

Medway Council
Meeting of Employment Matters Committee
Wednesday, 18 January 2012
7.00pm to 7.27pm

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, Irvine and Mackinlay

In Attendance: Elizabeth Benjamin, Senior Lawyer
Paula Charker, Employee Relations Manager
Ralph Edwards, Head of HR
Carrie McKenzie, Head of Organisational Change
Tricia Palmer, Assistant Director, Organisational Services
Caroline Salisbury, Democratic Services Officer

689 Record of meeting

The record of the meeting held on 3 November 2011 was agreed and signed by the Chairman as correct.

690 Apologies for absence

There were none.

691 Urgent matters by reason of special circumstances

There were none.

692 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.

693 Proposal to Freeze Increments 2012/13 and 2013/14

Discussion:

This report provided details of the outcome of consultation on the proposal to freeze increments for financial years 2012/2013 and 2013/2014. The Cabinet had agreed to consult on these proposals on 6 September 2011 to meet the financial constraints set out in the Medium Term Financial Plan (decision no. 105/2011). The Employment Matters Committee considered and noted the proposal and the consultation process on 28 September 2011.

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The report provided details of the formal 90-day consultation period with staff and the Trade Unions (19 September 2011 – 21 December 2011). The Chief Executive and Assistant Director, Organisational Services, had given three presentations to staff on the proposals and there were meetings with the Trade Unions as set out in the report. There were 37 responses from staff, including joint responses from UNISON and ASPECT and there was also a joint response from a team containing 30 signatures. The comments received were set out in Appendix 2 to the report.

The Assistant Director, Organisational Services, summarised the discussion held at the Joint Consultative Committee (JCC) prior to the Employment Matters Committee where Councillors had asked for clarification on the present position on negotiations between the Council and the Trade Unions. They had been advised that negotiations were continuing for a £250 payment for staff on £21,500 or less but only on the basis of it being a two year collective agreement, with £250 being paid both years. These two payments would also be pensionable.

The JCC had also stated its concern at the imbalance between various sectors of employees, in particular staff in schools, as they were again not part of the proposal to freeze incremental pay. The JCC had noted that this was a decision for individual governing bodies but that as a result of this it had created issues of inequality and unfairness to other council staff.

A Diversity Impact Assessment (DIA) screening had been undertaken and was set out in Appendix 3a to the report. This has led to a full DIA being undertaken, as set out in Appendix 3b to the report. There was a potential cause for concern for those employees in the age range of 16-24 who were on the lower grades D1, E2 and E1. It appeared from the data that those employees in this group would be adversely affected. However, there was potential for this adverse affect to be mitigated by the payment of £250 for lower paid staff.

Members discussed recommendation 8.1.2 and whether it was appropriate for the Assistant Director, Organisational Services, to be given delegated authority to continue negotiations to reach a collective agreement as the Trade Unions were putting a specific offer to their Members. The Assistant Director, Organisational Services, responded that this recommendation had been put forward so that if the ballot from Trade Union Members came back with a slightly different offer, she would like the opportunity to close the negotiations as quickly as possible.

Decision:

(a) The Employment Matters Committee recommended to Cabinet and Council that:

- (i) increments are frozen for the financial years 2012/13 and 2013/14 with a review of the pay and grading structure being developed and consulted upon during this time.

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- (ii) 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.
 - (iii) 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 increments for two years.
 - (iv) 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 increments for 2012 and 2013 will be frozen.
 - (v) incremental progression linked to competency levels/qualifications achieved should be retained for 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).
- (b) The Committee agreed that the Assistant Director, Organisational Services commences a complete review of pay and grade with initial findings being reported to this Committee in June 2012.

694 Review of Adoption Policies

Discussion:

This report provided details of revised Adoption Policies for non-school based staff and school based staff. The Adoption Policy had been last reviewed by the Committee on 7 December 2010 following the introduction of Statutory Adoption Leave and pay entitlements. It was considered that the policy fell short in terms of allowing prospective adoptive parents time off for undertaking the necessary formalities involved in the pre-adoption process such as assessment checks, training, panel meetings and appointments with social workers. As such, it was proposed to revise the policies to include pre-placement adoption leave.

A Diversity Impact Assessment screening had been undertaken and was set out in Appendix 3 to the report. There were no adverse implications which had been identified during this process.

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Decision:

- (a) The Committee agreed the Adoption Policy as set out in Appendix 1 to the report and the Schools Adoption Policy as set out in Appendix 2 to the report.
- (b) The Committee agreed to review the two policies bi-annually and report to Members when necessary with any proposed changes.

695 Budget Proposals and Implications for Staff

Discussion:

This report provided details of staffing issues in relation to the reductions due to the budget deficit and loss of funding from April 2011 since the last Committee meeting in November 2011. The report set out the position of staffing reductions from April 2011 consisting of 158 posts and that 87 staff were subject to redundancy. The report also provided details of new reviews which had been instigated since April 2011, including Shalder House, Balfour Centre, Duke of Edinburgh Team – Youth Services and Glencoe School.

The report provided details of the support for staff affected by any of the reviews. It was noted that Service Diversity Impact Assessments had been completed on the areas subject to reductions.

Members asked what figure was regarded as 'commercially viable' when settling an Employment Tribunal claim, as set out in paragraph 5.3 of the report? The Employee Relations Manager responded that this was only used when it would cost less to settle a case than it would to defend the claim but each case was considered on its own merits. Each settlement required the following authorisation:

- up to £5,000 the Chief Executive, Assistant Director, Organisational Services, and the appropriate Director
- up to £10,000 the Chief Executive in consultation with the relevant Portfolio Holder
- over £10,000 would require a decision by Cabinet.

Decision:

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

696 Better for Less - Phase One

Discussion:

This report provided details of the first phase of the Council's Better for Less Programme. This programme looked to address the future challenges of reduced funding for local government, increasing demand for many services and the need to continue to improve customers' experiences. Four main work streams had been set up to deliver the better for less principles and the current

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work stream (phase 1) related to shared Customer Contact and Administration Teams.

541 staff had been included in the consultation for phase 1. 341 staff had been matched into the new roles. Of the remaining 200 staff, 173 secured positions, through interview, in the new structures. 3 staff were issued with compulsory notice of redundancy, 14 staff were given voluntary redundancy and the remaining staff were redeployed within the organisation. It was noted that the 3 staff on notice were currently in the Council's redeployment pool.

Members asked how many people in total had applied for voluntary redundancy and how many had been turned down for operational reasons? Officers responded that 25 staff had applied for voluntary redundancy, of which 11 had been turned down.

Members also asked what re-training options had been offered to staff to give them an alternative to apply for a different job? The Head of Organisational Change responded that the Organisational Change team had provided a four-week programme of in-house training, which included a skills analysis for the member of staff, highlighting where re-training or investment was required.

The committee asked why Phase 1 had resulted in three compulsory redundancies when 11 members of staff had been turned down for voluntary redundancy? What issues were involved for these three people? Officers responded that the three members of staff were currently in the redeployment pool and the Organisational Change team was working hard to find another post for them. The three people involved did not have relevant skills and had not shown interest in other available roles.

Members asked about the recruitment that was taking place and whether outside agencies were used? Officers responded that, with the exception of very senior posts, the whole process was managed in-house.

Decision:

The Committee noted the report.

Chairman

Date:

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