

**Medway Council**  
**Meeting of Employment Matters Committee**  
**Thursday, 26 September 2013**  
**7.00pm to 7.35pm**

**Record of the meeting**

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

- Present:** Councillors: Avey, Clarke, Christine Godwin, Paul Godwin, Irvine and Wicks (Chairman)
- Substitute:** Councillor Mrs Diane Chambers (Substitute for Mackinlay)
- In Attendance:** Paula Charker, Employee Relations Manager  
Ralph Edwards, Head of HR  
Wayne Hemingway, Democratic Services Officer  
Peter Marshall, Solicitor  
Tricia Palmer, Assistant Director, Organisational Services

**407 Record of meeting**

The record of the meeting held on 4 July 2013 was agreed and signed by the Chairman as correct.

**408 Apologies for absence**

An Apology for absence was received from Councillor Mackinlay.

**409 Urgent matters by reason of special circumstances**

There were none.

**410 Declarations of disclosable pecuniary interests**

There were none.

**411 Pay and Grade Review**

**Discussion:**

This report provided an update on the Pay and Grade Review project since the last meeting of the Committee. Significant amount of work had taken place to review the options available and to model the cost of staffing implications of any proposals. Three options were set out in the report for consideration, as set out in paragraph 3 of the report. It was noted that the report did not recommend option 1 (retain the current grading scheme) for further consideration as it did

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not address the long pay scales or the inequalities in relation to incremental progression. Options 2 (implement a new pay and grade structure) and 3 (retain current grades, but reduce to five points) were recommended for further consideration.

It was noted that the Pay and Grade Review Working Group and the Joint Consultative Committee (JCC) had met earlier the same day to discuss the proposals. It was noted that at JCC the Assistant Director, Organisational Services had stated that work had commenced on a further option (a variation of option 2) which would reduce the number of employees requiring pay protection to approximately 80. In addition, JCC discussed the consultation periods, the information required to respond to the proposals and the proposed performance management scheme.

Members referred to the earlier discussions at JCC with particular reference to the need for the long term financial implications of the options to be provided to Members.

The Committee accepted this item as urgent to enable officers to continue to work on the proposals.

### **Decision:**

The Committee agreed to further work taking place on options 2 and 3 or any variance thereof of options 2 and 3 with a view to commencing consultation on both options. This further work will include a more detailed analysis of types of posts affected by the proposals and the longer term financial implications over a four year period. Special JCC and Employment Matters Committees will be arranged to review the pay modelling and its implications and formally agree to commence consultation.

## **412 Probationary Procedure**

### **Discussion:**

This report set out proposals for a revised Probationary Procedure. The current Probationary Procedure had been agreed by the Committee in September 2007 and the review of the Procedure was set out in paragraph 4 of the report. The key proposed changes to the Procedure were to provide that all new joiners to Medway Council would be subject to a probationary period, irrespective of whether or not they have continuous local government service, that any appeals against a decision to terminate employment during the probationary period be heard by a senior manager, rather than a Member panel and newly qualified social workers will be subject to a 12 month probationary period in line with the assessed and supported year in employment scheme.

The report provided details of representations on the proposals from UNISON and GMB.

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A Diversity Impact Assessment (DIA) had been carried out on the proposals as set out in Appendix F to the report.

Members discussed a number of issues including whether this procedure formed part of the collective agreement, whether greater clarity could be provided around the definition of senior managers, whether there could be an increase in appeals as a result of revisions to the procedure and the potential loss of goodwill with the trade unions in the light of the pay and grade review. A typographical error was highlighted in paragraph 5.5.1 of the procedure and clarification was sought as to what “normally” meant in paragraph 5.5.2 of the procedure. Members also asked how many staff typically were subject to the procedure.

The Employee Relations Manager responded that the procedure was not part of the collective agreement, that senior manager should be referred to as Assistant Directors or above from a separate service and more senior than the original officer hearing the appeal. She stated that greater support would be given to new entrants starting at Medway through the induction process and this would be monitored by HR, therefore, it was hoped that there would not be an increase in appeals. She also stated that with regard to paragraph 5.5.2 of the procedure that extensions may be granted if an employee, for example, had been ill during the probationary period and that whilst 3 months was the normal period for extensions, it could be longer in some circumstances. She stated that typically 3%-5% of new entrants may need support in reaching the necessary standards during the probationary period and that the mentoring scheme was still used as part of this process.

### Decision:

- a) The Committee agreed to the implementation of the revised Probationary Procedure, as set out on Appendix A to the report subject to greater clarification being included within the procedure regarding the definition of senior managers and to ensure that any appeal is heard by a more senior manager to that of the original hearing.
- b) The Committee agreed the amended terms of reference for the Employment Matters Appeals Panel, as set out in paragraph 4.9 of the report, subject to Full Council approval of the amended terms of reference for the Employment Matters Committee, as also set out in paragraph 4.9 of the report.
- c) The Committee agreed that officers review the Probationary Procedure bi-annually and report to Committee when necessary with any changes.

## 413 Use of Consultants

### Discussion:

This report provided an update, as requested at the last meeting of the Committee, on the use of consultants within the Council. There were around 60 consultants/consultancy firms being used across the Council at any one time and they were used for a variety of reasons across a number of projects. In the

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main they were short-term projects where the Council did not have the specialist expertise and it was cost-effective to buy it in as required.

The report provided detailed information regarding the type of work and the reason for using consultants together with details regarding costs.

Members discussed a number of issues including the number of consultants paid for by external european funding.

### **Decision:**

- a) The Committee noted the information in this report.
- b) The Committee requested a briefing note providing details of those consultants funded by external european funding.

## **414 Budget Proposals and Implications for Staff**

### **Discussion:**

This report updated the Committee on new reviews and transfers since the last report to Committee (4 July 2013) together with a summary of Employment Tribunals lodged. The report provided details of individual reviews together with summary positions with regards to reorganisations in schools and the transfer of schools to academy status. There had been three employment tribunal applications lodged since the last report to Committee.

Members discussed a number of issues and sought clarification on the role of the Council once employees had been transferred to new service providers, especially around employees' terms and conditions. Particular reference was made to the Council's procurement process and whether the Council was sufficiently rigorous in finding out bidders' intentions with regard to transferred staff. Examples were given including recent transfers of staff to Medway Norse and Agincare. Members also discussed the notice periods given to trade unions for meetings about proposed transfers.

The Employee Relations Manager stated that the Council discharged its responsibility to employees transferring to new service providers correctly. This included a lengthy letter to new service providers which requested information on any future proposals regarding employees' terms and conditions. The Council gave as much notice as possible regarding meetings with Trade Unions on proposed transfers although this relied upon the service directorates contacting HR as early as possible.

### **Decision:**

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

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- b) The Committee requested that the Council's procurement process be reviewed to ensure that contract bidders provide full information on their intentions regarding staff's terms and conditions during the tender process.

**Chairman**

**Date:**

**Wayne Hemingway, Democratic Services Officer**

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