

Medway Council
Meeting of Employment Matters Committee
Wednesday, 2 December 2020
7.00pm to 8.38pm

Record of the meeting

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

Present: Councillors: Carr, Fearn (Chairman), Hackwell, Khan, Mahil, Prenter and Thompson

Substitutes: None

In Attendance: Samantha Beck-Farley, Head of HR
Nick Morgan, HR Consultant
Mark Parker, Legal Services
Nicola Smith, Business Partner Schools
Nicola Trainor, Assistant Head of HR
Michael Turner, Democratic Services Officer

455 Apologies for absence

There were none.

456 Record of meeting

The record of the meeting of the Committee held on 11 August 2020 was agreed as a correct record and signed by the Chairman

457 Urgent matters by reason of special circumstances

There were none.

458 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

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Other interests

Councillors Khan and Mahil disclosed that they were members of the GMB.

Councillor Prenter disclosed that he was a member of ASLEF but noted that this union had no dealings with the Council.

Councillor Hackwell disclosed that his wife worked on a part time basis for the Adult Education service in Medway

459 Pay negotiations 2021/22

Discussion:

Members considered a report on the progress of the pay negotiations for the financial year 2021/2022.

The Head of HR reported that the Council had now received the following pay claim from Unison:

- 1.3 % across the board cost of living increase (October RPI figure).
- Minimum of Living Wage Foundation Living Wage, for all staff.
- 2 extra days annual leave, for all staff

In addition, Unison wanted to discuss travel allowances and Performance Development Reviews in the context of the ongoing public health situation.

The Head of HR added that it had not yet been possible to produce an analysis of this claim and it would be discussed with the Chief Executive in the next few days. GMB had not confirmed whether they would support this as a joint claim.

During the discussion, a comment was made that staff this year had worked extremely hard in often very difficult circumstances and this should be recognised by the Council when agreeing the pay award, including anything else that could be agreed to support staff, particularly as a claim for a 1.3% increase in pay seemed very reasonable.

Reference was made to a comment at the Business Support Overview and Scrutiny Committee recently that there would be no pay rise in 2021/22 in light of a possible pay freeze for public sector pay nationally. Noting that the latter had not yet been agreed, the point was made that the Council's messaging on this issue needed to be clear. The Head of HR commented that she would ensure staff were aware that the Medium Term Financial Strategy assumed a pay award resulting in an annual uplift of 1% for staff at £860,000 and that the Council was entering into negotiations with the Trade Unions on pay.

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Decision:

The Committee agreed to note the report, note the delay of the Trade Union pay claim, and agree to discuss this in January 2021.

(In accordance with Council Rule 12.6, Councillors Khan, Mahil and Prenter asked that their votes in favour be recorded.)

460 Staff Survey on Working Arrangements

Discussion:

Members considered a report which accompanied a short presentation on the results of a survey on the working arrangements experienced by employees whilst the Council had been responding to the pandemic. The survey aimed to capture feedback on the current experience and thoughts from the workforce on how to take forward good practice into new ways of working, and how any concerns employees were facing could be eliminated.

The comments of the Business Support Overview and Scrutiny Committee on this paper were set out in a supplementary agenda.

Members welcomed the report and the proposed way forward. The following issues were discussed:

- **Annual Leave** – given the difficulties some staff had experienced in taking annual leave this year, it was queried whether the Council would allow extra days leave to be carried forward into the following leave year. The Head of HR advised that, as a result of the pandemic, legislation had been introduced to allow employees to carry forward additional leave. The team had produced a calculator to assist with this. Staff had been encouraged to take leave.
- **Productivity** – regarding the intention to explore how Microsoft Analytics could be used to understand the frequency of collaboration and focus time, how this would operate in practice and how it could be applied fairly, given the many different jobs across the Council, was questioned. The Head of HR advised that Microsoft Analytics produced weekly reports summarising activity. The system allowed managers to see how people were managing their time and could analyse work patterns and automatically encourage staff to take leave. It could help individuals to manage emails and pre-populate blocks of time in a calendar for focus.

The point was made that there might be some resistance to this from staff if they perceived it to be a means by which Managers were closely monitoring their activities. The Head of HR assured Members that this was not the Council's intention and the approach was one of trust and autonomy. Managers would receive summaries but not in relation to individual cases, which would only be seen by individual employees. The Head of HR confirmed that Microsoft Analytics would not be used in

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performance reviews or in disciplinary matters. In response to a question whether the program could be turned off by an individual, the Head of HR said she would look into to whether that was possible.

The importance of off the cuff conversations in the workplace was mentioned and how this could be replicated in this new way of working was queried. The Head of HR acknowledged this point and commented there were several ways to foster informal conversations and employees were being discouraged from automatically setting up Teams meetings to communicate with each other. The plan was to set up collaborate, relaxed spaces in Gun Wharf where more natural conversations could take place.

- **Repeating the survey** – whether there were plans to repeat the survey, possibly in a different time of year, was queried. The Head of HR commented that the survey had been extensive and specific areas would now be examined in greater detail. There was no date yet to carry out another survey, but she recognised that the time of year it was done could impact on the results.

Decision:

The Committee noted the report.

(In accordance with Council Rule 12.6, Councillors Khan, Mahil and Prenter asked that their votes in favour be recorded.)

461 Whistleblowing, Anti-Bribery and Anti-Money Laundering Policies - Report on instances September 2019 - September 2020

Discussion:

Members considered a report on the nature of concerns raised, between September 2019 and September 2020, under the Council's Whistleblowing, Anti-Bribery and Anti-Money Laundering Policies.

The Head of HR advised that the reference in paragraph 3.1 to three concerns was incorrect and there had only been two, as detailed in the table.

Questions were asked about what was meant by the initial stage of the investigation, how the Council differentiated between grievances and cases of whistleblowing and the extent of employee awareness of how to access the policy. The Head of HR advised that the initial stage was where a concern had been investigated and a decision was made whether there was a case to answer or not. If it was decided that there was no case to answer and the person who had raised the issue disagreed with that decision, then there was a second stage whereby they could refer the matter to the Chief Executive. Grievances were not dealt with under the policy, but HR kept records of grievances which were monitored to see how many were upheld etc. Grievances were dealt with under a different policy and usually related to

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personal complaints against an individual whereas cases of whistleblowing tended to raise wider public interest issues. The employee induction pack had been updated and provided links to various policies. As it was not always clear which policy should be followed to raise a concern, under the new proposed Speak Up Policy (see minute below) individuals would not have to decide which route to choose to raise a concern as this would be a matter for the Response Group to determine.

Decision:

The Committee agreed to note the report.

(In accordance with Council Rule 12.6, Councillors Khan, Mahil and Prenter asked that their votes in favour be recorded.)

462 Speak up Policy (Whistleblowing)

Discussion:

Members considered a report which advised that the current Whistleblowing Policy had recently been reviewed, updated, and rebranded as the Speak Up Policy.

Set out in a supplementary agenda were some proposed amendments to the new policy following consultation and also a revised version of the policy which incorporated comments and suggestions made at the Audit Committee on 19 November.

The following issues were discussed:

- **Change in name of policy** – the change in name was welcomed and avoided the stigma that could be attached to the concept of whistleblowing.
- **Concerns which could be raised under the policy** – some of the wording of this section was queried, including what was meant by acts that “might” occur, what a miscarriage of justice might constitute and whether the reference to seeking confidential advice to determine whether a concern would be legally protected should be strengthened. It was also suggested that individuals should be able to raise concerns about a Council owned company under the policy. The Head of HR replied that the reference to “might” was to reflect situations where an intent to commit unethical or unprofessional conduct was present, but this had not yet been acted on. The reference to miscarriage of justice would be made clearer. Council owned companies had a separate whistleblowing process. Section 4 of the policy referred to employees of the Council’s companies being able to raise a concern under the policy, which would be considered by the Response Group and then referred to the company to be dealt with. The Head of HR commented that the

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policy would need to make that process clear. The support available when confidential advice was sought would be added.

- **Schools** – it was agreed that Section 7 of the policy should make it clear that this did not apply to Academies so as to reflect the statement in Section 4 that staff in Academies could not raise concerns under the policy.
- **Monitoring** – it was suggested that the reference to “whistleblowing” in this section be replaced with “speak up cases”.

Decision:

The Committee agreed to:

- a) recommend to Full Council the revised version of the Policy, as set out in the Supplementary Agenda, subject to the incorporation of the further proposed amendments to the policy following the consultation, as also set out in the Supplementary Agenda.
- b) note that the Head of HR would look at how to incorporate the comments and suggestions made at the meeting and share an updated version of the policy before it was submitted to Council.

(In accordance with Council Rule 12.6, Councillors Khan, Mahil and Prenter asked that their votes in favour be recorded.)

463 Workplace Domestic Abuse Policy Update

Discussion:

Members considered a report which advised that the Council’s workplace Domestic Abuse Policy had been in place since 2009 and had been updated regularly. The Policy had recently been updated and as the proposed revisions were fairly substantial, these had been consulted upon. The consultation period had ended on 25 November 2020 and the results of this were set out in a supplementary agenda. With regard to the latter, Members were advised that the reference to October 2019 on page 27 of the pack should read October 2020.

The following points were raised:

- **Data in report** – it was suggested that the references to figures and percentages in the policy should include their source and when they dated from.
- **Scope of policy** – whether the policy also applied to Council owned companies and Medway Norse was queried. Members were advised that the Council may be able to use its influence with Council owned companies and Medway Norse to persuade them to adopt the policy.

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- **Warning signs of domestic abuse** – noting that a reluctance to finish work or starting work earlier was one of the possible warning signs listed in the policy, the point was made that working from home was now much more common and working in a council building could be a safe haven. The point was also made that it was more difficult for managers and colleagues to pick up on warning signs where an employee was working from home. In addition, the abuser could be within earshot of a victim when conversations were taking place without this being known. In response to a question, Members were advised that the training for Managers dealt with these issues.
- **Children and vulnerable adults at risk of abuse** – it was suggested that the telephone numbers of other councils be included to assist employees who lived outside Medway if they needed to contact their council for advice. Members were advised that managers and employees had access to the Kent Domestic Abuse website which was referenced in the policy and allowed people to access support based on where they lived in Kent.
- **Employer's safety plan checklist** – whether credit and debit cards and a mobile phone should be added to the list of things mentioned in the policy for people to consider taking when leaving home was raised. Officers agreed to look at this but the point was made that mobile phones could also be used to track a person. The police would loan a mobile phone to someone they were supporting for their use if they had to leave their home.
- **Communication of policy** – officers agreed to investigate further a suggestion that the support available to staff under the policy be made known to their spouses and other family members.

Decision:

The Committee approved the revised Workplace Domestic Abuse Policy, as set out in Appendix 1, including the proposed amendments to the policy following the consultation, as set out in the Supplementary Agenda.

(In accordance with Council Rule 12.6, Councillors Khan, Mahil and Prenter asked that their votes in favour be recorded.)

464 Organisational Change

Discussion:

Members considered a report which detailed new reorganisations of services and transfers under the TUPE regulations for the period 1 July 2020 to 31 October 2020 and updates on on-going reviews that had previously been reported at Employment Matters Committee but not concluded.

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Referring to the 7 compulsory redundancies at the Splashes Sports Centre, the point was made that the report considered by Full Council on the refurbishment of the centre had not made it clear that redundancies would follow.

In response to a question about likely future re-organisations due to the effect of the pandemic on the Council's finances, Members were advised that HR did not have any long-term forecasts of future re-organisations. The issue of where responsibility for re-organisations should sit in the Council was being looked at. Currently some were dealt with by HR and some by the Transformation team. In future it had been proposed this should be the responsibility of one of the teams and therefore managed by one service.

Decision:

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

(In accordance with Council Rule 12.6, Councillors Khan, Mahil and Prenter asked that their votes in favour be recorded.)

465 Early Retirement and Severance Payments

Discussion:

Members considered a report setting out all decisions taken in relation to early retirements and severance payments for the period 1 April 2020 to 30 September 2020. The report also sought approval to consult on removing discretionary pension enhancements to teachers who were made redundant. While the report suggested any change should come into force on 1 April 2021, Members were recommended that this should be changed to 8 April so that the outcome of the consultation could be considered by the Committee at its meeting on 7 April.

The possibility of combining this report with the organisational change report in future, either on a quarterly or bi-annually basis, was suggested.

With regard to the proposal to consult on removing discretionary pension enhancements to teachers who were made redundant, Members were advised that discretionary enhancements continued after death, unlike mandatory enhancements. Questions were asked about which other councils had decided to remove discretionary enhancements, what the consultation process would look like, whether it was just teachers who would be affected, the average monetary disadvantage for those affected, how often discretionary enhancements were not paid, and how many people would be impacted by this change. In response, officers commented that Kent County Council and several London boroughs had removed discretionary pension enhancements many years ago. The consultation paper would include details of where this had happened elsewhere as well details of the impact on average salaries and this would be shared with Members. Schools took decisions on redundancies based on affordability but had no provision to pay for enhancements to pensions,

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which had become custom and practice for maintained schools to offer although many academes no longer did so. This could disadvantage individuals who wanted to take redundancy. It was difficult to quantify how many people would be affected but 17 schools would be potentially affected. The change would only affect anyone who was a member of the teachers' pension scheme. Very few teachers had not received a discretionary payment

Decision:

The Committee:

- a) noted the report and
- b) agreed to consultation on the removal of the award of discretionary pension enhancements to teachers retiring on the grounds of redundancy with effect from 8 April 2021.

(In accordance with Council Rule 12.6, Councillors Khan, Mahil and Prenter asked that their votes to abstain be recorded.)

Chairman

Date:

Michael Turner, Democratic Services Officer

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