

Council – Supplementary agenda No.2

A meeting of the Council will be held on:

Date: 21 February 2013

Time: 7.00pm

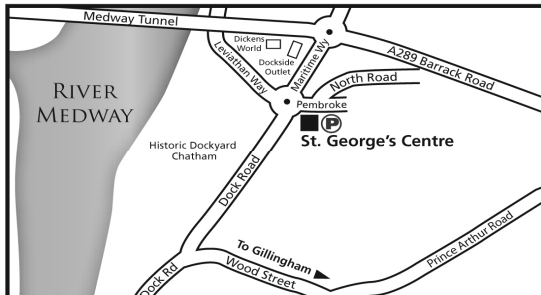
Venue: St George's Centre, Pembroke Road, Chatham Maritime, Chatham
ME4 4UH

Items

- 6 Capital and Revenue Budgets 2013/2014** (Pages 1 - 26)
Addendum report.
- 9 Pay Policy Statement 2013/2014** (Pages 27 - 28)
Addendum report.

For further information please contact Julie Keith, Head of Democratic Services on Telephone: 01634 332760 or Email: democratic.services@medway.gov.uk

Date: 21 February 2013



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উংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	এংক্‌শফব	331786	فارسی	331840	Lietuviškai	332372

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COUNCIL

21 FEBRUARY 2013

CAPITAL AND REVENUE BUDGETS 2013/2014: ADDENDUM REPORT

Portfolio Holder: Councillor Alan Jarrett, Deputy Leader and Finance

Report from: Mick Hayward, Chief Finance Officer

Tricia Palmer, Assistant Director, Organisational Services

Summary

This Addendum report sets out the following:

1. The outcome of the discussions at the Employment Matters Committee on 19 February 2013 regarding pay negotiations;
2. Further advice on the schedule of precept dates;
3. Clarification on title of Kent Police.

1. Employment Matters Committee

- 1.1 The Employment Matters Committee met on 19 February 2013 to consider the latest position on Pay Negotiations, as referred to in paragraph 8.4 and Appendix 10 of the main report.
- 1.2 The report provided details of progress in relation to the discussions with the trade unions and the consultation responses to the Council's proposal to come out of the national agreement for pay, terms and conditions. The Committee had received a number of reports on the issue and had agreed on 30 October 2012 to commence formal consultations to come out of the national agreement and dismiss and re-engage employees should not be reached.
- 1.3 The trade union ballots were completed on 23 November, where no collective agreement was reached on the proposals and on 3 December 2012 formal consultation commenced with individual employees. The trade unions were given a 90 day consultation period. The statutory requirement was to ensure that any consultation was meaningful. Employees were therefore given until 31 January 2013 to comment on the proposals, and the trade unions were given until 19 February 2013. The offer to individual employees was that if they agreed to come out of the national agreement so that any pay award would be

subject to local negotiation, the Council would agree to continue to mirror all other national terms and conditions for a period of three years.

- 1.4 During this period negotiations had continued with the trade unions and in addition to maintaining the level of terms and conditions for 3 years from 1 April 2013 the Council had also offered a one-off £50 payment to all employees on or below £21,519. There was also a meeting of the Joint Consultative Committee on 11 February 2013 at which trade union representatives were able to discuss the proposals with Members.
- 1.5 The Assistant Director, Organisational Services, stated that with regards to schools based (non-teaching) staff, that following consultation, it was recommended to no longer include these staff in the proposal. She stated that this may lead to a risk of an equal pay claim, but this risk was deemed to be manageable as any national award agreement would be relatively small. A schools Diversity Impact Assessment showed that there would be a disproportionate impact on the grounds of gender should this proposal go ahead.
- 1.6 The Assistant Director, Organisational Services, updated the Committee in respect of discussions with the Trade Unions and that a collective agreement had been reached with the trade unions. She stated that, in addition to schools based (non-teaching) staff no longer being included in the proposals, Soulbury staff would also not be included in the proposals. This group of staff (approximately 25 education psychologists) were subject to a separate national agreement and it was considered that, following consultation, this group of staff would be difficult to recruit to should they be included in the proposals.
- 1.7 Members discussed a number of issues including:
 - Whether the legal advice on schools based (non teaching) staff had changed in terms of the recommendation that they now not be included in the proposals
 - Whether the list of terms and conditions set out in the collective agreement was exhaustive
 - Whether the collective agreement was renegotiable at the expiry of the three year period
 - Whether the Diversity Impact Assessment had been reviewed in light of the recommendation to not include schools based (non teaching) staff and Soulbury staff.
- 1.8 The Assistant Director, Organisational Services, confirmed that the legal advice on including schools based (non teaching) staff had not changed, however, the outcome of the consultation responses and the schools Diversity Impact Assessment had resulted in officers no longer recommending their inclusion in the proposals. The list of terms and conditions in the collective agreement were drawn from the “Green book” and that it could be possible to renegotiate the collective agreement at the expiry of the three year period. She stated that an overall Diversity Impact Assessment had been included in the report to Committee on 30 October 2012 and that a schools Diversity Impact

Assessment had been included with the report. There were approximately 25 Soulbury staff and there had been no specific work undertaken on the basis that this was a very small group of staff.

- 1.9 The Committee made the following decisions:
 - 1.9.1 The Committee noted the discussions so far and the consultations responses.
 - 1.9.2 The Committee recommended to Full Council to agree to the collective agreement attached at revised Appendix 8, on the basis that agreement has been reached with the majority of trade unions to come out of the national agreement for all non school staff apart from Soulbury staff.
 - 1.9.3 The Committee noted that variations to employment contracts would now be issued to those staff affected setting out the new terms, with the new terms taking effect from 31 March 2013, subject to Full Council agreeing the collective agreement.
 - 1.9.4 The Committee noted the proposals on local pay bargaining and agreed to delegate authority to the Assistant Director, Organisational Services to continue discussions and agree this, in consultation with the trade unions.
- 1.10 At the Employment Matters Committee, further consultation responses were tabled at the meeting which had been received from schools governing bodies after the despatch of the Committee agenda. These are included in **Appendix 10A** to this report.
- 1.11 The Collective Agreement reached with the trade unions is set out in **Appendix 10B** to this report.
- 1.12 The Schools Diversity Impact Assessment is included in **Appendix 10C** to this report.

2. Schedule of precept dates

- 2.1 Since publication of the Council agenda, there has been further discussion regarding the schedule of precept dates. These are subject to dispute, therefore, it would be appropriate to delegate authority to the Chief Finance Officer to finalise the schedule (see revised recommendations below).

3. Kent Police

- 3.1 Again, since publication of the Council agenda, we have received clarification that the official title for Kent Police, for budgetary purposes, is now “The Police and Crime Commissioner for Kent”. Therefore, it is necessary to amend the relevant recommendation (see revised recommendations below).

4. Recommendations

The following revised and new recommendations are set out below – all other recommendations are set out in paragraph 22 of the main report.

Revised recommendations

- 22.2 Note the Police and Crime Commissioner for Kent precept requirement.
- 22.5 Agree to delegate authority to the Chief Finance Officer to agree the final schedule of precept instalment dates.

New recommendations from Employment Matters Committee

- 22.12 To note the discussions so far and the consultations responses in respect of the proposals to come out of the national agreements for pay and terms and conditions.
- 22.13 To agree to the collective agreement attached at Appendix 10B, on the basis that agreement has been reached with the majority of trade unions to come out of the national agreement for all non school staff apart from Soulbury staff.

Report authors:

Mick Hayward, Chief Finance Officer, T: 01634 332220 and E:
mick.Hayward@medway.gov.uk

Tricia Palmer, Assistant Director, Organisational Services, T: 01634 332343. E:
tricia.palmer@medway.gov.uk

hemingway, wayne

Appendix 10A

From: richards, paul
Sent: 19 February 2013 09:43
To: hemingway, wayne
Subject: FW: NON TEACHING STAFF CONSULTATIONS

Hi Wayne,

Just spoken to Ralph and he's asked me to send a few more responses to you that he hadn't copied you into last week.

Thanks,

Paul

From: edwards, ralph
Sent: 14 February 2013 10:42
To: 'dgiles27@talktalk.net'
Cc: palmer, tricia; richards, paul; charker, paula (HR)
Subject: RE: NON TEACHING STAFF CONSULTATIONS

Thanks David,

The views of the Governors of Balfour Juniors and Deanwood will be made known to the Employment Matters Committee who will meet on 19 February. They will decide whether schools are included in the proposal or not.

Best Wishes,

Ralph Edwards
Head of Human Resources
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Ext 1090

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From: dgiles27@talktalk.net [mailto:dgiles27@talktalk.net]
Sent: 14 February 2013 09:37
To: edwards, ralph
Subject: NON TEACHING STAFF CONSULTATIONS

Dear Mr Edwards

I am not sure that this should come to you but I know you will pass on as appropriate.

The Governors of Balfour Juniors and Deanwood Primary have asked me to write expressing their views deploring the move to take the non-teaching staff at the schools out of national negotiations. The governors believe this to be a backward step which is not in the interests (either short or long term) of the staff concerned.

Yours sincerely

DAVID GILES
CHAIR OF GOVERNORS
BALFOUR JUNIOR SCHOOL
DEANWOOD PRIMARY SCHOOL & CHILDREN'S CENTRE

hemingway, wayne

From: richards, paul
Sent: 19 February 2013 09:43
To: hemingway, wayne
Subject: FW: PLEASE SEE LETTER BELOW FROM OUR CHAIR OF GOVERNORS - ORIGINAL LETTER WILL BE IN COURIER TO YOU

This is the last one now

From: edwards, ralph
Sent: 13 February 2013 09:54
To: 'Penny Harrison'
Cc: charker, paula (HR); palmer, tricia; richards, paul
Subject: RE: PLEASE SEE LETTER BELOW FROM OUR CHAIR OF GOVERNORS - ORIGINAL LETTER WILL BE IN COURIER TO YOU

Thanks Penny.

Please see my response to Mr Braggar below. I would be grateful if you would forward it to him.

Dear Mr Braggar,

Thank you for your letter which I received by e mail.

Chairs of Governors were advised of the proposal by e mail on 5 November, 22 November and 2 December 2012. I have also attended the Medway Governors Association and a Chair of Governors briefing to speak about the proposal. I have also attended Governing body meetings by invitation. I am sorry that you do not feel that you and your fellow governors have been consulted.

There is a difference of opinion regarding whether Medway Council as the employer can dismiss school based staff. Our legal advice is that it is possible for Medway to dismiss staff in these circumstances, but clearly that advice could be challenged at Employment Tribunal.

Medway Council does value the hard work of all staff, and does recognise the circumstances in schools where teachers are subject to statutory conditions of service and pay.

A final decision on whether schools based staff are included in the proposal will be made at full Council on 21 February.

Regards,

Ralph Edwards
Head of Human Resources
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Ext 1090

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From: Penny Harrison [mailto:harrp004@medway.org.uk]
Sent: 13 February 2013 08:37
To: edwards, ralph
Subject: PLEASE SEE LETTER BELOW FROM OUR CHAIR OF GOVERNORS - ORIGINAL LETTER WILL BE IN COURIER TO YOU

Mr DJ Bragger
70 Mill Road
Gillingham
Kent
ME7 1JB
01634 572539 (Home)
07759707015 (Mobile)
E Mail via BWPS Main Office
12th February 2013

Proposal to come out of the National Agreement

Dear Mr Edwards.

I write in my capacity as Chair of Governors at Brompton Westbrook Primary School regarding the above proposal for Medway to come out of National Agreement for pay and conditions for support staff (and others).

I have been tasked by my fellow governors at BWPS to contact you, and to express our very grave concerns regarding this matter, and also the fact that despite having seen several documents clearly stating that Governors had been made aware / consulted in the matter I have not been contacted by Medway in any form regarding this matter.

I do not find it acceptable to read that (Governors) implying all, have been consulted, when I have not, as that appears to imply that I had knowledge of events, and indeed had commented (or had the opportunity to) when in fact I did not.

A point that my colleagues at BWPS wish me to make and to seek clarification on is this; If support staff do not accept the Medway offer, who will dismiss them? It is the belief of the Governing body that dismissal should be done by the Governing Body.

I would like to make it clear that the Governing Body at BWPS value the contribution that the support staff makes to the school. We recognise that many are employed on low pay – compared to many other council employees, and indeed are paid pro rata, no holiday pay. These terms and conditions already place the support staff in dare I say the lower demographic. However the hard work, dedication and additional work that these people put in (often unpaid, and certainly un-recognised) is above and beyond what could be reasonably expected of them. They do this because they are dedicated to investing in the future of Medway, and indeed the country's most precious resource, the young people in our schools. In Summary we do not support any measure that will be to the disadvantage of our support staff, either now or as part of a future review.

Yours

DJ Bragger

Original signed

CoG BWPS

Penny Harrison

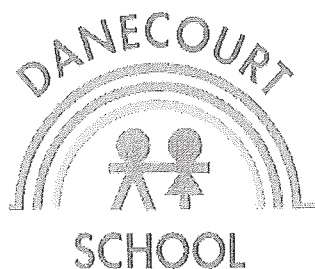
Mrs Penny Harrison

Brompton Westbrook Primary School
King's Bastion
Brompton, Gillingham
Kent ME7 5DQ
01634 844152
harrp004@medway.org.uk

This school is committed to safeguarding and promoting the welfare of children and achieving equal opportunities and combating discrimination.

This message is intended for the use of the person (s) ("the intended recipients") to whom it is addressed. It may contain information which is privileged and confidential within the meaning of the applicable law. If you are not the intended recipient, please contact the sender as soon as possible. The contents of this email are not necessarily the views of Brompton Westbrook Primary School.

Hotel Road
Watling Street
Gillingham
Kent ME8 6AA



Tel: (01634) 232589
Fax: (01634) 263822
Headteacher:
John Somers

Website: www.danecourtschool.com

e-mail: roylk001@medway.org.uk

HR Advice
Medway Council
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR

Friday 15th February 2013

Dear Medway Council

With regards to the recent consultation document sent out to Governing Bodies by Tricia Palmer outlining Medway Councils proposal to opt out of national pay negotiations and conditions of service for non-teaching staff we would like to advise you that this was discussed at our full Governing Body meeting held on Monday 28th January 2013 and it was agreed by all members present that the Governing Body of Danecourt School do not support this proposal (please find extract from the minutes of the meeting below). As a Governing Body we are responsible for those employed at the school and feel that this proposal will have a detrimental effect on our staff and we would urge Medway Council to reconsider this proposal and negotiate further will all Governing Bodies in the Medway area.

Extract from Danecourt Full Governing Body meeting of Monday 28th January 2013 regarding Medway Councils proposal to Opt out from National Pay and Terms and Conditions for Non-Teaching Staff

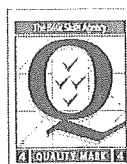
'The Opt out from National Pay and Terms and Conditions for Non-Teaching Staff Consultation by Medway Council was discussed in great detail by the Governing Body including the effect this would have on the morale of staff, that it will mostly affect those staff who are part time and low paid, the differences that could arise in staff pay between academies who can set their own pay levels and schools who could not and how this could affect retention of staff and the rise in the membership of the unions since this was announced. The Governing Body all agreed that a letter/email be sent to Medway Council by 19th February 2013 in response to the consultation together with a copy of these minutes highlighting Danecourt Governing Body's strong disagreement with Medway Councils proposal to Opt out of National Pay and Terms and Conditions and stating that they would not support Medway Council on this'

Yours faithfully

Julie Anderson
Chair of Danecourt School Governing Body



INVESTOR IN PEOPLE



hemingway, wayne

From: edwards, ralph
Sent: 18 February 2013 09:42
To: 'Nicola Archenoul'
Cc: richards, paul; palmer, tricia; charker, paula (HR); hemingway, wayne
Subject: RE: Consultation Document to Governing Bodies

Thank you for your comments Nicola which will be forwarded to Employment Matters Committee for their consideration on 19 February.

Just a comment on the figures---a 1% pay award will cost £350,000 for non teaching staff in schools where Medway is the employer of staff.

-----Original Message-----

From: Nicola Archenoul [mailto:archn018@medway.org.uk]
Sent: 17 February 2013 22:42
To: employee consultation
Cc: Donna Atkinson
Subject: Consultation Document to Governing Bodies

To whom it concerns

Please find below comments on the consultation document from the Governing Body of Delce Infant School:

- this goes against the ethos of our school because it would result in our non-teaching staff being treated very differently to our teaching staff. We believe in rewarding the hard work and success of all our staff and such action would not allow us to do that and would have a serious affect on morale;
- non-teaching staff salary comes out of the school budget, so we do not see how it would benefit Medway finances to impose these changes on non-teaching staff in schools and the LA cannot dictate how we spend out budget;
- we feel there would be a serious impact on recruitment and retention. We may lose very good non-teaching staff who, understandably, will look for better paid positions elsewhere, particularly in academies and we could face problems recruiting staff if our salaries are not seen to be competitive;
- we do not feel that the proposed plans are clear enough and there are inconsistencies with the figures. The document states the figures do not include school staff but if you're consulting GBs then your figures should clearly state figures that include school staff.

Kind Regards

Nicola Archenoul
Chair of Governors
Delce Infant School, Nursery & Children's Centre

Please contact: Ralph Edwards

Our ref: RE/AMD

Date: 14 February 2013

Mr J Cave
Chair of Governors
Hempstead Junior School
Birch Grove
Hempstead, Gillingham
Kent
ME7 3HJ

HR Services
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR
Telephone: 01634 306000
Direct line: 01634 331090
Facsimile: 01634 331260
e-mail: ralph.edwards@medway.gov.uk

Dear Mr Cave

Changes to the contracts of non-teaching staff

Thank you for your letter dated 28 January 2013 which was received and date stamped in my office on 12 February 2013.

The first thing I would like to point out is that the proposal to withdraw from the national pay award and terms and conditions of service is a Member proposal, and not a personal proposal of mine.

I personally visited your school on 15 January and spoke to all non-teaching staff about the proposal, answering a number of questions. One point I made absolutely clear was that this proposal is not about cutting school budgets because as you know it is not possible for Medway Council to take money from school budgets.

Chairs of Governors have received e-mail correspondence relating to this proposal on 5 November, 22 November and 2 December 2012. In addition I attended a meeting of the Medway Governors Association and a Chair of Governors briefing to speak about the proposal. I have also attended Governing Body meetings by invitation. Governing Bodies should be aware of the proposals.

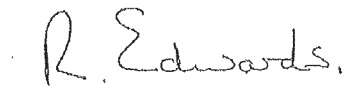
Medway Council is the employer of staff in community and voluntary controlled schools. There is a difference of legal opinion regarding the power of the local authority to dismiss and re-engage staff employed in schools should that be necessary. Clearly the only way to determine the true legal position would be through an Employment Tribunal.

As you would expect a large number of comments regarding goodwill and morale, and the potential impact on standards in schools should this proposal go ahead, have been put forward during the consultation period. All comments are being reported to Employment Matters who will make a recommendation to full Council who meet on 21 February. The option remains for schools to be removed from the proposal.

I trust this response clarifies some issues for you.

I would be grateful if you could advise your non-teaching staff who signed the attachment to your letter that their comments will be passed on to Employment Matters who meet on 19 February for their consideration.

Yours sincerely

A handwritten signature in black ink that reads "R. Edwards." The signature is written in a cursive style with a large, looped initial "R".

Ralph Edwards
Head of Human Resources

HEMPSTEAD JUNIOR SCHOOL

M. Golding - BEd Hons
Acting Headteacher

Telephone 01634 371823

12 FEB 2013
Birch Grove
Hempstead
Gillingham
Kent
ME7 3HJ

28th January 2013

Changes to the Contracts of Non Teaching Staff

Dear Ralph Edwards, Head of Human Resources

I recently, at their request, met two representatives of our school staff who will be directly affected by your above proposals. They are, as you would expect, completely bewildered and against what the Council intends to implement as a cost saving exercise with no apparent regard for the workforce.

At my request, they have drawn up their objections and questions on the proposals for your answers and if possible a meeting between us and an Authority Representative as I am given to understand that not everyone was able to attend your seminars due to over subscription.

Our non-teaching staff are very concerned that their contracts will change as Medway seek to withdraw from National agreements. What you should already know is that Hempstead Junior School is a highly effective and successful learning establishment lead by dedicated staff at ALL levels and why the non-teaching staff have been singled out by you for such draconian measures is beyond my board.

Of particular concern to me is that posts such as School Bursar and ICT Technician are caught up in this. In a modern school I would suggest that it is impossible to run a successful operation without such personnel.

Can you also clarify who employs 'non teaching' staff? Is it the LA or the school? If it is the latter where is, or was, proper consultation with Governing Bodies who will inevitably bear any backlash from your suggestions? Should the Governing bodies not have been informed about these proposed changes in the first instance?

As a Governing Body we must do all we can to retain and maintain the dedicated staff we are lucky at the moment to have. We ourselves managed to find some salary increases last year but with the already announced cuts in our upcoming budget such action will in all probability not be possible going forward.

What avenues, if any, are available for us to reward some key staff or must we front equal increments to all 'non teaching' employees?

I feel sure that savings could be sought elsewhere to ensure that morale is not destabilised overall and Hempstead Junior School can continue to offer excellent staff, facilities and academic success. I gather there is some uncertainty about whether school non-teaching staff are included and I would like clarification about this as soon as it is decided. It would be good from our point of view if no school staff were included in these changes.

I look forward to your reply and hopefully some meaningful dialogue in our school at an early opportunity.

Yours faithfully


Mr. J. Caye
Chair of Governors, Hempstead Junior School

Non-Teaching Staff's questions and objections to proposals to amend our contracts

We have always believed that we are employed by the governors of our school to whom we are directly accountable to on a daily basis. Surely it is they who should decide on our pay structure and terms of contract as they understand fully the special and individual needs of each child they support and specialties required of our role. Our pay comes out of the school's budget NOT the council's.

We support all Teachers, some very challenging children, and the school in general for what is already little monetary reward. In reality we work many hours more than our contracts and do not claim for overtime, thereby enabling our school to deliver the educational standards as required by the National Targets. We are happy to do this as our roles must be flexible to cope with the ever increasing demands of school life and children's needs. If our current position is eroded we may feel disinclined to continue this generosity of giving for no reward. As such our excellent relationship with the school governors and management will almost certainly be undermined. Do not forget 'goodwill' in certain types of employment is unquantifiable!

In your financial implication summary you do not appear to have included school staff in the calculations. Is this because in real terms it is of no significant financial benefit to change our terms? We all know school support staff are low wage earners and it follows that a 1% of a low wage is minimal. Have you considered that the fact you are targeting staff who are not on a high pay scale and due to the 'term time' nature of our contracts and that support staff only work between 17.5 and 27.5 hours per week, our wages equate to an average of £5K -£9k per annum which is classed as low paid!

We would like to point out that despite contrary belief we are qualified professionals either within the current education system and/or prior to joining. We bring many skills and experiences to the table and have undergone hours of specialised training, at considerable cost. It is therefore, extremely upsetting to read your comments in the minutes of 13th September 2012, under Risk Assessment, that you feel employees will not be able to leave in significant numbers as the job market is slow. This, we feel, is very short sighted and naïve. To upset and anger such specialised staff in this way is incomprehensible.

We would welcome full details of our 'Rights to appeal process' as at present this appears to have become a closely guarded secret.

We feel your proposals are rushed and it clear from the comments in your meeting on 13th September 2012 that you need to expedite the process in order to receive as little resistance as possible. At present your advantages and disadvantages analysis swings clearly in favour of the council and if support staff were to work to rule there would be absolute chaos and havoc on a daily basis! The wages bill would be inflated by the payment of once unclaimed overtime.

We strongly feel school support staff due to the diverse needs and requirements of all children within our education system need also to be viewed as a separate case scenario. Therefore, we would ask to you to seriously consider removing schools from the proposed amendments and allow our governors to continue to operate their school as they see appropriate at 'ground level'.

Education like health relies on a collection of caring professionals who are willing to work beyond the terms of their contract, without question...dilute the terms of what is already a poorly paid contract and any Goodwill will quickly disappear to the detriment of our schools.

Signed by:-



Wendy Harris (TA)




Gillian Tatnall(TA)



Coral Corthorn(TA)



Kerry Briffitt(TA)



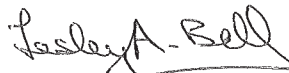
Jane Vandersteen(TA)



John Carr(Caretaker)



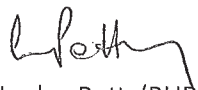
Leonie Sams(TA)



Lesley Bell(HLTA)



Sue Noakes(OFFICE)



Lesley Petty(BURSAR)



Diane Sargeant(TA)



Ermanna Collinson(TA)



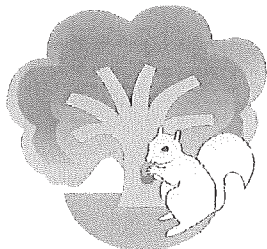
Maria Alam(TA)



Lisa Fox(TA)



Michelle Hearn(TA)



Park Wood Junior School

Deanwood Drive
Rainham
Kent ME8 9LP

15 FEB 2013

Tel: (01634) 234699
Fax: (01634) 360623
office@parkwood-jun.medway.sch.uk
Mr A Moir - Head Teacher

Tricia Palmer
Assistant Director
Organisational Services
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

15/02/2013

Dear Ms Palmer,

At the Full Governing Body meeting on Monday 4th March, Governors considered the proposal for our support staff to be taken out of the National Agreement for pay. It was agreed that our support staff should maintain their current status quo.

Should you require further consultation please do not hesitate to contact me.

Yours sincerely,

Bernard Hargan
Chair of Governors

**COLLECTIVE AGREEMENT between MEDWAY COUNCIL (the employer) and
RECOGNISED TRADE UNIONS – UNISON, UNITE, GMB (the unions)**

Withdrawal from National Agreements

1. Introduction

- 1.1 The collective agreement covers the withdrawal from the national agreements set out in the Green Book, and Pink Book for all staff. Pay awards for staff covered by the LNFA are linked to the Pink Book. The agreement excludes school based staff and Soulbury staff covered by the Blue Book.
- 1.2 The provisions of this agreement will be incorporated into individual contracts of employment by a letter of variation.

2. Agreement

- 2.1 It is agreed that individual contracts of employment will be varied from 31 March 2013 to state that:

“The amount of annual pay award will be determined by local collective bargaining and payable from 1 April each year if applicable.”

All other references to the national agreement will also be removed from the contract.

Medway Council agrees not to cut pay or terms and conditions for a period of 3 years from 1 April 2013. Terms and conditions include:

Pay
Working time
Annual leave
Maternity leave and maternity pay
Sick pay
Notice periods
Overtime payments
Weekend working
Night work
Split shifts
Lettings
Standby duty
Public and extra statutory holidays
Car allowances

- 2.3 Local pay arrangements will be introduced from 1 April 2013.
- 2.4 Changes in pay as a result of the implementation of the pay and grade review will be protected from 1 April 2014 at 100% in year 1, 100% in year 2 and 25% in year 3 after which time the normal pay protection arrangements will apply unless negotiated otherwise. Any changes in pay resulting from redeployment or change of post will be subject to the normal pay protection arrangements of 100% in year 1, 75% in year 2 and 25% in year 3.
- 2.5 A one off payment of £50 (pro rata for part-time staff) will be paid in April 2013 to permanent staff earning £21,519 and below (pro rata for part-time staff).
- 2.6 Nothing in this agreement will preclude the Council from undertaking further reorganisations in accordance with the Council's normal procedures.

3. Variations

Variations to this collective agreement can only be made through joint agreement with the employer and the unions.

Signed on behalf of

T.M. Palmer

 Employer

19/02/13

 Dated

[Signature]

 UNISON

[Signature]

 GMB

19/02/2013

 Dated

19/02/2013

 Dated

[Signature]

 UNITE

19/02/2013

 Dated

Note: This is subject to approval by Full Council on 21 February 2013

Schools Diversity Impact Assessment: Screening Form

Directorate	Name of Function or Policy or Major Service Change		
Business Support	Proposal for local pay negotiations – impact on schools based staff		
Officer responsible for assessment		Date of assessment	New or existing?
Paula Charker		1 February 2013	New
Defining what is being assessed			
1. Briefly describe the purpose and objectives	<p>The Council has an established process for setting its budget for the next financial year; one of the first stages in this involves updating the council's medium term financial plan each year.</p> <p>The financial implications of remaining in the national agreement and the possibility of a 1 per cent pay award could result in an added pressure of £900,000 (not including schools staff) next financial year.</p> <p>The Medium term Financial Plan for the Council is forecasting very significant financial deficits for the coming years excluding any presumption for pay increases and against this background any potential increase in pay would pose a risk to services and/or jobs.</p>		
2. Who is intended to benefit, and in what way?	Savings are intended to be achieved in a way that ensures financial sustainability whilst not disproportionately impacting on or unfairly disadvantaging any sections of the community.		
3. What outcomes are wanted?	<p>That the Council continues to deliver vital services to customers whilst at the same time managing reductions to funding and functioning as a sustainable organisation continuing to focus on priorities and providing effective services.</p> <p>Obviously, this proposal will have detrimental impact on the earning capacity of those workers who may otherwise have received a pay award on 1 April 2013. This proposal is being considered as a way of delivering savings, which goes some way to sharing the impact equally across the organisation.</p>		
4. What factors/forces could contribute/detract from the outcomes?	<p>Contribute</p> <p>Good analysis of the proposals</p> <p>Effective consultation</p> <p>Clear communication of proposals</p>	<p>Detract</p> <p>Decisions made without full analysis and discussion</p>	
5. Who are the main stakeholders?	All Staff and Members		

6. Who implements this and who is responsible?	Senior Management Team	
Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?	YES	No
	NO	
What evidence exists for this?	<p>The analysis of support staff in schools who may have received a pay award next year demonstrates that of the 2843 staff that may be impacted upon 96.4% are from a white ethnic group and 3.6% are from a BME group.</p> <p>The total group (excluding Service Managers and above who are already on local pay, but including teaching staff) is 7442 staff. This shows that 91.9% are from a white ethnic group and 8.1% are from a BME group.</p> <p>There is therefore a lesser proportionate impact on BME support staff in schools.</p>	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?	YES	No
	NO	
What evidence exists for this?	<p>The analysis of support staff in schools who may have received a pay award next year demonstrates that of the 2843 staff that may be impacted upon 31 staff are disabled, which is 1.1%.</p> <p>The total group (excluding Service Managers and above who are already on local pay, but including teaching staff) is 7442 staff. This shows that 2% are disabled.</p> <p>There is therefore a lesser proportionate impact on disabled support staff in schools.</p>	
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?	YES	Yes
	NO	
What evidence exists for this?	<p>The analysis of support staff in schools who may have received a pay award next year demonstrates that of the 2843 staff that may be impacted upon 2598 staff are female, which is 91.4%.</p>	

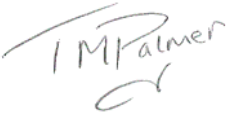
	<p>The total group (excluding Service Managers and above who are already on local pay, but including teaching staff) is 7442 staff of which 5990 are female. This shows that 80.1% are female.</p> <p>There is therefore a disproportionate impact on the grounds of gender.</p>	
<p>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</p>	YES	Do not know
	NO	
<p>What evidence exists for this?</p>	<p>The analysis of support staff in schools who may have received a pay award next year demonstrates that of the 2843 staff that may be impacted upon 4 staff are gay or bisexual. This is 0.14%.</p> <p>The total group (excluding Service Managers and above who are already on local pay, but including teaching staff) is 7442 staff of which 18 are gay or bisexual. This is 0.24%.</p> <p>There is therefore a disproportionate impact but this is a small difference and not significant statistically.</p> <p>96% of staff have not completed this data on the equality monitoring form so this data is not reliable in any event.</p>	
<p>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</p>	YES	Do not know
	NO	
<p>What evidence exists for this?</p>	<p>The analysis of support staff in schools who may have received a pay award next year demonstrates that of the 2843 staff that may be impacted upon 109 staff have declared a religion or belief. This is 3.8%.</p> <p>The total group (excluding Service Managers and above who are already on local pay, but including teaching staff) is 7442 staff of which 341 have declared a religion or belief. This is 4.6%.</p> <p>There is therefore a lesser proportionate impact but this is a small difference and not significant statistically.</p> <p>96% of staff have not completed this data on the equality monitoring form so this data is not reliable in any event.</p>	
<p>12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i>?</p>	YES	No
	NO	

What evidence exists for this?	<p>The analysis of support staff in schools who may have received a pay award next year demonstrates that of the 2843 staff that may be impacted upon by age bands shows the following:</p> <table> <tr> <td>Those affected:</td> <td>Inc. teaching staff:</td> </tr> <tr> <td>29 and under = 11%</td> <td>29 and under = 16%</td> </tr> <tr> <td>30 – 39 = 17%</td> <td>30 – 39 = 19%</td> </tr> <tr> <td>40 – 49 = 36%</td> <td>40 – 49 = 29%</td> </tr> <tr> <td>50 – 59 = 28%</td> <td>50 – 59 = 26%</td> </tr> <tr> <td>60 and over = 8%</td> <td>60 and over = 10%</td> </tr> </table> <p>The data generally follows the same pattern with minor differences. There is therefore no disproportionate impact.</p>		Those affected:	Inc. teaching staff:	29 and under = 11%	29 and under = 16%	30 – 39 = 17%	30 – 39 = 19%	40 – 49 = 36%	40 – 49 = 29%	50 – 59 = 28%	50 – 59 = 26%	60 and over = 8%	60 and over = 10%
Those affected:	Inc. teaching staff:													
29 and under = 11%	29 and under = 16%													
30 – 39 = 17%	30 – 39 = 19%													
40 – 49 = 36%	40 – 49 = 29%													
50 – 59 = 28%	50 – 59 = 26%													
60 and over = 8%	60 and over = 10%													
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?	YES	Do not know												
	NO													
What evidence exists for this?	We do not have information upon which to undertake any analysis													
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?	YES	No												
	NO													
What evidence exists for this?	The analysis above													
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?	YES	No												
	NO													
What evidence exists for this?	The analysis above													

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	Medway is one employer.
	NO	
Recommendation to proceed to a full impact assessment?		

NO	Members will decide whether the disproportionate impact on support staff in schools due to gender, outweighs the need to have all staff on the same terms and conditions of employment.	
	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?	No further action required
	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	N/A

Action plan to make modifications		
Outcome	Actions (with date of completion)	Officer responsible
Improve monitoring of all protected categories across the council to assist with future exercises	Continue to encourage staff to complete equality monitoring via Self Serve 4 You	HR Services Senior Managers

Planning ahead: Reminders for the next review		
Date of next review	N/A	
Areas to check at next review (e.g. new census information, new legislation due)	N/A	
Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?	N/A	
Signed (Assistant Director) 	Date 1 February 2013	

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COUNCIL
21 FEBRUARY 2013
PAY POLICY STATEMENT 2013/14
ADDENDUM REPORT

Report from: Tricia Palmer, Assistant Director, Organisational Services

Author: Ralph Edwards, Head of Human Resources

Summary

To report the views and recommendations of the Employment Matters Committee which considered this report on 19 February 2013.

1. Employment Matters Committee

- 1.1 The Committee considered this report on 19 February 2013. The Head of HR introduced the report which provided details of the Council's Pay Policy Statement 2013/2014. Section 38 (1) of the Localism Act 2011 required English and Welsh Local Authorities to produce such a statement for 2012/13 and for each financial year after that. This set out the policies on remunerating chief officers and other employees, and to set out policy on the lowest paid employees also taking account of charges, fees, allowances, increases in/enhancements of pension entitlements and termination payments. The report noted that Medway did not differentiate significantly between senior and lower levels in terms of the application of its pay and reward policies.
- 1.2 Members asked whether any analysis had been undertaken on the relationship between the upper and lower paid staff and on the basis that such work had not been carried out thus far, that this be included in the future.
- 1.3 The Committee's recommendations to Full Council are set out in paragraph 2 below.

2. Revised recommendations

- 2.1 To agree the Pay Policy Statement 2013/14 as set out in Appendix 1 to the report.
- 2.2 To agree that future Pay Policy Statements include comparative information in respect of the relationship between upper and lower paid staff.

Lead officer contact

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