

Medway Council
Meeting of Employment Matters Committee
Thursday, 29 November 2012
7.00pm to 7.58pm

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, Irvine and Mackinlay
- Substitute:** Councillor:
Tolhurst (Substitute for Iles)
- 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

582 Record of meeting

The record of the meeting held on 30 October 2012 was agreed and signed by the Chairman as correct.

583 Apologies for absence

Apologies for absence were received from Councillor Iles.

584 Urgent matters by reason of special circumstances

There were none.

585 Declarations of disclosable pecuniary interests

There were none.

586 Pay Review - National Agreement

Discussion:

This report provided details of the ongoing discussions between the Council and the trade unions regarding the proposal for Medway Council to come out of the national agreements for pay, terms and conditions. The Committee had previously agreed on 13 September 2012 for officers to continue discussions

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with the trade unions to reach agreement on the proposal. Discussions took place during September and October during which the Council offered a three year guarantee not to cut pay and terms and conditions in return for the trade unions signing a collective agreement to come out of the national agreement. The Committee considered a report on 30 October 2012 where it noted the position and agreed that officers should commence formal consultations to come out of the national agreement whilst continuing to negotiate with the trade unions.

The report stated the outcome of the ballots for the trade unions was not known at the point of the agenda despatch for this meeting. The Assistant Director, Organisational Services, reported that GMB, UNISON and UNITE members had not voted in favour of the collective agreement, therefore, a collective agreement had not been reached with the trade unions. She advised that, subject to Committee approval, it would be necessary to undertake formal individual consultation with staff on the proposal to come out of the national agreements for pay, terms and conditions, the outcome of which would be reported to Full Council on 21 February 2013. She stated that should Full Council agree the proposal to come out of the national agreements for pay, terms and conditions, Medway's local conditions would mirror national terms and conditions (not including pay) for three years. She also referred to a letter from NAHT regarding the proposals for schools based staff, which was tabled at the meeting. The Assistant Director stated that following legal advice, the Council proposed to include these staff in the consultation given there was a level of risk regarding the possibility of equal pay claims against the Council should schools based staff not be subject to local pay, terms and conditions.

Members discussed a number of issues including the arrangements in place for discussions with the trade unions during the 90 day formal consultation period, the arrangements for individual consultation, timescales, the role of Employment Matters Committee, and the impact of including schools based staff in the consultation.

The Assistant Director, Organisational Services, stated that the Council would continue to hold discussions with the trade unions and that a collective agreement could still be signed prior to Full Council on 21 February 2013, that staff would receive a letter regarding the individual consultation and this would be supported by staff meetings/roadshows and that the individual consultation period was likely to run to the end of January 2013. She stated that the Employment Matters Committee would consider the consultation responses and that either the next meeting (scheduled for 16 January 2013) would be moved or an additional meeting added to facilitate this. She stated that whilst almost all secondary schools were academies (and separate to the Council), it was proposed that those schools where the Council was the employer, would be included in the proposals.

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Decision:

1. The Committee noted that a collective agreement had not been reached on the proposal to come out of the national agreements for pay, terms and conditions.
2. The Committee noted that the Council commenced formal collective consultation with the trade unions to come out of the national agreements for pay, terms and conditions on 20 November 2012.
3. The Committee asked officers to commence formal individual consultation with staff (including schools based staff where Medway Council is the legal employer) to come out of the national agreements for pay, terms and conditions
4. The Committee noted that the outcome of formal consultation with staff and trade unions will be reported to Full Council on 21 February 2013 to enable final consideration and decision on the proposal to come out of the national agreements for pay, terms and conditions.
5. The Committee asked officers to ensure that the Employment Matters Committee has an opportunity to consider the consultation responses prior to final consideration at Full Council on 21 February 2013.

587 Use of Consultants

Discussion:

This report provided details of the use of consultants in the Council for the current financial year. This followed a previous report to this Committee on 18 July 2012 and discussion at the Business Support Overview and Scrutiny Committee on 8 August 2012 on the issue.

The Assistant Director, Organisational Services stated that the report did not include consultants used on a regular basis on specific projects (eg Architects and Highways Engineers) nor PwC consultants who had worked on the Better for Less project. As such, 85 consultants had been engaged in the current financial year, ranging from technical project managers in ICT to solicitors for children's work for a number of reasons set out in the report.

The report also stated that HR had adopted a new system for obtaining approvals for the use of consultants, to ensure that HR was aware as to who was being engaged and why, ensuring that HR would be able to answer any queries, avoid potential fines from HMRC and be compliant with all other employment legislation.

Members discussed a number of issues including a request that a report be submitted to this Committee on a six monthly basis setting out the use of consultants including their role and an explanation why existing staff could not have been used, whether the 85 consultants included the use of the same

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consultant more than once, and the use of Supporting People contracts consultants.

The Assistant Director, Organisational Services, stated that it would be possible to report back to this Committee on a six monthly basis, that the 85 consultants included consultants used for more than one project and that she was only aware of one consultant used in respect of Supporting People contracts.

Decision:

1. The Committee noted the information in the report.
2. The Committee agreed that a report be submitted on a six monthly basis setting out the use of consultants including their role and an explanation why existing staff could not have been used.

588 Review of Domestic Abuse Workplace Policy

Discussion:

This report provided details of a review of the Domestic Abuse Workplace Policy, following initial approval by the Committee in April 2009 and review in June 2010. It was reported that domestic abuse reduced an employee's ability to work and had an economic and attendance impact far beyond any sickness absence resulting directly from injuries received during abuse. Therefore, the policy had been developed to support employees' health and wellbeing at work. It covered the internal and external support available to employees experiencing domestic abuse, including special leave provisions and signposting to external sources of advice and help.

The report set out the proposed changes to the policy following consultation. A Diversity Impact Assessment (DIA) had been undertaken on the policy and it was found not necessary to carry out a full impact assessment. The proposed changes to the policy had not necessitated a review of the DIA on this occasion.

Members discussed a number of issues including the appointed persons (paragraph 4.1 of the report), the level of expertise and training, mentors, whether the policy applied to schools and the possibility of a review in a shorter timescale.

The Employee Relations Manager stated that training was provided, that there was a level of expertise through some of the managers' roles (for example, safeguarding children) and that experienced managers would act as mentors. The Head of HR stated that this policy would be recommended to schools governing bodies for approval. Generally, schools governing bodies would agree policies recommended by the Council.

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Decision:

1. The Committee noted the content of the report and agreed the revised policy attached at Appendix A to the report.
2. The Committee asked officers to submit a review of this policy to this Committee in one year's time.

589 Budget Proposals and Implications for Staff

Discussion:

This report provided details of 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. The Employee Relations Manager paid particular attention to the establishment of the CCTV Partnership and the Stirling Centre transfer to King's School, Rochester.

In addition, it was noted that there had been 20 Employment Tribunal applications lodged from January 2011 to date, where the Council had been a named Respondent. Seven of these claims related to redundancy dismissals. To date the Council had successfully defended all claims that had gone to a hearing.

Members asked that once specific reviews had been completed, that they be removed from future reports.

Decision:

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

590 Whistleblowing Report on Instances - September 2011 - September 2012

Discussion:

This report provided details of issues raised under the Whistleblowing Policy between September 2011-September 2012, as set out in paragraph 3 of the report. The Audit Committee had considered this report on 26 September 2012 and its comments were set out in paragraph 4 of the report.

The Assistant Director, Organisational Services, informed the Committee that "Public Concern at Work", a charity, had offered to review Medway's whistleblowing systems.

Members asked what the timescale was for this review. The Assistant Director, Organisational Services stated that the Assistant Director, Legal and Corporate Services, had contacted the charity for an update on the timescale and she

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confirmed that the review would be reported back to both the Employment Matters Committee and the Audit Committee.

Decision:

1. The Committee noted the contents of the report.
2. The Committee asked that the outcome of the review of the Council's whistleblowing systems be reported back to this Committee.

591 Equalities Working Group

Discussion:

This report provided details of a meeting of the Equalities Working Group held on 22 October 2012. Key issues were set out in the report including the recent Be Yourself at Work conference and the Council's 2013 workplace equality submission to Stonewall.

Members discussed a range of issues including the possibility of changing start times of conferences and meetings to increase staff attendance.

Decision:

The Committee noted the report.

592 Employee Code of Conduct

Discussion:

This report provided details of a reference from the Audit Committee following its consideration of a suspected irregularity regarding secondary employment. The Audit Committee had asked the Employment Matters Committee to review the Employee Code of Conduct and existing policies to check they were suitably robust to ensure that there was no repetition of this situation.

Members sought clarification on paragraph 15.5 of the Employee Code of Conduct (E-Mail), with particular reference to the auto-forwarding of emails not being permitted in accordance with Government Connect. The Assistant Director, Organisational Services undertook to review this issue.

Decision:

1. The Committee noted the contents of this report.
2. The Committee recommended to Full Council an amended Employee Code of Conduct as set out in Appendix A to the report.

593 Exclusion of the Press and Public

Decision:

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 13 (Early Retirement and Severance Payments) because consideration of these matters in public would disclose information falling within paragraph 1 of part 1 of Schedule 12A to the Local Government Act 1972 and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

594 Early Retirement and Severance Payments

Discussion:

This report provided information on early retirements and severance decisions between June 2012 – September 2012.

Decision:

The Committee noted the report.

Chairman

Date:

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