

Medway Council
Meeting of Employment Matters Committee
Tuesday, 1 February 2011
7.00pm to 7.50pm

Record of the meeting

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

- Present:** Councillors: Avey, Kenneth Bamber, Carr (Chairman), Mackinlay and Maple
- Substitutes:** Councillors:
Burt (Substitute for Tony Goulden)
Juby (Substitute for Ruparel)
- In Attendance:** Elizabeth Benjamin, Senior Lawyer - Litigation
Paula Charker, Head of HR Services
Ralph Edwards, Head of HR Services (Schools)
Wayne Hemingway, Cabinet Coordinator
Tricia Palmer, Assistant Director, Organisational Services

758 Record of meeting

The record of the meeting held on 7 December 2010 was agreed and signed by the Chairman as a correct record.

759 Apologies for absence

Apologies for absence were received from Councillors Tony Goulden and Ruparel.

760 Urgent matters by reason of special circumstances

There were none.

761 Declarations of interest

Councillor Maple declared a personal interest in all items on the agenda because he is a Trade Union employee (GMB) outside Medway and retained his right to speak and vote on the items.

Tricia Palmer (Assistant Director, Organisational Services) declared an interest on agenda item 5 (Proposal to Freeze Increments), on behalf of those staff present who may be affected by the proposals.

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Tricia Palmer (Assistant Director, Organisational Services), declared a personal interest on agenda item 7 (Politically Restricted Posts) on behalf of those staff present who may be affected by the proposals.

762 Proposal to Freeze Increments

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out the details of the proposal to freeze increments and the consultation process with the Trade Unions and staff. Cabinet had agreed to commence consultation on this proposal on 28 September 2010 and this was followed by a report to this Committee on 2 November 2010 which set out details of the proposal together with the consultation process/timetable which ended on 13 January 2011.

The report set out the details of the consultation responses. In summary, 114 individual comments were received together with five group responses. The report included the consultation responses grouped into a number of common themes.

The Assistant Director, Organisational Services, informed the Committee that the Council was negotiating with the Trade Unions on the issue of protection for lower paid staff and that the current proposal was to offer £250 as a one-off payment to those staff earning less than £16,000 per annum. The Assistant Director proposed that the consultation period to negotiate this proposal be set at 21 days subject to agreement with the Trade Unions.

It was noted that a Diversity Impact Assessment (DIA) screening exercise was completed in October 2010 which had indicated that a full DIA was required. This was set out in appendix 2 to the report. The Assistant Director, Organisational Services noted that the proposals would potentially have a greater impact on Black and Minority Ethnic staff and younger staff (between the ages 16-24). However, the DIA stated that none of these were significant enough to warrant any remedial action.

Members discussed a number of issues including whether senior staff salaries and members' allowances should be included in the proposals, whether those staff on the top of their payscales should lose an increment, the proposed collective agreement with staff regarding lower paid staff, the number of responses to the consultation, schools' position on freezing increments, those staff nearing retirement whose increments would be frozen under these proposals, and staff whose incremental progression was linked to competency levels/qualifications as set out in paragraph 8.5 of the report.

The Assistant Director, Organisational Services, responded that a review of senior staff salaries would not necessarily yield much in the way of savings, that the suggestion that those staff on top of their payscales should lose an increment was not considered an acceptable proposal by the Trade Unions,

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that it was up to Schools to make local decisions on these proposals, and that those staff nearing retirement age could not be treated differently to other staff.

Decision:

The Committee recommended to Council that:

- (a) Increments are frozen for 2011/12 with a review of the pay and grading structure being developed and consulted upon during 2011/12.
- (b) The Assistant Director, Organisational Services is given delegated authority to continue negotiations with the Trade Unions with a view to reaching a collective agreement on this proposal, which achieves, within the present financial constraints, some protection for lower paid staff.
- (c) If this collective agreement is not reached, that individual employees are asked whether they will agree to a variation of their contracts of employment for a freeze of their increment for one year.
- (d) For individuals who do not agree to this variation, that notice be given that their present contracts of employment are terminated and new contracts are offered stating their increment for 2011 will be frozen.
- (e) Incremental progression linked to competency levels/qualifications achieved should be retained including the following:
 - Social Workers covered by the Children's Care Career Grade Scheme,
 - The progression from B1 grade to B2 grade for Care Managers in Adult Social Care who achieve the Post Qualifying 1 award and
 - Soulbury staff eligible for SPA increments (Structured Professional Assessment).

763 Budget Proposals and Implications for Staff

Discussion:

The Assistant Director, Organisational Services, submitted a report which updated the Committee on staffing issues since the last meeting on 7 December 2010 in relation to the in-year budget reductions and proposed reductions owing to the budget deficit and loss of funding from April 2011.

It was noted that a Diversity Impact Assessment (DIA) had been completed on the in-year savings on 2 November 2010 and that other DIAs were undertaken as necessary.

The Head of HR Services informed the Committee that the staffing reductions information was now presented in a spreadsheet which reflected the current position as of 20 January 2011. She informed the Committee that one of the affected employees in Medway Renaissance (page 59 of the agenda) would be redeployed from April 2011.

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Members asked a number of questions including clarification on whether there were any further proposed Youth Offending Team reductions and whether the Council was adhering to the appropriate consultation timescales on the various proposed staffing reductions.

The Head of HR Services confirmed there were no further reductions currently proposed in the Youth Offending Team. The Assistant Director, Organisational Services, stated that there had been extensive discussions with the Trade Unions on the consultation timescales and extensive legal advice and she confirmed that the Council had not exceeded 100+ staff being subject to consultation over any 90 day rolling period. She also stated that this issue was still subject to continuing discussion with the Trade Unions.

Councillor Juby informed the Committee that he would be raising the issue of consultation timescales with the Chief Executive the following day.

Additional information was tabled at the meeting which updated Members on the proposed staffing reductions since Cabinet on 27 January 2011 which agreed to commence consultation on a number of proposed staffing reductions across the Council.

Decision:

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

764 Politically Restricted Posts

Discussion:

The Assistant Director, Organisational Services, submitted a report which informed the Committee on the outcome of consultation to introduce changes introduced by the Local Democracy, Economic Development and Construction Act 2009 regarding politically restricted posts.

The report set out that the Council was required to draw up and maintain a list of politically restricted posts under two broad categories: specified posts and sensitive posts.

The Head of HR Services informed the Committee that the proposals had been consulted widely and the proposed list of politically restricted posts was attached at appendix A to the report. She also informed the Committee that the reference to Assistants to Political Groups in paragraph 3.2.1 should have referred to paragraph 3.4 rather than paragraph 3.6.

Members asked a number of questions including why this was a matter for Standards Committee, the inclusion of the Personal Assistants to the Labour and Lib Dem Groups, whether Planners (in addition to Principal Planners and

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Senior Planners) should also be included on the list, and clarification around Electoral Services Officers.

Officers responded that the terms of reference of the Standards Committee included the right of appeal against the decision to make a post politically restricted, therefore, it was a matter for the Standards Committee to make a decision on the overall list. Personal Assistants to the Labour and Lib Dem postholders' original contracts of employment stated that they were politically restricted posts, that with regard to Planning officers, that the proposals had been consulted with the relevant Service Manager and that all Electoral Services posts were politically restricted.

Decision:

The Employment Matters Committee recommended the following proposals, for final decision by the Standards Committee:

- (a) That the existing remuneration level of SCP 44 and above is removed and all posts graded PO3 and Service Manager are included in the list of Politically Restricted Posts.
- (b) That the revised list of sensitive posts (attached as Appendix A) is agreed.
- (c) Subject to agreement from the Standards Committee all affected staff will be written to regarding the change of restrictions and staff newly included in the list will be given the right of appeal.

Chairman

Date:

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