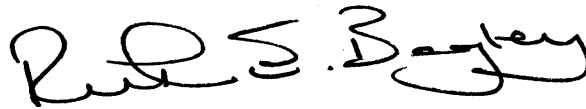


Date of issue: 13<sup>th</sup> September 2011

<b>MEETING</b>	<b>EMPLOYMENT &amp; APPEALS COMMITTEE</b> (Councillors Bains (Chair), Coad, Dale-Gough, Dar, A S Dhaliwal, Grewal, Plenty, Sharif and Stokes)
<b>DATE AND TIME:</b>	THURSDAY, 22ND SEPTEMBER, 2011 AT 6.30 PM
<b>VENUE:</b>	COMMITTEE ROOM 2, TOWN HALL, BATH ROAD, SLOUGH
<b>DEMOCRATIC SERVICES OFFICER: (for all enquiries)</b>	CATHERINE MEEK  01753 875011

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



**RUTH BAGLEY**  
Chief Executive

AGENDA

PART 1

<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
	Apologies for absence.		
	<b>CONSTITUTIONAL MATTERS</b>		
1.	Declarations of Interest		

**AGENDA**  
**ITEM**

**REPORT TITLE**

**PAGE**

**WARD**

(Members are reminded of their duty to declare personal and personal prejudicial interests in matters coming before this meeting as set out in the Local Code of Conduct)

2. Minutes of the Meeting held on 8th June 2011 1 - 6

**SERVICE IMPLEMENTATION ISSUES**

3. Arrangements for Temporary Workers 7 - 16

4. Redundancy and Retirement of Senior Officers 17 - 18

5. Corporate Health and Safety 19 - 28

6. Local Pay Award 2011/2012 - Payment of £250 for Staff Earning Below £21,000 pa 29 - 30

7. Date of Next Meeting

26<sup>th</sup> January 2012

8. Exclusion of Press and Public

It is recommended that the Press and Public be excluded from the meeting during consideration of the item in Part II of the agenda, as it involves the likely disclosure of exempt information relating to an individual as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).

**PART II**

9. Redundancy and Retirement of Senior Officers 31 - 32

Press and Public

You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. Special facilities may be made available for disabled or non-English speaking persons. Please contact the Democratic Services Officer shown above for further details.



**Employment & Appeals Committee – Meeting held on Wednesday, 8th June, 2011.**

**Present:-** Councillors Bains (Chair), Sharif, Coad, Dale-Gough, Dar, A S Dhaliwal, Grewal, Plenty and Stokes

**PART 1**

**1. Declarations of Interest**

None.

**2. Housing Futures - Provision of Housing Services Update**

Members were advised that this item had been referred to the Committee by the Neighbourhoods and Renewal Scrutiny Panel. The Panel had agreed that the Committee should consider any HR implications arising from the restructuring of the housing service to incorporate former People 1<sup>st</sup> Housing management teams.

The Assistant Director of Housing gave a brief summary of the process that had been undertaken with regard to the future of housing services and the incorporation of the former People 1<sup>st</sup> Housing management teams. Members of the Committee had a brief discussion around the process and the measures in place to ensure that the new management team was ensuring delivery of an effective service.

**Resolved** – That the report be noted.

**3. Minutes**

The minutes of the meeting held on 15th March 2011 were taken as a correct record and signed by the Chair.

**4. Appointment of Sub Committees**

The Committee received a report on the establishment of the Employment Appeals and Appeals Sub-Committees. The nominations that had been received from political groups were read out at the meeting.

**Resolved** -

- (a) That the Sub-Committees set out in paragraph 5.1 of the report with the terms of reference as set out in Appendix 1 be appointed for the 2011/12 municipal year and that seats be allocated to the Sub-Committees as shown.
- (b) **That the following members be appointed to serve on each of the Sub-Committees in accordance with the wishes expressed by political groups in respect of the seats allocated to them:**

## Employment & Appeals Committee - 08.06.11

**Employment Appeals Sub-Committee - Councillors Chohan, Dodds and Coad (Deputies – Councillors Bains, Munawar, Plenty, Qureshi and Rasib).**

Appeals Sub-Committee – Councillors Davis, M Mann, Rasib, Dale-Gough and 1 BILLD vacancy (Deputies – Councillors Chohan, Dodds and Sharif).

### 5. Briefing on Future Key Issues

At its meeting on 15<sup>th</sup> March, 2011 the Committee had been asked to identify key issues for consideration at future meetings. The Committee had requested an update on the role of the Local Authority in relation to schools – (policy and finance) and this item, along with items on changes to the local authority role in Benefit Fraud, Strategic HR and OD Support and the outcomes and numbers of expressions of interest had been included in the agenda for the Strategic Director of Resources and Regeneration to brief members of the Committee.

A member of the Committee queried why these issues had been included on the agenda as he did not see their relevance to the remit of the Employment and Appeals Committee. He argued that the Government was currently consulting on bureaucracy generally and had particularly asked councils to look at posts where officers were paid in excess of £100,000 and he felt that the Committee should be considering this. He also requested that the Committee consider the use of interims and consultants and the relationship of the spend on these categories of staff to the payroll. Another member of the committee supported the proposal that a report on the use of consultants and interim officers be prepared for a future meeting of the Committee.

The Chair noted the proposal that had been put forward and explained to the Committee that the Councillor had not been present at the previous meeting of the Committee when items for future discussion had been identified. He indicated that he would therefore ask the Strategic Director of Resources and Regeneration to continue with the briefing as agreed.

#### Schools Funding

The role of the Local Authority was changing with regard to schools funding. The government wished to move to a national funding formula for schools as soon as possible which would mean that the funding of schools would no longer reflect local characteristics of the local authority or the local area. Local authorities would no longer need to have teams dealing with schools finance other than those providing financial services which schools bought back. The Director advised that as these proposals would have a significant effect on the workforce. Whilst there was a need to resource the team in the short term the Authority would increase its use of temporary staff within the school finance team to avoid the potential redundancy situations that might arise.

## **Employment & Appeals Committee - 08.06.11**

### Benefit Fraud

A consultation document had been published by the Department for Work and Pensions with regard to a new strategy for tackling benefit fraud. The paper was suggesting the creation of a single fraud investigation service at Regional level. The local authority's input would therefore no longer be required. The Council currently had 12 people in the benefit fraud team with 2 vacancies and there would therefore be a significant impact on staffing.

Members of the Committee discussed the two consultation papers and the ramifications for the Council's workforce.

The Director advised that the Authority had responded to the consultation on schools funding and that a copy of the response would be sent to all members of the committee.

### Strategic HR and OD Support

Members were advised that the Council had put out a tender for Strategic HR and OD Advice which would provide better value for money than having an in-house HR Director. The Council would set minimum standards of availability and responsiveness under the contract and it would for bidders to outline exactly how they would provide the expertise. The Council had received 16 tenders and three organisations had been short listed for selection the following week. Councillor Stokes requested that his dissent be recorded as he disagreed with the proposal to have Strategic HR and OD Advice under a contract arrangement and raised concerns that the Assistant Director of Professional Services' post required no HR professional qualification. The Director of Resources and Regeneration, whilst noting the concern expressed, detailed the background to the establishment of the AD post which had had full member engagement and outlined the benefits to the authority in proceeding to put the proposed arrangements for strategic HR advice in place.

### Outcomes and Numbers of Expressions of Interest – Planning for the Future Exercise

A summary of the expressions of interest savings as at 1<sup>st</sup> June 2011 was tabled. The summary outlined the budget salary savings from restructured areas in 2011/12 as a result of planning for the future and the redundancy and retirement costs which had been funded from the 2010/11 budget. The net impact on the establishment (reduction in posts) was 67 - there had been 6 compulsory redundancies to-date with a potential for 5 further compulsory redundancies if redeployment was unsuccessful.

In answer to a question the Director of Resources and Regeneration advised that the Council's payroll bill for 2011/12 was £56.620m (this included the employment of interim officers). The Director, when asked a question in relation to redundancy of an officer indicated that a detailed letter in response

## **Employment & Appeals Committee - 08.06.11**

to an FOI on this subject had been prepared for the councillor in question. The Committee acknowledged that discussions on individual members of staff were not appropriate in the part 1 session of the Committee.

The Committee considered the request that Councillor Stokes had made for the Committee to consider, as a matter of urgency, posts over £100k which he believed to be an obligation imposed by the Government. Officers advised that they had no knowledge of a government requirement for consideration of this matter and it was agreed that if there was such a requirement the Chair and Vice-Chair would be consulted on any decisions on future agenda items.

The Director also agreed to forward information with regard to the cost savings that had been made in Human Resources to be forwarded to Councillor Plenty.

### **6. New arrangements for Health and Safety**

The Committee considered a report setting out a new arrangement for the delivery of Health and Safety support by entering into shared arrangements for a Health and Safety Manager, Policy, Systems and Processes with Reading Borough Council and the Royal Borough of Windsor and Maidenhead.

Under the arrangement the Council would pay Reading Borough Council £22,000 per annum for the provision of the service. This would include salary and on costs of the Health and Safety Manager, access to policy, procedures and shared training courses. In addition to the cost savings it was envisaged that by sharing management arrangements there would be cross fertilisation of ideas and Best Practice across the three Boroughs for the benefit of all parties.

**Resolved** – That the report be noted.

### **7. Employee Assistance Programme**

The Committee considered a report on the new arrangements for provision of employee assistance and counselling support to staff. The report set out the benefits that the new arrangements would provide to employees that were an improvement on the previous service provided by the in-house employee counsellors. These included a more accessible service for staff, 24/7 access, increased confidentiality, immediate access to experts in the legal and financial fields. Members of the Committee noted that this provision extended to elected members.

**Resolved** –

- (a) That the changes in how the employee assistance service would be delivered be noted.

## **Employment & Appeals Committee - 08.06.11**

- (b) That the Committee receive an annual report to help determine the effectiveness of the new service.

### **8. Update on Outplacement Support**

**The Committee received a report detailing the arrangements in place to support staff who had been made redundant in accessing skills and knowledge to assist them in finding alternative employment.**

**Resolved - The report be noted.**

### **9. Date of Next Meeting**

22nd September 2011.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.00 pm)

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment and Appeals Committee **DATE:** 22<sup>nd</sup> September, 2011

**CONTACT OFFICER:** Kevin Gordon, Assistant Director Professional Services  
**(For all enquiries)** (01753) 875213

**WARD(S):** All

**PART I**  
**FOR INFORMATION**

**ARRANGEMENTS FOR TEMPORARY WORKERS**

**1 Purpose of Report**

This report sets out the arrangements the council has in place for the use of temporary staff. The arrangements include the process for approval and the framework for decision making, including the advantages and disadvantages of the different categories of temporary workers. The report also discusses the controls the council is developing to ensure accurate and relevant management information on temporary staff is available.

Changes to the status of some categories of temporary staff takes place in October 2011, with the introduction of the Agency Working Time regulations. A background briefing outlining these developments is appended to this report.

**2 Recommendation(s)/Proposed Action**

The Committee is requested to resolve:

- (a) That the report be noted.
- (b) That the tight financial and approval framework that supports the decision making on use of temporary workers be noted
- (c) That the business rationale that sits behind decision to deploy interims, contractor and temporary staff and how this supports the council to meet it's overall objectives be noted

**3 Community Strategy Priorities**

- Celebrating Diversity, Enabling inclusion
- Adding years to Life and Life to years
- Being Safe, Feeling Safe
- A Cleaner, Greener place to live, Work and Play
- Prosperity for All

3.1 A flexible and responsive workforce is key in achieving the council's community strategy priorities. In relation to 'Prosperity for All' the Council as a large employer in the town provides job opportunities to local residents. In addition to permanent opportunities, many residents take advantage of the flexible opportunities afforded by agency and temporary contracts. As part of the arrangements to ensure good

access to employment opportunities for slough residents, the Council has ensured that the employment agency supplier of staff is based within the Town.

#### 4 **Other Implications**

##### (a) Financial

Decisions on how budgets for staffing are spent are delegated to cost centre managers throughout the organisation. As part of the approval framework for temporary staff, managers are required to obtain authorisation from the councils finance team. This authorisation ensures that sufficient funds are available and temporary staff costs are within the normal budget envelope for a particular service area. The case study below provides an example which shows how the employment of a flexible staff member for a limited period resulted in a saving to the council, when compared to a full time permanent employee. This case study does not include the additional recruitment costs that also apply to a permanent post.

Case Study short term employment of a Senior Administration Officer				
A team in the council needs to appoint a senior administration officer for 4 months to deal with an increase in workload.				
The annual costs for a permanent or fixed term staff member are				
<b>GROSS PAY</b>	<b>ER's NAT INS</b>	<b>ER's SUPER</b>	<b>F.T.E.</b>	<b>Cost of Employee 2011/12</b>
<b>25,500</b>	<b>1,770</b>	<b>3,900</b>	<b>1.00</b>	<b>31,170</b>
Agency Hourly costs for this grade of staff is approx £17.20 an hour weekly cost £636 and an Annual Cost of £29,274. This is annual saving of £1896.				

On occasions Contractors are engaged to help the council overcome particular problems or obstacles. Specialist contractors bring particular skills and knowledge, not normally found within the workforce. Use of these contractors can lead to significant savings as their skills and knowledge help drive out inefficiencies. The case study below provides an example of this in practice.

Case Study – Specialist Contractor for the Development of an ICT Strategy and Savings Plan
A specialist contractor was engaged for a limited period of 15 days to undertake a review of the arrangements for ICT across the council. Based upon his knowledge and expertise the contractor made a series of recommendations and changes that enabled the council to make savings of over £200,000 . The cost to the council of employing the contractor was £10,500, which when put alongside the savings the contractor was able to achieve, resulted in an overall return on investment ratio of 1 to 19

(b) Risk Management

The ability to deploy staff resources flexibly to meet service peaks and demands is a key element of the council overall approach to managing risk. Some areas of the council for example Children's Social Care face national recruitment shortages and high risk to children and families if work is not covered by qualified staff. Use of temporary staff is one of the ways in which the council manages risks such as these.

(c) Human Rights Act and Other Legal Implications

The new working time regulations act strengthens the rights of agency worker.

(d) Equalities Impact Assessment

None

(e) Workforce

The subject of this report is a workforce matter.

**5 Supporting Information**

5.1 The council's use of temporary workers falls into three categories or definitions; contractors, interims and temporary agency staff. The table below describes the categories and the advantages and disadvantages:

Category	Advantages	Disadvantages
Contractor Specialist input, usually fixed term and cost. Often short term based on a day rate (e.g. total costs £3250 = 10 days @ £320	Brings specialists skills that can help unlock efficiencies or bring substantial improvements to the organisation.	Care must be taken to ensure skills and knowledge transfer to existing staff and that the service is does not become reliant on the contractor.
Interim – Temporary Appointment to cover a gap due to vacancy , ill health etc of a Senior SML graded post	Responsiveness - ensures key senior management roles are overseen, thereby reducing risk.  Interims at this level are usually very experienced and worked at a number of different authorities. Similar to Contractors this experience often leads to services improvements and efficiencies.	Perception that people in these roles may not have a long term commitment to the organisation
Temp / Agency - Again to cover an established post for ill health or maternity, often at lower than management levels or as a means of securing short term additional capacity to cover short term increases in demand.	Provides flexibility, which enables the council to adapt to changes in its role and function.  Cost effective	

5.2 The major advantage to the council comes when temps, contractors and interims are deployed strategically to assist in implementing change. Reduction or in some cases an increase in the workforce may arise as a result of new or changing legislation or policy. Two current examples of this are the anticipated changes to the council workforce as a result of the proposed changes to benefits administration

and schools finance. Using interims, contractors or temps to cover vacancies in the teams currently supporting these areas of work, has the potential to save on future redundancy costs and improve the chances of finding redeployment in other council areas for the existing permanent staff.

- 5.3 To aid the council in understanding the make up and spending on the different categories. The councils HR team has developed a central monitoring system that brings together information from the main agency contractor per temps, together with information from managers and the approval process.
- 5.4 The central monitoring system will provide managers with an aggregate view of temporary staff deployment in their team/division/department. Management information generated by this system will include average cost and highest cost to enable value for money comparisons to be made. Information on assignment length, authorisation and contractual controls will also help manager make wider workforce decisions and judgment and ensure compliance with council procedures.

## 6 **Comments of Other Committees**

This report will be considered by the Overview and Scrutiny Committee on 13<sup>th</sup> September 2011 and any comments will be reported to the Committee at it's meeting.

## 7 **Appendices Attached**

'1' - Briefing Note - Agency Workers Regulations

## **Briefing Note - Agency Workers Regulations**

### **Purpose of the Briefing Paper**

The aim of this paper is help managers to understand the Agency Workers Regulations and the implications and responsibilities for both managers and Pertemps.

It has been produced in a questions and answer style.

### **1. When do the Regulations come into force?**

The Regulations come into force on 1 October 2011. However, time spent working before an assignment before that date does not count for the purpose of counting the 12-week qualifying period.

### **2. What types of workers do the Regulations apply to?**

The Regulations apply to the type of worker often referred to as 'agency temps', being workers who are placed to work at SBC through Pertemps (often called 'master vendor').

The Regulations do not apply to self-employed contractors or those employed on a service contract managed by a party other than SBC. However, they do apply to workers contracted to an "umbrella company". This means workers who work thorough a service company, but who are not genuinely self employed.

### **3. Will the Regulations change the employment status of agency workers?**

No. The Regulations will not change the status of temporary agency workers and will not make them employees.

### **4. Will the Regulations give employees any rights?**

No. The Regulations will not give employees any rights and therefore if an agency worker is paid more than a comparable employee, the Regulations will not give the employee the right to be paid more.

### **5. What rights will the Regulations give agency workers?**

The Regulations will give agency workers the right to equal treatment in terms of "basic working and employment conditions", as if they had been employed directly by SBC to do the same job. In many cases this will mean that agency workers will be entitled to the same rate of pay as a comparable employee, but they are not entitled to get to all of the terms and benefits that the comparable employee gets. For details of what the entitlements are see 6 below.

Importantly, many of the rights are subject to the worker working for SBC for 12 weeks or more.

### **6. What does equal treatment include?**

The Regulations will require equal treatment in respect of the 'relevant terms and conditions' ordinarily incorporated into the contracts of those working at SBC. This means the relevant terms and conditions in collective agreements, relevant pay scales and terms generally included in employees' contracts of employment.

'Relevant terms and conditions' are defined as:

- pay
- the duration of working time
- night work
- rest periods
- rest breaks
- annual leave.

However these rights are subject to a 12-week qualifying period (see 9 below).

The Regulations also provide for equal treatment from day one in terms of access to vacancies and collective facilities. For further details see 10 below.

### **7. How will pay and holiday be calculated?**

In the Regulations, 'pay' means basic pay, plus any fee, bonus, commission, or other payment directly referable to the employment, such as overtime or unsocial hours payments.

The holiday entitlement includes any entitlement above the statutory minimum requirement of 28 days per annum including bank holidays, which in most cases will mean the relevant contractual entitlement applicable to SBC's employees. The Regulations allow payment to be made in lieu of holiday entitlement above the statutory minimum either as part of the daily/hourly rate or at the end of the assignment.

### **8. Does equal treatment include occupational pensions, sick pay, maternity pay and similar payments**

No. The definition of pay in the Regulations excludes:

- occupational pensions
- occupational sick pay
- maternity, paternity or adoption leave pay
- redundancy pay

### **9. How will the 12-week qualifying period be calculated?**

Any period of work (full or part-time) carried out by the agency worker for SBC in a calendar week will make that week count towards the 12-week qualifying period.

For the purposes of calculating the qualifying period, continuity will normally be broken by a break of six weeks between assignments in the same job, or when an agency worker takes up a new role with SBC where the whole or main part of the duties in the new role are substantially different from the whole or main part of the duties in the old role. Department for Business, Innovation & Skills are currently producing guidance on what "substantially different" means and these will be published shortly.

However breaks between assignments due to a number of specified reasons, such as sickness (of up to 28 weeks), jury service or pre-determined closure periods (e.g. school closures during holidays) will not break the qualifying period. Instead the 'clock is paused'. For example, if a worker works for 11 weeks in a school, and the school closes for six weeks, when the agency worker returns their first week back will be week 12 for the purposes of the qualifying period.

The situation is different in the case of absence related to pregnancy, childbirth or maternity during the "protected period", and for pregnancy, maternity, paternity or adoption leave. In such cases the worker is for the purposes of calculating the 12-week period deemed to continue working in their role for the original intended length of the assignment, or likely duration of the assignment, whichever is longer. The "protected period" starts at the beginning of the pregnancy and ends at the end of the 26th week from childbirth, or when the worker returns to work, if earlier.

#### **10. Will the 12-week qualifying period be broken if the agency worker is placed with SBC for a second assignment, but through a different agency?**

No, not unless the gap between assignments is six weeks or more or the new role is a substantially different to the first one. This is because the 12-week qualifying period is calculated by reference to service with SBC, irrespective of which agency places the worker.

Because of this, we will be putting in place procedures with Pertemps and agency workers to check whether the worker has worked for us in a previous assignment.

#### **11. What about access to job vacancies and collective facilities and amenities?**

Access to these is a 'day one' right and is not subject to the 12-week qualifying period.

The right to access to job vacancies means the right to be informed of relevant vacancies at SBC. In practice this means that agency workers should be provided with the same vacancy lists that comparable employees receive. Agency workers will be entitled to the same access as comparable employees receive to internal vacancies. However, SBC can still operate 'closed' processes in redeployment situations where there is a headcount freeze and consequently there are not any vacant posts.

Collective facilities include canteens, childcare facilities and transport services, and unless objectively justified, agency workers must be given the same access to those facilities as other comparable workers (not just employees) receive. BIS guidance will provide further information on what benefits may fall into the category of collective facilities and on the issue of objective justification. However, it is anticipated that transport services would not include season ticket loans and company cars, and the objective justification defence would apply where the overall terms of the agency worker's package were the same as the comparable employee's contract of employment.

#### **12. What protection will the Regulations provide for pregnant and new mother agency workers?**

Pregnant agency workers who have met the 12-week qualifying period are entitled to take paid time off for ante-natal appointments. The agency is primarily responsible for providing this right, and for paying the worker for the time off. However, SBC should ensure that practical arrangements are put in place so that the worker is able to take the time off.

We, as now, will be required to carry out risk assessment for pregnant workers, and where a risk is identified make reasonable adjustments to remove the risk. Where that is not possible, under the Regulations the agency will be responsible for offering alternative work, and where that is not possible, for paying the worker for the remainder of the assignment for any period that she cannot work due to the health and safety risk.

There is no obligation on SBC to keep a role open for an agency worker who is on maternity leave.

### **13. How do I work out what an agency worker will be entitled to?**

The right is to equal treatment in respect of basic working terms and conditions as if the agency worker had been employed directly to do the same job (see question 6 above). Although in some cases that could mean a relatively speculative assessment of what those terms would be, the Regulations provide that equal treatment is deemed to have been provided where the worker receives the same relevant terms and conditions as a comparable employee working for SBC.

As we employ a large number of people in a variety of roles, in most cases it should be relatively straightforward to identify a comparable employee. Where incremental pay and benefit scales are in place, the default position should be that the agency worker is paid at the bottom of that pay scale, as a new employee would be. It is anticipated that the BIS guidance on the Regulations will provide further information on this issue.

### **14. Who will be responsible for providing equal treatment?**

Responsibility for ensuring equal treatment for most of the rights will primarily be with the employment agency. However, an agency will be able to defend a claim and SBC will become liable if the agency can show that it took "reasonable steps" to obtain the necessary information from us to determine the agency workers' basic working and employment conditions. Therefore, SBC will have to ensure that we set up systems for providing Pertemps with appropriate information on the terms and conditions that are in place in our authority.

### **15. How will the Regulations be enforced and what are the liabilities for non-compliance?**

An agency worker will be able to bring a claim in the employment tribunals to enforce their rights under the Regulations, against the agency and/or SBC. Compensation for a breach will be calculated by tribunals on a "just and equitable" basis, with no upper limit on awards. Liability for the award between the agency and SBC will be determined by the employment tribunal, according to the extent to which it finds the agency and/or SBC liable for the breach.

### **16. How will agency workers be able to find out whether they are receiving their rights?**

After meeting the 12-week qualifying period, an agency worker can ask their agency for relevant information about the basic terms and working conditions at SBC. If the agency fails to provide the information within 28 days of the request (or the request is about access to collective facilities) the agency worker may make the request direct to SBC, who then has 28 days to respond.

Where the agency and/or SBC fails without reasonable excuse to respond or the response is late, evasive or equivocal, then in any employment tribunal proceedings that may follow, the tribunal can draw an inference from the failure or delay etc.

### **17. Will the Regulations mean an increase in the cost of agency workers who work in assignments for more than 12 weeks?**

This will depend on whether the agency workers in question are paid less than a comparable employee. Where the agency worker is paid more, then the costs impact of the Regulations will not be substantial, although there will still in most cases be an increase in non-pay entitlements, such as holiday. Where an agency worker is paid less, the increase in costs will be more substantial, although there will still be savings in respect of pension and in some cases sick pay.



## **18. What does SBC need to do to prepare for implementation of the Regulations?**

Although the implementation date of 1 October 2011 may seem a long way off, it is important for SBC to work out now what the potential impact of the Regulations will be on our authority.

We are carrying out an assessment of our agency worker use, looking at factors such as the normal length of assignments to see how often the 12-week qualifying period will be met. We will also need to review our agency workers' roles to see if there are comparable employee posts, and work out whether the agency worker is paid a lower rate than the comparable employee, taking into account not only basic pay but other payments such as overtime.

Having done this exercise, it may be that any increase in costs arising from the Regulations may be less than anticipated, as in certain cases agency workers are paid more than comparable employees.

We are also agreeing with Pertemps systems that can be set up for providing agencies with the appropriate information on terms and conditions that are in place in the authority, so that workers' entitlements can be met. Also looking at agreeing processes for checking whether a worker has or will soon meet the 12-week qualifying period.

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment & Appeals Committee **DATE:** 22<sup>nd</sup> September 2011

**CONTACT OFFICER:** Kevin Gordon, Assistant Director Professional Services

**(For all enquiries)** (01753) 875213

**WARD(S):** All

**PART I**  
**For Information**

**Redundancy and Retirement of Senior Officers**

1 **Purpose of Report**

This report contains a list of senior officers at first, second and third tier who have left the council since March 2011. First, second and third tier includes Strategic Directors, Assistant Directors and those third tier managers who reported into an Assistant Director.

2 **Recommendation**

The Committee is requested to note the report.

3 **Other Implications**

(a) Financial

Many of the redundancies at senior management level were made as part of the Council's 'Planning for the Future' efficiencies exercise. This savings plan was one of the Council's responses to the overall funding settlement for local government. The exercise achieved an overall annual recurring saving of £3.1 million. The one off cost of redundancies & retirement was £2.9 million, a payback period of less than 12 months

(b) Human Rights Act and Other Legal Implications (*compulsory section to be included in all reports*)

As part of the Council's Constitution, decisions taken on the redundancy/early retirement of a senior level officer need to be reported to Group Leaders, Cabinet and Employment and Appeals Committee as part of the Council's Significant Officer Decision process. (Overview and Scrutiny Procedure Rules Paragraph 21 (14))

(c) Equalities Impact Assessment

Equalities impact assessments were undertaken at a departmental level as part of the planning for the future exercise.

#### 4 **Supporting Information**

- 4.1 In line with the council constitution, Committee is informed annually of all first, second and third tier officers who have left the council. This reporting period includes staff who left the council under the planning for the future exercise and staff who left as part of service area restructure or changes. This period includes former ALMO staff affected by the housing service return to the council and the subsequent restructure.
- 4.2 The report contains the job titles of those staff that have left the council along with their leaving date and the reason for their departure.

#### 5 **Background Papers**

Appendix A - Part 2 - Exempt Information

**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment & Appeals Committee **DATE:** 22<sup>nd</sup> September 2011

**CONTACT OFFICER:** Kevin Gordon, Assistant Director Professional Services  
**(For all enquiries)** (01753) 875213

**WARD(S):** All

**PART I**  
**FOR INFORMATION**

**CORPORATE HEALTH AND SAFETY**

1 **Purpose of Report**

For the Committee to note and endorse the actions that have been taken by the Corporate Health & Safety Service since the Council entered into a section 113 agreement with Reading Borough council for a shared Health & Safety Management Resource.

2 **Proposed Action**

The committee is requested to Resolve that the contents of the report and the Health & Safety action plan be noted.

3 **Community Strategy Priorities**

• **Being Safe, Feeling Safe**

By proactively identifying and managing health and safety risks, the Council can ensure that residents and users of services will not be adversely affected by it's work activities.

4 **Other Implications**

(a) **Financial**

There are no financial implications of proposed action.

(b) **Risk Management**

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
The Committee notes and endorses the action that has been taken and approves the draft Corporate Health & Safety Action Plan	The action that has been taken so far and the those contained in the Action Plan will ensure that the Council fulfils it's health & safety responsibilities.	

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act Implications attached to the proposal.

(d) Equalities Impact Assessment

Not applicable

**4 Supporting Information**

- 4.1 The new health & safety management system was launched on 22<sup>nd</sup> August 2011.
- 4.2 Directorate SMT's are being briefed on the new policy and procedures. Information for the wider staff audience will be published in September's Grapevine.
- 4.3 A draft Corporate Health & Safety Action Plan has been prepared and sent out to the Chairs of the Health & Safety Forums. The format of the Action Plan has changed from previous. Focussing on 8 key objectives, each has its own individual actions and target dates. The actions have been coded as Red, Amber or Green to determine their priority. Red actions need to be attended to first.
- 4.4 The Health & Safety Advisors are attending the Forums to introduce the Action Plan and to support the Directorates in identifying and managing their health and safety risks. Each Directorate Health & Safety Forum will prepare their own action plan that feeds into the key objectives of the Corporate Action Plan but with actions targeting risks that are specific to that Directorate.
- 4.5 The risk to staff from violent and aggressive customers has been identified as a key strategic risk – affecting staff throughout all Directorates. To ensure that staff have the necessary skills, a new course has been commissioned. Initially targeted at Lone Workers, the course will be extended to include staff who meet customers within public buildings and those who can be exposed to aggressive behaviour during telephone contact. To date, 128 members of staff are booked onto the Lone Worker course.
- 4.6 The Caution Before Contact project has looked for examples of best practice. Reading Borough Council has a process in place that could easily be adapted to the needs of SBC. Initial conversations have been had with the software provider to determine costs.
- 4.7 The new health & safety management system includes a manager's self-audit tool. To help imbed the new policy and procedures, the Health & Safety Advisors are building a programme to assist managers in high risk services and schools.
- 4.8 Future Work includes:
- Rolling out the revised health & safety training courses.
  - Reviewing the control of key building risks; such as fire safety, asbestos and Legionella.
  - Review of stress and wellbeing policies and the support that is available to managers.
  -
- Please see appended draft Corporate Health & Safety Action Plan.

## 6 **Conclusion**

The actions that have been taken to date and those that are contained within the Corporate Health & Safety Action Plan will ensure that the Council takes a risk management approach to health and safety whereby the key risks to staff and users of services are identified and managers are trained and supported to put sensible cost effective controls in place.

## 7 **Background Papers**

Appendix Corporate Health & Safety Plan

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CORPORATE HEALTH AND SAFETY ACTION PLAN 2010- 2013

Objective	Responsibility	Actions	Target Date
<p>1. <b>Co-ordination of health and safety:</b> Committees agree annual Directorate priorities that are determined by risk. Action plans to be compiled with SMART targets. (Specific, Measurable, Achievable, Realistic &amp; Time-related)</p>	<p>Directorate &amp; Senior Management Teams. (DMT/SMT)  Corporate Management Team. (CMT)</p>	<ul style="list-style-type: none"> <li>• Set up new Committees/Forums.</li> <li>• Committees/Forums are made up of appropriate representatives.</li> <li>• Committee/Forum representatives to drive improvements in health &amp; safety through relevant management processes.</li> <li>• Chairs of Directorate Health &amp; Safety Committees/Forums to report to Corporate Health &amp; Safety Committee (CCF).</li> </ul>	<p>Completed  Completed  Ongoing  01/11/2011</p>
<p>2. <b>Establish and maintain systems for health and safety management:</b> Directorates maintain programme of audits.  Directorates develop action plans on audit findings in line with standards established in the document 'Guide to Audits'.</p>	<p>Managers with Level 3 responsibilities.  Chair of Health &amp; Safety Committees/Forums.  (Corp. Health &amp; Safety Team will assist Level 3 Managers to develop action plans. Assisted audits will be conducted on a risk basis).</p>	<ul style="list-style-type: none"> <li>• Directorate audit programmes in place.</li> <li>• Corp H&amp;S Team carrying out audits in higher risk services</li> <li>• Directorates to report to relevant Health &amp; Safety Committees/Forums.</li> <li>• Health &amp; Safety Committees/Forums will monitor progress of action plans.</li> </ul>	<p>31/03/2012  From 01/07/2011  01/11/2011  31/03/2012</p>

CORPORATE HEALTH AND SAFETY ACTION PLAN 2010- 2013

Objective	Responsibility	Actions	Target Date
<p><b>3. Effective monitoring of health and safety performance is in place:</b></p> <p>Health and safety performance targets are integrated into Service Plans. (Selection of target determined by individual service risks - as 4 below.)</p>	<p>Managers with Levels 2/3/4 responsibility. DMTs/SMTs. Corporate. H&amp;S Team</p>	<ul style="list-style-type: none"> <li>Individual Directorate targets to be agreed by their H&amp;S Committees/Forums</li> <li>Accident/incident data submitted to Directorate Health &amp; Safety Committees/Forums to assist with setting priorities.</li> </ul>	<p>01/11/2011</p> <p>Ongoing</p>
<p><b>4. Appropriate control of areas/activities of significant risk.</b></p> <p>Directorates focus on areas where there is a significant risk of injury or loss.</p> <p>Priority areas include: Asbestos, exposure to biological and chemical agents, fire, Personal Safety (physical/verbal aggression), Plant &amp; Equipment, falls from height, work- related stress, vehicle safety and musculoskeletal disorders.</p>	<p>Managers with Levels 2, 3 &amp; 4 responsibilities.</p> <p>DMTs - individual services to identify their specific risks and to feed those priorities and actions into the Directorate Action Plan. Service areas &amp; DMTs - high level Directorate-wide H&amp;S risks (red) to be detailed in Risk Registers</p>	<ul style="list-style-type: none"> <li>Individual Directorate priority areas to be identified by H&amp;S Committees.</li> <li>DMTs to integrate priorities into operational risk management process.</li> <li>Risk assessments to be carried out for all areas where there is a significant risk of injury or loss.</li> <li>Risk Assessments to be recorded, reviewed and communicated to staff</li> <li>Where there is a significant risk, Safe Operating Procedures to be in place.</li> <li>Staff to be trained in specific control measures</li> </ul>	<p>01/11/2011</p> <p>31/03/2013</p> <p>31/03/2012</p> <p>31/03/2013</p> <p>31/03/2012</p> <p>31/03/2012</p>

CORPORATE HEALTH AND SAFETY ACTION PLAN 2010- 2013

Objective	Responsibility	Actions	Target Date
<p><b>5. Health and safety training and instruction:</b></p> <p>All employees are provided with suitable health and safety training.</p> <p>All non-employees and contractors are provided with suitable health and safety information before the commencement of the contract.</p>	<p>Managers with Levels 2 &amp; 3 responsibilities</p> <p>Contract/Project Managers.</p> <p>Corporate Health &amp; Safety team</p>	<ul style="list-style-type: none"> <li>• L 1 &amp; 2 training courses in place.</li> <li>• Level 3 written. Individual instruction given during audits.</li> <li>• Managers have identified which staff need training and have booked them on a relevant course</li> <li>• Procurement Policy in place.</li> <li>• Contractors to be monitored as part of normal contract procedures.</li> </ul>	<p>01/11/2011</p> <p>01/07/2011</p> <p>31/03/2013</p> <p>Completed</p> <p>31/03/2012</p>
<p><b>6. Integration of Wellbeing Strategy:</b></p> <p>Wellbeing Strategy is integrated into service planning and delivery.</p> <p>Wider health initiatives are integrated into Wellbeing Strategy.</p>	<p>CMT</p> <p>Health and Safety Committees.</p> <p>DMTs and Service Managers</p> <p>Human Resources</p> <p>Corporate Health &amp; Safety Team</p>	<ul style="list-style-type: none"> <li>• Policy in place</li> <li>• Training course &amp; supporting tools developed and running.</li> <li>• Corp H&amp;S team providing support on high-risk cases.</li> <li>• Absence Management Procedure in place</li> </ul>	<p>31/3/2012</p> <p>31/03/2012</p> <p>31/03/2012</p> <p>Completed</p>

CORPORATE HEALTH AND SAFETY ACTION PLAN 2010- 2013

Objective	Responsibility	Actions	Target Dates
<p><b>7. Fire Safety</b></p> <p>Fire risk assessments are in place and urgent improvement works are scheduled.</p> <p>Staff have received suitable training, instruction or information to ensure that they know what to do in case of fire.</p>	<p>Building Services</p> <p>Corporate Health &amp; Safety Team</p> <p>Building Managers</p> <p>Service Managers</p> <p>Corporate Management Team. (CMT)</p>	<ul style="list-style-type: none"> <li>• Premises are categorised into priority areas.</li> <li>• Best practice risk assessment model identified.</li> <li>• Supporting CoP in place.</li> <li>• Risk Assessments are undertaken</li> <li>• Building Manager identifies &amp; allocates funding to carry out improvements.</li> <li>• Where identified costs exceed local budget allocations CMT considers funding options.</li> <li>• All staff have been instructed on local fire emergency procedures</li> </ul>	<p>31/03/2012</p> <p>Completed</p> <p>Completed</p> <p>31/03/2013</p> <p>Ongoing</p> <p>As required</p> <p>01/11/2011</p>
<p><b>8. Asbestos</b></p> <p>Asbestos surveys have been carried out and information contained within them is kept up to date.</p>	<p>Building Services</p>	<ul style="list-style-type: none"> <li>• Surveys are carried out by suitably competent people</li> <li>• Completed surveys are available and readily accessible</li> </ul>	<p>31/03/2012</p> <p>31/12/2013</p>

CORPORATE HEALTH AND SAFETY ACTION PLAN 2010- 2013

Objective	Responsibility	Actions	Target Dates
Asbestos cont All building managers are aware of what they have to do	Managers with Levels 3 & 4 responsibilities Corporate Health & Safety Team	<ul style="list-style-type: none"> <li>Supporting CoP in place</li> <li>Competent support is available to Building Managers</li> </ul>	<p>Completed</p> <p>31/03/2012</p>
<b>9. Lone Working</b> Managers have identified all staff within their service areas who are at risk during lone working. Managers are provided with the tools to carry out effect risk assessments of lone working. Training is available to ensure staff can manage the risks to their safety whilst lone working	Managers with Levels 2 & 3 responsibilities Corporate Health & Safety Team	<ul style="list-style-type: none"> <li>Supporting CoP in place</li> <li>Training course is available</li> <li>Managers have identified all lone workers</li> <li>Managers have completed risk assessments on their lone workers activities</li> <li>Managers ensure that their lone working staff have booked/attended the relevant training</li> <li>Staff can identify high risk customers or premises where extra precautions are necessary</li> </ul>	<p>Completed</p> <p>01/10/2011</p> <p>01/12/2011</p> <p>31/03/2012</p> <p>31/03/2013</p> <p>31/03/2012</p>
<b>10. First Aid</b> Adequate First Aid support is available.	Corporate Health & Safety Team Managers with Levels 2 & 3 responsibilities	<ul style="list-style-type: none"> <li>Adequate number of trained First Aiders are available in corporate buildings</li> <li>Adequate number of trained First Aiders are available in all buildings</li> </ul>	<p>01/09/2011</p> <p>31/03/2012</p>

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**SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Employment and Appeals Committee      **DATE:** 22nd September 2011

**CONTACT OFFICER:** Kevin Gordon Assistant Director Professional Services  
**(For all enquiries)** (01753) 875213

**WARD(S):** All

**PART I**  
**FOR DECISION**

**LOCAL PAY AWARD 2011/2012 - PAYMENT OF £250 FOR STAFF EARNING BELOW £21,000 PA**

**1 Purpose of Report**

This report sets how those employees whose full time equivalent salary of less than £21,000 per annum could be paid £250 as an additional local pay award for the financial year 2011-12. The report seeks a decision to proceed with the proposal.

**2 Recommendation(s)/Proposed Action**

The Committee is requested to Resolve:

- (a) That the council makes a local pay award of £250 for all centrally employed staff whose full time salary is below £21,000 per annum.
- (b) That the operational details of the arrangements for these payments be determined by the Chief Executive as Head of Paid Service in consultation with the Director of Resources and Regeneration and AD Professional Services. The payments will be made using the established pay award arrangements and principles for dealing with starters and leavers and pro rota payments.

**3 Community Strategy Priorities**

- Celebrating Diversity, Enabling inclusion
- Adding years to Life and Life to years
- Being Safe, Feeling Safe
- A Cleaner, Greener place to live, Work and Play
- Prosperity for All

**4 Other Implications**

(a) Financial

- 4.1 The cost of this proposal is estimated to be £75,000. This is based upon approximately 300 staff falling into this category.
- 4.2 Budgetary provision for this sum was made within this years budget build.

(b) Risk Management

Communication on the decision to make the award will need to emphasise that this is a one off exception for a payment in financial year 2011-12 only. The communication will also need to include the rationale and reasons for the payment, this includes; an acknowledgement of the continuing pressure on household incomes and the effect of a two year pay freeze on staff earning below £21,000 pa.

(c) Human Rights Act and Other Legal Implications -None

(d) Equalities Impact Assessment -None

(e) Workforce

The local pay award covers all centrally employed council staff whose full time equivalent salary is below £21,000 per annum. The award does not cover staff working within schools. A copy of this paper will be presented to the next schools forum for discussion.

4 **Supporting Information**

- 4.1 In the Budget on 22 June 2010, the Chancellor announced that he was 'asking the public sector to accept a two-year pay freeze', but that 1.7 million public servants, who earn less than £21,000, 'will each receive a flat pay rise worth £250. However, in response to a parliamentary written question tabled by Frank Field MP, the Treasury subsequently stated that its commitment covered only workforces under ministerial control or covered by pay review bodies.
- 4.2 The Government accepted the recommendations of pay review bodies for public sector pay awards for 2011/12. These cover teachers, prison officers, the armed forces and the NHS.
- 4.3. Neither the Police nor Local Government workforces are covered by pay review bodies. Local Government workers' pay is managed by Local Authorities and the National Joint Council. For 2011 Local Government Employers the negotiating body for local government pay have decided that there will be no pay awards for any employees. However some councils have chosen to make some form of payment for employees earning less than £21,000.
- 4.4 To avoid distortion of the council salary scales it is proposed that the payment be made as a 'one off' for this financial year only. This would give the council the flexibility to determine if the award was appropriate in future years when examined alongside national pay decisions and the council overall financial position.

5 **Comments of other Committees**

This report is being considered by the Cabinet on 19<sup>th</sup> September 2011 and the outcome will be reported to the Committee at its meeting.

6 **Background Papers**

None



**AGENDA ITEM 9**

By virtue of paragraph(s) ~~1 of Part 1 of Schedule 12A~~  
of the Local Government Act 1972.

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