

Medway Council
Meeting of Employment Matters Committee
Thursday, 3 November 2011
7.00pm to 7.33pm

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, Irvine and Mackinlay
- Substitute:** Councillor:
Kemp (Substitute for Iles)
- In Attendance:** Elizabeth Benjamin, Senior Lawyer - Litigation
Paula Charker, Employee Relations Manager
Ralph Edwards, Head of HR
Wayne Hemingway, Democratic Services Officer
Carrie McKenzie, Head of Organisational Change
Tricia Palmer, Assistant Director, Organisational Services

469 Record of meeting

The record of the meeting held on 28 September 2011 was agreed and signed by the Chairman as correct.

470 Apologies for absence

An Apology for absence was received from Councillor Iles.

471 Urgent matters by reason of special circumstances

There were none.

472 Declarations of interest

Councillor Christine Godwin declared a personal interest in all items on the agenda because she was a member of UNISON and retained her right to speak and vote on the items.

473 Budget Proposals and Implications for Staff

Discussion:

The Employee Relations Manager introduced the report which provided details of staffing issues in relation to the reductions due to the budget deficit and loss

Employment Matters Committee, 3 November 2011

of funding from April 2011 since the last Committee meeting in September 2011. The report set out the position of staffing reductions from April 2011 consisting of 157 posts and that 86 staff were subject to redundancy. The report also provided the rationale for the new reviews which had been instigated since April 2011, as requested by the Committee at its last meeting. This included the Better for Less programme, where formal consultation ended on 30 September 2011.

The Committee was also advised of the additional support which had been provided to staff in phase one of the Better for Less programme. This included the provision of workshops and a job fair. The feedback from staff had been positive with the majority of staff feeling more informed and confident about applying for new roles within the new structures.

The report stated that service Diversity Impact Assessments (DIAs) had been completed on the areas subject to reductions and the initial DIA for Better for Less was attached at Appendix B to the report and that this would be updated once the outcomes were known and be reported back to this Committee.

Members discussed a number of issues including which Local Authority had reduced its staffing by 31%, as referred to in paragraph 2.7 of the report, how many staff had taken up the support offered by the Council, as referred to in paragraph 4 of the report, and the outcome of the recruitment process for phase 1 of the Better for Less programme. Officers responded that the specific Local Authority referred to in paragraph 2.7 of the report was the City of Bradford Metropolitan District Council, that a briefing note would be circulated to Committee Members regarding the take up of support for staff, and the outcome of the recruitment process for phase 1 of Better for Less would be reported back to the Committee in due course.

Decision:

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

474 Review of Managing Sickness Absence Policy for Schools

Discussion:

The Head of HR introduced the report which sought Committee agreement to a new Managing Sickness Absence Policy within Community and Voluntary Controlled Schools. It was noted that the policy would be recommended to Voluntary Aided Schools, Foundation Schools and Academies where the Council was not the employer. The current policy had been in place since 2004 and the review and consultation had enabled the development of a new Policy which would mirror the new Non-Schools Policy, agreed by the Committee in June 2011. The main changes related to the introduction of the short-term and long-term sickness absence triggers and that in most cases of psychological illness, such as stress or depression, immediate referral to occupational health would be undertaken.

Employment Matters Committee, 3 November 2011

A Diversity Impact Assessment (DIA) screening form was attached as Appendix B to the report. It was noted that there were minimal concerns that the implementation of the policy could marginalise any particular minority group, with reference to disability and age.

Members discussed a number of issues including whether the Academies would be adopting this policy, the consistency the adoption of this policy would bring to teaching and non-teaching staff in schools, the ongoing development of Self-Serve, clarification of the Occupational Health Physician (paragraph 4.2.2 (vii)), and clarification of instances of suspension of sick pay (paragraph 4.2.2 (viii)). Officers responded that those Academies who were buying in Council services would follow this policy, that an Occupational Health Physician would be a Doctor, and that sick pay had been suspended, previously, in only exceptional circumstances.

Decision:

- (a) The Committee approved the Schools Managing Sickness Absence Policy, as set out in Appendix A to the report.
- (b) The Committee asked officers to review the Schools Managing Sickness Absence Policy bi-annually and report to Members when necessary with any proposed changes.

475 Review of Disciplinary Policy for Schools

Discussion:

The Head of HR introduced the report which sought agreement to implement a new Disciplinary Policy within Community and Voluntary Controlled Schools. It was noted that the policy would be commended to Voluntary Aided Schools, Foundation Schools and Academies where the Council was not the employer. The report set out the main changes to the policy, namely that it would introduce suspension without pay in exceptional circumstances, it provided examples of potential dismissal for some other substantial reason and clarified roles and responsibilities. More clarity had been provided to the informal stage, and expiry dates of warnings had been extended to mirror the Non Schools Disciplinary Policy.

A Diversity Impact Assessment (DIA) screening form was attached at Appendix B to the report. It was noted that there were minimal concerns that the implementation of the policy could marginalise any particular minority group, although monitoring of cases by schools could highlight some differential impact.

Members discussed a number of issues including the frequency and rationale for suspension without pay and whether pay would be backdated when an employee was reinstated following a disciplinary investigation. Officers responded that suspension without pay occurred infrequently and would

Employment Matters Committee, 3 November 2011

normally follow consultation with Legal Services, that suspension without pay would occur in relation, primarily, to cases where there had been a financial loss to the Council and that pay was backdated on those occasions where an employee was reinstated following a disciplinary investigation.

Decision:

- (a) The Committee agreed to the implementation of the revised Schools Disciplinary Policy, as set out in Appendix A to the report.
- (b) The Committee asked officers to review the Schools Disciplinary Policy bi-annually and report to Members when necessary with any proposed changes.

476 Joint Consultative Committee Update

Discussion:

The Assistant Director, Organisational Services, introduced a report which provided details of the recent Joint Consultative Committee (JCC) meeting held on 13 October 2011. The JCC had met to discuss the proposals on pay with reference to the consultation process which had commenced on 19 September 2011 to freeze incremental progression for the next two years to help meet the financial constraints set out in the Medium Term Financial Plan.

Members referred to a recent meeting held by UNISON on the pay proposals and encouraged the trade unions to be proactive in making suggestions to the Council regarding the proposals. Officers confirmed that the Council would be meeting with the trade unions in December to discuss the pay proposals and that a further meeting of the Joint Consultative Committee would be held on 18 January 2012 prior to the Employment Matters Committee to further discuss the issues.

Decision:

The Committee noted the report.

477 Exclusion of Press and Public

Decision:

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 10 (Early Retirement and Severance Payments) because consideration of these matters in public would disclose information falling within paragraph 1 of part 1 of Schedule 12A to the Local Government Act 1972 and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Employment Matters Committee, 3 November 2011

478 Early Retirement and Severance Payments

Discussion:

This report provided information on early retirements and severance decisions between June 2011 – September 2011.

Members requested that information summarising Employment Tribunal cases be reported to this Committee in the future.

Decision:

The Committee noted the report.

Chairman

Date:

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