

Medway Council
Meeting of Employment Matters Committee
Wednesday, 9 September 2015
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, Godwin, Hicks, Murray and Wicks (Chairman)
- Substitutes:** Councillors:
Howard (Substitute for Saroy)
Iles (Substitute for Fearn)
- In Attendance:** Tricia Palmer, Assistant Director, Organisational Services
Carrie McKenzie, Head of HR and Organisational Change
Estelle Bonney Andrews, Lawyer People Team
Michael Turner, Democratic Services Officer

287 Record of meeting

The record of the meeting held on 17 June 2015 was agreed and signed by the Chairman as a correct record.

288 Apologies for absence

Apologies for absence were submitted from Councillors Saroy and Fearn.

289 Urgent matters by reason of special circumstances

There were none.

290 Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

291 Gender Reassignment Policy

Discussion:

Members considered a report seeking agreement to the introduction of a Gender Reassignment policy. The policy and supporting guidance had been produced to support employees making the transition to a new gender identity.

Members were advised that transgender treatment was not viewed by the Council as cosmetic or elective and employees would not be disadvantaged for taking time off for gender reassignment. In response to a question, the Committee was assured that time taken off for gender reassignment treatment would be recorded separately from sickness absence and would not be used for absence management or monitoring purposes.

In response to a question about the number of named contacts who would act as a first point of information for employees and line managers on transgender issues, Members were advised that there would be one named contact per Directorate, who would be carefully selected.

A Member asked for an assurance that an employee who started the process of transition and took time off work as a result but then chose not to pursue transition would not be discriminated against in any way. The Assistant Director gave this assurance and emphasised that Managers would be encouraged to be supportive and act sensitively in such circumstances and employees would not be discriminated against regardless of what decision they took.

A Member referred to the statement in the Policy that the Council would take steps to eliminate bias when making recruitment decisions and asked for clarification about what these steps might be. The Assistant Director replied that gender reassignment issues would not normally be mentioned in a job application but nevertheless she expected the recruitment process to be thorough and in accordance with policies and for there to be no discrimination on any grounds.

Decision:

The Committee:

- (a) approved the Policy, as set out in Appendix A to the report, and;
- (b) agreed to review the Policy in two years time and that any proposed changes are referred to this Committee.

292 Review of Pay Progression Scheme

Discussion:

Members considered a report on the implementation of the MedPay pay progression scheme. The MedPay Policy set out how staff were to be

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remunerated using a form of pay progression that was directly linked to the achievement of personal targets and reaching a specific level of competence. The annual Performance Development Review (PDR) process was the vehicle used by managers to discuss an individual's performance and also agree any areas of development.

Following a review of the Scheme a number of suggestions had been received about possible changes, which would be shared with all employees and trade unions for comment, after which any proposed changes to the scheme would be brought to the Committee for agreement.

A Member referred to the moderation that took place whereby some people had been moderated down from Level 1 (excellence) to Level 2 (performance to required standard) and asked what numbers were involved; who did the moderating and whether cases were looked at on their merits without budgetary constraints taken into account. The Assistant Director replied that moderation happened at several levels. All cases were considered by HR so that an overview could be obtained. Level 1 recommendations were considered by the relevant Assistant Director, Directorate Management Team and finally the Corporate Management Team. Whilst funding was inevitably a consideration more Level 1 awards had been made than originally anticipated and the process had been robust. Where appropriate, managers were advised of the existence of other forms of reward for staff who had been moderated down to Level 2.

A Member noted that 100% of employees had been assessed under the scheme and asked how staff on long term sickness had been dealt with. The Committee was advised that such staff had been automatically assessed as Level 2.

Referring to the risk assessment section of the report a Member commented that this did not take into account an obvious risk which was not all employees carried out a role which afforded them opportunities to achieve Level 1. The Assistant Director acknowledged this was a difficult issue to resolve but pointed out all staff were on a level playing field when it came to a Level 2 assessment and HR did try to help managers identify alternative forms of reward for staff where Level 1 was not possible but nevertheless some recognition was appropriate.

In response to a question Members were advised the size of the sample group referred to was 700 which Members considered a good size.

A Member asked what had happened to the 39 staff at Level 3 (performance improvement required) and officers replied that a variety of actions and outcomes applied depending on the reasons in each case. Some employees had been given additional training; some were subject to capability procedures and some had concluded they were not suitable to continue in their role.

In terms of the 23 staff who had achieved Level 1 a Member asked if an analysis had been carried out to see which Directorates they were from in case

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there was any bias. Officers replied that the 23 employees were spread widely across the Council.

A Member asked how many employees had exercised their right to appeal against their Medpay level. The Assistant Director advised that no appeals had been lodged but the right to appeal had been clearly communicated to all staff.

Decision:

The Committee agreed to:

- (a) note the report
- (b) instruct the Assistant Director, Organisational Services to commence consultation as outlined in paragraph 6.1 of the report and make further recommendations to this Committee.
- (c) refer the outcome of the review and the proposals for change to the Joint Consultative Committee prior to consideration by the Employment Matters Committee.

293 Proposed Reorganisations

Discussion:

Members considered a report which covered new reviews and transfers since the last report.

A Member referred to the issue of schools with children's centres who were preparing to transfer to academy status and what appeared to be varying practices amongst governing bodies about whether children's centres staff would transfer under TUPE regulations. Whether guidance could be issued to primary schools on this issue was referred to. The Assistant Director undertook to discuss this with colleagues in the Children and Adults' Services Directorate but the role of HR would be to advise on the TUPE implications for the Council as an employer.

Referring to the recent appointment of the Director of Regeneration, Community and Culture a Member asked when the details of any subsequent reorganisations would be reported to the Committee. The Assistant Director replied that the appointment has only recently been made and she had no information at this stage about any reorganisations.

Decision:

The Committee agreed to note the present position and the support arrangements for staff.

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294 Exclusion of the Press and Public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of the exempt material contained within agenda item 9 (Early Retirements and Severance Payments) because consideration of this matter in public would disclose information falling within paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 12 (Exclusion of Press and Public) 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.

295 Early Retirement and Severance Payments

Discussion:

Members considered a report which set out all decisions taken in relation to early retirements and severance payments for the period 1 January 2015 to 30 June 2015

Decision:

The Committee agreed to note the report.

Chairman

Date:

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