but in view of the time constraints at this meeting he was also invited to send an email to the Director of HR, Legal & Procurement and to Councillor Donna Jones, chair of Employment Committee outlining his concerns.

RESOLVED that Employment Committee

- (1) continue to monitor sickness absence, on a quarterly basis, and to ensure appropriate management action is taken to address absenteeism.**
- (2) continue to offer a range of interventions around the three main reasons for sickness absence to assist employees to manage their attendance at work.**
- (3) support Public Health flu vaccination campaign for 2015 by working with Corporate Communications to develop marketing initiatives to maximise the uptake of flu vaccinations, especially where Directorates have contact with NHS defined risk groups or have particular low uptake in 2014.**

38. Date of Next Scheduled Meeting (AI 13)

The date of the next meeting is scheduled for 15 December 2015.

The meeting concluded at 2.20 pm.

Councillor Donna Jones
Chair