

Medway Council
MEETING OF EMPLOYMENT MATTERS COMMITTEE
Thursday, 1 April 2010
7.00pm to 8.45pm

RECORD OF THE MEETING

PRESENT:	Councillors: Carr (Chairman), Andrews, Maple and Ruparel	
Substitutes:	Councillor Sylvia Griffin (Substitute for Councillor John Avey) Councillor Paul Harriott (Substitute for Councillor Julie Shaw) Councillor Les Wicks (Substitute for Councillor Kenneth Bamber)	
In Attendance:	Elizabeth Benjamin	Senior Lawyer - Litigation
	Paula Charker	Head of Human Resouces
	Sandy Eldridge	Advice and Consultancy Manager
	Barbara Guess	Senior HR Adviser
	Helen Gulvin	Assistant Director, Children's Care
	Tricia Palmer	Assistant Director Organisational Services
	Wayne Hemingway	Cabinet Coordinator

710 RECORD OF THE MEETING

The record of the meeting held on 10 February 2010 was agreed and signed by the Chairman as correct.

711 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Avey, Kenneth Bamber and Shaw.

712 DECLARATIONS OF INTEREST

Councillor Harriott declared a personal interest on agenda item 5i (Political Assistants Consultation) insofar that he has a working relationship with the Labour Group Political Assistant and retained his right to speak and vote on the item.

Councillor Maple declared a personal interest in all items on the agenda insofar that he is a Trade Union employee (GMB) and retained his right to speak and vote on the items. He also declared a personal interest on agenda item 5i (Political Assistants Consultation) insofar that he has a working relationship with the Labour Group Political Assistant and retained his right to speak and vote on the item.

Employment Matters Committee, 1 April 2010

Councillor Ruparel declared a personal interest on agenda item 5i (Political Assistants Consultation) insofar that she has a working relationship with the Liberal Democrat Group Political Assistant and retained her right to speak and vote on the item.

Tricia Palmer declared a personal interest, in accordance with section 15.4 of the Council's Protocol on Member/Employee Relations, on behalf of all staff present, on agenda item 5e (Politically Restricted Posts), insofar that those staff present were currently employed in politically restricted posts.

713 REVISION TO CAREER FRAMEWORK FOR SOCIAL WORKERS

Discussion:

The Assistant Director, Children's Care submitted a report which updated the Committee on the introduction of the Career Framework for Social Workers, as agreed on 13 October 2009, and proposed a revision to the Framework. The report set out a number of concerns about the current scheme which had not been foreseen, regarding staff who wished to undertake post-qualification awards. Therefore, a revised Competency Framework had been developed to replace the existing Framework.

It was noted that a Diversity Impact Assessment had been carried out on the original proposals.

Members discussed a number of issues including when reviews could be undertaken regarding progress through the framework, the relationship with capability procedures and that the review back to Committee should include information on the impact the revised framework had on recruitment and retention.

Decision:

- (a) The Committee agreed to the implementation of the revised Competency Framework (as attached at appendix B to the report) for main grade social workers with effect from 1 April 2010.
- (b) The Committee agreed that a review of the revised Competency Framework be brought back to Committee in twelve months' time.

714 REGISTRATION COSTS FOR THE INDEPENDENT SAFEGUARDING AUTHORITY (ISA)

Discussion:

The Assistant Director, Organisational Services, submitted a report which updated the Committee on the decision made at Council on 25 February 2010 to set aside £20,000 for the cost of Independent Safeguarding Authority (ISA) registration for existing non-schools based staff (£28 per individual ISA

Employment Matters Committee, 1 April 2010

registration). The Committee originally agreed to the implementation of the ISA Vetting and Barring Scheme on 9 September 2009 in response to legislation.

The report clarified how the Council expected staff, not covered above, would pay the £28 registration charge. It was also noted that the £20,000 costs for existing non-schools based staff and others involved in regulated activity had been agreed by Council on a recurring basis, however, future costs would need to be built into future budgets.

Members discussed a number of issues including the need to inform schools of the current position as soon as possible, and the need to review the policy on CRB checks.

Decision:

- (a) The Committee agreed the following for new recruits and others involved in regulated activity:
 - (i) The Council will continue to pay the £36 CRB charge and individuals will have to pay the additional £28 registration fee for ISA from 26 July 2010.
 - (ii) The Council would pay both costs together and then deduct the ISA registration element of £28 from the first monthly salary payment (or over a longer period in cases of hardship).
 - (iii) The same principle would apply to applicants not on the payroll, such as fostering/adoption and carers in the shared lives service for adult placements.
- (b) The Committee agreed the following for existing non schools based employees and others involved in regulated activity:
 - (i) The Council will continue to pay the £36 CRB charge and the additional £28 registration fee for ISA.
- (c) The Committee agreed the following for existing schools based employees (including Foundation and Voluntary Aided Schools) where the Council is the employer:
 - (i) The Council will continue to pay the £36 CRB charge and the additional £28 registration fee for ISA will be paid for from schools' budgets.
- (d) The Committee agreed that with regard to the policy for rechecking CRB checks every three years, that this be reviewed in 2012 once the ISA registration process has been embedded.

715 WHISTLEBLOWING POLICY

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out the proposed Whistleblowing Policy following its initial consideration at Audit Committee on 17 December 2009 and subsequent consultation. It was noted that it was proposed to add the policy to the Council's constitution, therefore, its agreement was a matter for Council on 15 April 2010.

A Diversity Impact Assessment had been undertaken on the proposals and it was noted that it was not necessary to undertake a full impact assessment.

Members discussed a number of issues including the recommendations from the Audit Committee on 17 December 2009 with particular reference to whether it was appropriate to contact Councillors under this policy as a last resort. The Committee discussed whether Trades Unions and the Council's Equalities Forums could be added to section 10 of the policy (How to raise a concern) and whether section 16 of the policy (Responsible officer) could be re-worded to reflect that all uses of the policy be reported to the Audit Committee. The Committee also discussed whether all formal whistleblowing complaints be recorded.

Decision:

The Committee recommended approval of the Whistleblowing Policy to Council subject to the Policy being amended to reflect that all formal whistleblowing complaints being recorded.

716 POLITICALLY RESTRICTED POSTS

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out a number of changes to politically restricted posts as a result of a number of provisions set out in the Local Democracy, Economic Development and Construction Act 2009. The report set out the Council's existing policy on these posts and the type of political activity that those postholders were able to carry out. The new legislation provided that politically restricted posts would fall into two broad categories: specified posts and sensitive posts. It was proposed that the Council consult on the implementation of the new legislation.

Decision:

- (a) The Committee agreed that the existing remuneration level of Spinal Column Point (SCP) 44 and above is retained and all posts are included in the list of Politically Restricted Posts for the interim period whilst assessment of sensitive posts and consultation is undertaken and a further report is brought back to Committee, as set out in paragraph 7.1 of the report.

Employment Matters Committee, 1 April 2010

- (b) The Committee noted the revised legislation and agreed that the specified posts set out in the legislation and the posts set out in paragraph 5.3 of the report continued to be regarded as politically sensitive posts.

717 REVIEW OF SHORT NOTICE LEAVE POLICY

Discussion:

The Assistant Director, Organisational Services, submitted a report which reviewed the implementation of short notice leave provisions, as agreed by the Committee on 22 January 2009. It was noted that there had not been any adverse feedback to the implementation of this policy and there were no proposals to change the provisions.

Decision:

The Committee noted the content of the report.

718 EQUALITIES WORKING GROUP UPDATE

Discussion:

The Assistant Director, Organisational Services, submitted a report which updated Members on a recent meeting between the Equalities Working Group and the Black Workers Forum, Disabled Workers Forum and the Lesbian, Gay, Bisexual, Trans Staff (LGBT) Forum. It was noted that a number of issues had been raised at this meeting and the Working Group had agreed to meet with the various forums on a six-monthly basis.

Decision:

The Committee noted the report and that meetings of the Equalities Working Group and the Forums will be held on a six-monthly basis.

719 EXCLUSION OF THE PRESS AND PUBLIC

Decision:

The Committee agreed to exclude the press and public for agenda items 5h and 5i as they contained information relating to individuals under paragraph 1 of part 1 of schedule 12A of the Local Government Act 1972.

720 EARLY RETIREMENTS AND SEVERANCE PAYMENTS

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out information on early retirements and severance decisions between 1 December 2009 – 28 February 2010.

Employment Matters Committee, 1 April 2010

Decision:

The Committee noted the report.

721 POLITICAL ASSISTANTS CONSULTATION

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out the consultation responses in relation to the proposed redundancies of the Labour Group and Liberal Democrat Political Assistants.

The Committee considered the consultation responses and the alternative proposals.

Decision:

- (a) The Committee noted the consultation responses.
- (b) The Committee agreed not to accept any of the alternative proposals.
- (c) The Committee confirmed the dismissal on grounds of redundancy for the individuals concerned.
- (d) The Committee agreed that the Employment Matters Appeals Panel will hear any appeals as appropriate.

(The following Councillors requested that their votes be recorded in accordance with section 11.5 of the Council Rules: Councillors Andrews, Carr, Griffin and Wicks – for the decisions and Councillors Harriott, Maple and Ruparel – against the decisions)

Chairman

Date:

Wayne Hemingway, Cabinet Co-ordinator

Telephone: 01634 332509

Email: democratic.services@medway.gov.uk

Employment Matters Committee, 1 April 2010

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