

Medway Council
Meeting of Employment Matters Committee
Wednesday, 27 April 2022
7.00pm to 7.18pm

Record of the meeting

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

Present: Councillors: Prenter, Thompson, Thorne and Van Dyke

Substitutes: Councillor Adeoye (Substitute for Mahil)

In Attendance: Sam Beck-Farley, Chief Organisational Culture Officer
Nicola Smith, Deputy Head of Human Resources
Paul Boyd, Chief Information Officer
Stephanie Davis, Democratic Services officer

851 Apologies for absence

Apologies for absence was received from Councillors Carr, Fern and Mahil

Appointment of Chair – Nomination received from Councillor Thompson and seconded by Councillor Prenter for Councillor Thorne to Chair the meeting. Councillor Thorne was appointed as Chairman for the meeting.

852 Record of meeting

The record of the meeting of the Committee held 2 February 2022 was agreed as a correct record and signed by the Chairman.

853 Urgent matters by reason of special circumstances

There were none.

854 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

Councillor Adeoye disclosed that she was a member of the Unison Trade Union.

Councillor Prenter disclosed that he was a member of the ASLEF Trade Union.

Councillor Van Dyke disclosed that she was a member of the Unite Trade Union and received a pension from Unison.

855 Adoption Policy

Members considered a report on the reviewed updated Adoption Policy which had been updated in accordance with government guidance and legislation to extend pay elements of the Policy to those who became parents through surrogacy arrangements.

Decision

Members approved the revised Adoption policy to include reference to surrogacy arrangements as below (Changes bold and italicised):

8.0 Paternity/ Maternity Support Leave

8.1 A block of five or ten days paid leave of absence is granted to the child's father or the partner of the mother at or around the time of birth to provide assistance and support (this leave is also granted in relation to adoption ***and surrogacy arrangements under Adoption Support Leave***).

8.4 Employees must notify their line manager of their intention to take Paternity Leave by the 15th week before the EWC. They should inform their line manager of the EWC, whether they wish to take five or ten days leave and the date they wish to start their leave (28 days notice is required for any change to this date). All employees requesting Paternity Leave should sign the self-certification and request form and supply a copy of the expectant mother's MAT B1 certificate (or Matching Certificate for an adoption/***Written Statement for surrogacy arrangements***)

856 Term Time Only Pay Dispute

Discussion:

Members considered a report which outlined a current pay dispute relating to Term Time Only (TTO) employees' changes to holiday pay calculations and the roll out of individual offers to compensate staff affected.

The Deputy Head of HR (Strategic) informed Members that:

Holiday pay calculations for TTO employees were changed from 1 April 2020 to

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bring the council in line with new national best practice. GMB and Unison logged grievances that pay calculations prior to 1 April 2020 had disadvantaged term time only staff compared to all year-round staff.

Medway sought advice and Advisory Conciliation Arbitration Service (ACAS) involvement, and a series of negotiation meetings took place between May and September 2021 when it was decided that a final employer offer to settle the claim would be made of up to two weeks gross pay for eligible staff.

Medway council had 22 possibly 23 staff affected. 16 community and voluntary controlled schools with an estimated 500 employees on Medway NJC terms and conditions have also been affected by this.

The total number of Academy staff affected was unknown, but most Academies and all Voluntary Aided Schools in the area were affected. 1 Foundation SEN school has also been affected.

Two Trade Unions undertook consultations with their members, and this resulted in different views. Unison accepted the offer of up to two weeks gross pay with 78% of voters, voting in favour following a ballot. GMB advised that 99% of respondents to a consultative survey rejected the employer offer.

Following a meeting with ACAS and the Trade Unions, Medway Council has made the decision to roll out the offer to individuals.

The revenue budget to pay the 22/23 Medway staff affected would be derived from locally managed budgets, with schools and academies to meet the cost for their staff.

A Member asked what was to happen with schools that did not implement the change in pay calculations until after 1 April 2020 and what would happen with the deficit. The Deputy Head of HR (Strategic) advised that whilst the Council implemented the change in April, some Academies did not do so until the summer of that year and there may be some schools that had still not implemented the change. As each individual schools implements the change, ACAS would look at the terms of the COT3 agreement an implementation date would need to be specified which would enable a challenge to ensure that the change had to be implemented/backdated to April 2020 and abide by that date.

Decision:

Members agreed to note the report.

857 Organisational Change

Discussion:

Members considered a report on reorganisation of services and transfers as well as updates on on-going reviews that had been reported in previous meetings that had now concluded.

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Decision:

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

858 Early Retirement and Redundancy Payments

Discussion:

Members considered a report on all decisions taken in relation to early retirement and severance payments for the period 1 October 2021 to 31 March 2022.

Decision:

The Committee agreed to note the report.

Chairman

Date:

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