

Medway Council
Meeting of Employment Matters Committee
Thursday, 13 September 2012
7.08pm to 7.32pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

- Present:** Councillors: Avey, Carr (Chairman), Christine Godwin, Paul Godwin and Iles
- Substitutes:** Councillors:
Baker (Substitute for Irvine)
- In Attendance:** Elizabeth Benjamin, Senior Lawyer - Litigation
Paula Charker, Employee Relations Manager
Ralph Edwards, Head of HR
Wayne Hemingway, Democratic Services Officer
Carrie McKenzie, Head of Organisational Change
Tricia Palmer, Assistant Director, Organisational Services

356 Record of meeting

The record of the meeting held on 18 July 2012 was agreed and signed by the Chairman as correct.

357 Apologies for absence

Apologies for absence were received from Councillors Irvine and Mackinlay.

358 Urgent matters by reason of special circumstances

There were none.

359 Declarations of discosable pecuniary interests

Councillor Paul Godwin stated that he had previously registered a disclosable pecuniary interest regarding his position as a Non-Executive Director of the Kent and Medway NHS and Social Care Partnership Trust (KMPT), however, following the receipt of further advice and given that the relevant references to KMPT in the report were now historical, he did not consider it was necessary to leave the room during consideration of agenda item 7 (Budget Proposals and Implications for Staff).

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Tricia Palmer (Assistant Director, Organisational Services) declared an interest on agenda item 5 (Pay Negotiations), on behalf of those staff present who may be affected by the proposals.

360 Pay Negotiations

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out the option of coming out of the national agreement for pay and terms and conditions, and the advantages and disadvantages of doing so. The report stated that the Council had signed up to the national terms and conditions, including pay ever since its inception and many employees also previously transferred from Councils which recognised the national terms and conditions.

The report set out the advantages and disadvantages for coming out of the national agreement which included the discretion as to whether to provide an annual pay award (cost of living increase). The report provided details of the consultation process leading to an implementation date of 1 April 2013, subject to Members' approval.

It was noted that a Diversity Impact Assessment (DIA) screening form would be completed on this proposal and shared with the trade unions in the near future. If a full DIA was required this would be presented to Full Council as part of the decision making process.

The Joint Consultative Committee had met to discuss this report prior to this meeting where it was noted that those trade union representatives were not willing to enter into a collective agreement on the proposal.

Members discussed the proposal and raised a number of issues including:

- the timing of the proposal given the reorganisations across the Council and the freezing of increments;
- the approach taken by other Local Authorities which had entered into local pay agreements which had been on an incentivised basis;
- the approach taken in the proposals to potentially dismiss and re-engage staff if agreement cannot be reached with employees; the added pressure of £900,000 should there be a 1% national agreement pay award in the next financial year;
- the potential impact on the goodwill of staff from this proposal;
- the separate piece of work on pay and grades which had yet to be completed;
- the need to work together during the consultation process;
- the short notice of the announcement of the proposal;
- the impact on staff where local authorities had come out of national conditions and;
- the recent issues faced by Southampton City Council regarding changes to pay.

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The Assistant Director, Organisational Services, stated that officers had already undertaken some research on the impact on other Local Authorities which had come out of the national agreement and that this work could be updated soon. She also informed the Committee that the decision to engage further with the trade unions on the issue would put back the implementation date beyond 1 April 2013 should Members eventually agree to come out of the national agreement.

Decision:

The Committee agreed that officers should engage further with the trade unions to consider the options regarding pay and report back to Employment Matters Committee within the next two months.

361 Capability Procedure - Schools

Discussion:

The Head of HR introduced a report which set out proposals to implement a new Capability Procedure for schools based staff. The current procedure had been agreed by the Employment Matters Committee in March 2011, however, there was a general perception from headteachers that the current procedure was cumbersome and took too long to achieve effective results. In addition, changes to the teachers' performance management regulations and processes had also triggered the need to reconsider the current procedure. The main proposed changes to the procedure were set out in paragraph 4 of the report together with the outcome of consultation in paragraph 6 of the report.

It was noted that a Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix two to the report. From this assessment there were no concerns that any particular minority group was, or would be, marginalised through the use of this procedure.

Decision:

The Committee agreed the revised Capability Procedure, for school employees, as set out in Appendix One to the report.

362 Budget Proposals and Implications for Staff

Discussion:

The Employee Relations Manager introduced a report which covered current and new reviews and a summary of employment tribunals lodged in respect of staffing issues across the Council. The report provided details of a number of reviews, as set out in paragraph 3 of the report, together with the support for staff affected by the reviews. In addition, it was noted that there had been 20 (7 schools and 13 non-schools) Employment Tribunal applications lodged from January 2011 to date, where the Council had been a named Respondent.

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Seven of these claims related to redundancy dismissals. To date the Council had successfully defended all claims that had gone to a hearing.

Officers were commended on the level of detail set out in the report.

Decision:

The Committee noted the present position and support arrangements for staff.

Chairman

Date:

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