

Medway Council
Meeting of Employment Matters Committee
Wednesday, 16 March 2011
7.00pm to 8.05pm

Record of the meeting

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

Present: Councillors: Avey, Carr (Chairman), Tony Goulden, Mackinlay, Maple and 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

871 Record of meeting

The record of the meeting held on 1 February 2011 was agreed and signed by the Chairman as a correct record.

872 Apologies for absence

Apologies for absence were received from Councillor Kenneth Bamber.

873 Urgent matters by reason of special circumstances

There were none.

874 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.

875 Capability Procedure (School Based Staff)

Discussion:

The Assistant Director, Organisational Services, submitted a report which provided details of the proposed new Capability Procedure for school based staff. The Head of HR Services (Schools) informed the Committee that the current policy had been agreed by the Committee in 2004, however, it was considered that, in practice, capability issues had not been managed and resolved as swiftly as they could have been and that the maximum time taken

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for a dismissal under the new procedure would be 40 (school) weeks. The new Capability Procedure would provide schools with a clear process on how to manage cases of underperformance and would also provide employees a better idea of what to expect should they be subject to capability proceedings. It was noted that the policy was being presented to the Committee as an agreed document with the trade unions

The Head of HR Services (Schools) also informed the Committee of a couple of proposed amendments to the policy set out in appendix 1 to the report: the deletion of the last sentence in paragraph 10.1 following advice from Legal Services and; the replacement of “three and six weeks” with “four and eight weeks” throughout paragraph 12.6 as appropriate.

The report provided details of the consultation process and that a Diversity Impact Assessment had been undertaken on the proposals and that it was concluded that it was not necessary to carry out a full impact assessment.

Members discussed a number of issues including whether the periods referred to in the report and policy related to school weeks or calendar weeks, the right to legal representation and the role of the trade unions in reviewing the proposed policy. The Head of HR Services (Schools) confirmed that the policy stated that for employees who worked only in term time, that proceedings must be suspended over the school holidays, as set out in paragraph 11.11 of the policy, but that he would ensure that this was made explicit throughout the policy.

Decision:

The Committee agreed to the implementation of the revised Capability Procedure for schools based staff, as set out in appendix 1 to the report subject to the following amendments to the Policy:

- Deletion of the last sentence in paragraph 10.1
- The replacement of “three and six weeks” with “four and eight weeks” throughout paragraph 12.6 as appropriate
- To make explicit within the policy that that for employees who work only in term time, that proceedings must be suspended over the school holidays.

876 Grievance Procedure (School Based Staff)

Discussion:

The Assistant Director, Organisational Services, submitted a report which provided details of the proposed new Grievance Procedure for school based staff as it was considered that the current procedure was no longer fit for purpose. The Head of HR Services (Schools) informed the Committee that the new Grievance Procedure would enable schools to deal with employees’ grievances more speedily by putting emphasis on dealing with them as early as possible to avoid the need for a formal process.

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The report provided details of the consultation process and that a Diversity Impact Assessment had been undertaken on the proposals and that it was concluded that it was not necessary to carry out a full impact assessment.

Members discussed a number of issues including the need to use informal processes to resolve grievances as far as possible, whether there would be enough trained Mediators to cover the process and the right to legal representation. Officers confirmed that there were sufficient Mediators in place and that it was appropriate to have a right to legal representation, based on case law at a hearing, in limited circumstances, under the disciplinary process rather than the grievance process.

Decision:

The Committee agreed to the implementation of the revised Grievance Procedure for schools based staff, as set out in appendix 1 to the report.

877 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 1 February 2011, in relation to the in-year budget reductions and reductions owing to the budget deficit and loss of funding from April 2011. The Head of HR Services summarised the position around staffing reductions with regards to in-year savings (2010/2011), plus proposed staffing reductions for 2011/2012 either through Directors' delegated authority or as a result of Cabinet/Council approval. The Head of HR Services also updated the Committee on the support arrangements for staff and the proportion of staffing reductions at Medway compared to other Local Authorities.

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

Members discussed a number of issues including the role of trade unions throughout this process, staffing reductions in schools, redeployments, the freezing of increments and the comparative data of staffing reductions.

Decision:

- (a) The Committee noted the present position and the support arrangements for staff.
- (b) The Committee agreed that future reports include information on staffing reductions in schools.

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878 Trade Union Facilities Budget

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out the implications of the decision made at the Council (budget) meeting on 24 February 2011 to reduce the budget for non-schools Trade Union facilities from £88,382 to £42,382 from 1 April 2011. She informed the Committee that it had agreed, in July 2003, a formula that linked trade union facility time to membership numbers, however, given the reduction in funding, this formula was no longer viable. The Assistant Director, Organisational Services, confirmed that the Schools Teaching Associations were not affected by this decision as they had their own separate arrangements around staff cover. She also confirmed that she would work closely with the trade unions to implement the decision.

An addendum report was tabled at the meeting that set out the specific legislation regarding the Council's legal obligations to fund trade union activities.

Members discussed a number of issues including the rationale for the reduction in funding, the recognition that Kent County Council had increased funding for trade union facilities, that at least two of the affected trade unions had some schools based staff and the impact of the reduced funding together with reductions in staffing in HR. The Assistant Director, Organisational Services, confirmed that with regards to HR, the introduction of Self-Serve, the upskilling of managers and the use of the Care First service would mitigate the reductions.

Decision:

The Committee agreed that the Assistant Director, Organisational Services, commence discussions with the Branch Secretaries of UNISON, GMB and UNITE and their Regional Officers, on how they wish to utilise the £42,382 remaining in the budget in accordance with paragraphs 3.1 and 3.2 of the report and report the outcome back to the next meeting of this Committee.

(Councillor Maple requested that his vote against the above decision be recorded in the minutes, in accordance with rule 12.5 of the Council Rules).

879 Equalities Working Group Update

Discussion:

The Assistant Director, Organisational Services, submitted a report which informed the Committee of the recent meeting of the Equalities Working Group on 19 January 2011. The Working Group met with the Black Workers Forum and the LGBT Forum and discussed a range of issues including achievements over the past year and priorities for 2011. A presentation on the Equality Act 2010 and Diversity Impact Assessments was also given at the Working Group

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meeting. It was noted that a training session for Members on the Equality Act 2010 had been provisionally scheduled for 14 June 2011 and that officers were developing an action plan to work with the Employees Forums to follow up on actions arising from the meeting.

Members discussed a number of issues including the high quality input from the Forums and the presentation on the Equality Act 2010. It was confirmed that meetings will take place every six months.

Decision:

The Committee noted the report.

880 Early Retirement 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 2010 – 28 February 2011.

Decision:

The Committee noted the report.

Chairman

Date:

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