

Medway Council
Meeting of Employment Matters Committee
Wednesday, 29 June 2011
7.00pm to 8.10pm

Record of the meeting

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

- Present:** Councillors: Avey, Carr (Chairman), Christine Godwin, Paul Godwin, Iles and Irvine
- Substitutes:** Councillors:
Turpin (Substitute for Mackinlay)
- In Attendance:** Elizabeth Benjamin, Senior Lawyer - Litigation
Paula Charker, Employee Relations Manager
Ralph Edwards, Head of HR
Helen Gulvin, Assistant Director, Children's Care
Wayne Hemingway, Democratic Services Officer
Tricia Palmer, Assistant Director, Organisational Services

127 Record of meeting

The records of the meeting held on 16 March 2011 and the Joint Meeting of All Committees held on 25 May 2011 were agreed and signed by the Chairman as a correct record.

128 Apologies for absence

Apologies for absence were received from Councillor Mackinlay.

129 Urgent matters by reason of special circumstances

There were none.

130 Declarations of interest

There were none.

131 Review of the Competency Framework for Children's Social Workers

Discussion:

The Assistant Director, Children's Care, submitted a report, which presented the findings of a 12 month review of the Competency Framework for Social Workers, following approval of the Framework by the Committee on 1 April

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2010. It was noted that qualitative feedback from employees to date suggested that this was a fair, transparent and robust system for measuring and demonstrating their competency in the role and that it provided clear targets and expectations of performance. Managers had stated that the Framework provided a clear basis of evaluation of skills and enhanced managing performance of every standard. The Assistant Director also clarified that reference in paragraph 3.4 of the report to "...52 Qualified Social Workers..." should have read "...52 Social Workers eligible to progress through the pay scales...".

Members discussed a number of issues including the reasons behind resignation figures set out in Appendix A to the report, whether the aim of the scheme was to maximise the number of Social Workers at level 3, and the how the service was coping with its current caseloads. The Assistant Director commented that some of the staff set out in Appendix A to the report had transferred within Medway Council, that the expectation was there would be a range of Social Workers across all 3 competency levels including experienced Social Workers and newly qualified Social Workers as a result of staff turnover. Generally, the market for Social Workers was still competitive, however, Medway maintained a good retention rate

Decision:

That the report be noted.

132 Age Discrimination Policy Statement

Discussion:

The Assistant Director, Organisational Services, submitted a report which sought agreement to revise the Council's Age Discrimination Policy Statement and to remove the Council's normal retirement age of 65. The report stated the Committee had agreed the current Policy Statement on 9 September 2009 and that a review take place in two years time. Subsequently, the Government abolished the default retirement age (65) in April 2011 as it was potentially no longer considered to be a fair reason for dismissal within the Employment Rights Act 1996.

It was noted that a Diversity Impact Assessment had been undertaken as set out in appendix 2 to the report. From this it could be determined that apart from the positive action to be taken to recruit younger workers in the age range 16-24 which may impact on older job applicants, there were no concerns that any other minority group(s) would be marginalised due to the implementation of this policy.

Members discussed a number of issues including the impact of the proposals, the option of introducing phased/flexible retirements, and how many employees had requested to work beyond 65 in the last 12 months. Officers responded that between 20-30 employees had requested to work beyond 65 on the last 12 months.

Decision:

- (a) The Committee agreed to the adoption of the revised Age Discrimination Policy Statement including the removal of the normal retirement age of 65 as set out at Appendix 1 to the report.
- (b) The Committee agreed that officers review the Age Discrimination Policy Statement bi-annually and report to Members when necessary with any changes.
- (c) The Committee requested that officers review the workplace planning regime in a year's time and to encourage flexible retirement plans wherever possible.

133 Disciplinary Procedure

Discussion:

The Assistant Director, Organisational Services, submitted a report, which set out the Council's proposals to implement a new Disciplinary Procedure. The report stated that the current policy had been agreed by the Committee on 12 November 2008 and the proposed new policy remained within the legal framework and would introduce suspension without pay in exceptional circumstances, provided examples of potential dismissal for some other substantial reason (SOSR) and clarified roles and responsibilities. The report set out details of the consultation process, with particular regards to representations from UNISON. The Assistant Director clarified that the HR response to the UNISON comment regarding section 15.3 of the Disciplinary Procedure (page 36 of the Agenda), which stated "...allegation is upheld it is appropriate..." should read "...allegation is upheld it may be appropriate..."

It was noted that a Diversity Impact Assessment (DIA) (Appendix B) had been undertaken on the proposals and it had been found that it was not necessary to carry out a full impact assessment.

Members discussed a number of issues including how implementation of the revised procedure would be supported in the short term, examples of suspension without pay and whether paragraph 10.7 of the Disciplinary Procedure could be made more objective in relation to references to "highly likely" with regard to employees being convicted of a serious criminal offence. Officers responded that HR would support managers early on a case by case basis whilst training was rolled out in respect of the Procedure. Officers also gave examples of where such a scenario may occur (e.g. fraud) and why it would be appropriate to suspend without pay.

Decision:

- (a) The Committee agree to the implementation of the revised Disciplinary Procedure, as set out on Appendix A to the report, subject to it being

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amended so that it allowed for an employee, where their pay had been suspended, that their pay be backdated to the date of suspension, should they not be dismissed at the Disciplinary Hearing or should their Dismissal Appeal be upheld.

- (b) The Committee agreed that officers review the Disciplinary Procedure bi-annually and report to Members when necessary with any changes.

134 Revised Organisational Change Policy

Discussion:

The Assistant Director, Organisational Services, submitted a report which sought agreement to the implementation of the revised Organisational Change Policy. The report stated that the current policy had been agreed by the Committee on 2 November 2010, however, it was necessary to propose changes to the policy in the light of recent legal advice on temporary employees with 12 (or more) months service. The report set out the consultation process and it was noted that UNISON had requested additional time to respond to the proposed revised policy to which the Council had not agreed. The Assistant Director also stated that bullet point 3 of paragraph 7.1 of the proposed policy should read "...standard of work performance and/or aptitude for work; and/or attendance/disciplinary record."

It was noted that a Diversity Impact Assessment had been undertaken as set out in Appendix B to the report. The policy outlined the managers' responsibilities, which included a requirement for the manager to consider the diversity implications of any change process that affected the service.

Members discussed a number of issues including UNISON's request for further time to respond to the proposals and the clarification over the selection process with regards to paragraph 7 of the proposed Policy. The Assistant Director clarified the process with regards to the selection process and stated that whilst the consultation process on the proposed changes to the policy was relatively short on this occasion, this was because there were only 2 changes to the policy, nevertheless, the consultation period had been extended from 10 June 2011 to 16 June 2011.

Decision:

- (a) The Committee agreed the revised Organisational Change Policy, as set out in Appendix A to the report, subject to the amendment of bullet point 3 of paragraph 7.1 of the policy which should read "...standard of work performance and/or aptitude for work; and/or attendance/disciplinary record".
- (b) The Committee agreed that officers review the Organisational Change Policy bi-annually and report to Members when necessary with any changes.

135 Review of Managing Sickness Absence Policy

Discussion:

The Assistant Director, Organisational Services, submitted a report which provided details of a revised Managing Sickness Absence Policy. It was noted that the Committee had agreed the current policy in October 2008 and the proposed revised policy would include changes such as the removal of the stage 3 review meeting and would define pay for phased returns. The report also set out the developments to improve sickness absence including an on-site qualified Occupational Health Advisor, Selfserve4you functionality for Managers and a trial within the Regeneration, Community and Culture Directorate which will commence in July 2011 regarding the reporting process for sickness absence and ancillary support. The report also set out the consultation process and set out UNISON's representations together with HR responses.

It was noted that a Diversity Impact Assessment screening (DIA) (Appendix B) had been undertaken and it was considered that a full DIA was not required. There were minimal concerns that the implementation of this policy would marginalise any particular minority group, as detailed in paragraph 6.2 of the report.

Members discussed a number of issues including clarification of the Occupational Health Adviser set out in bullet point (v) of paragraph 4.5 of the report, and whether their advice would be given greater priority than an employee's own GP, the definition of "some other substantial reason" as set out in bullet point 4 of paragraph 10.4.1 of the Policy, and wider issues relating to sick pay in comparison to the private sector. Officers commented that in the case of potential dismissals, the Council would seek advice from a fully qualified Doctor, that the "some other substantial reason" provided the Council with grounds for the suspension of sick pay not covered in paragraph 10.4.1 of the Policy was to cover unexpected scenarios and that the Council was subject to national conditions on sick pay and would need to opt out of national conditions should the Council want to amend the sick pay arrangements.

Decision:

- (a) The Committee approved the revised Managing Sickness Absence Policy as set out in Appendix A to the report subject to an amendment to paragraph 9.10.1 of the Policy to reflect that the Occupational Health Adviser will be a qualified Occupational Health Doctor.
- (b) The Committee agreed that officers review the Managing Sickness Absence Policy bi-annually and report to Members when necessary with any changes.

136 Recruitment and Selection Framework/Updated Redeployment Policy Review

Discussion:

The Assistant Director, Organisational Services, submitted a report which set out the findings of the review of the Recruitment and Selection Framework and Redeployment Policy. It was noted that the Committee had agreed the policies in February 2010 and that the Committee had requested this report on the impact of their implementation. Officers had also been requested to seek a view from the Equalities and Human Rights Commission regarding the removal of the application form – as set out in paragraph 3.4 of the report. The report stated that the removal of the application form had been widely accepted with the exception of the Children's Care Division, where it was considered that it was still appropriate to use an application form.

Decision:

The Committee noted the report.

137 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 16 March 2011, in relation to the in-year budget reductions and reductions owing to the budget deficit and loss of funding from April 2011. The Employee Relations Manager 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 report also detailed the position in schools, as set out in Appendix B to the report. It was noted that the reference to Burnt Oak Primary School in Appendix B to the report, should have referred to 16 support staff rather than 16 teachers.

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 commencement of the Better for Less consultation phase and whether progress would be reported back to this Committee. The Assistant Director confirmed that any reorganisations would be reported back to this Committee, regardless of whether they were triggered by the budget position or Better for Less.

Decision:

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

138 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 March 2011 – May 2011.

Decision:

The Committee noted the report.

Chairman

Date:

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