

## **Employment & Appeals Committee – Meeting held on Thursday, 12th September, 2013.**

**Present:-** Councillors Plenty (Vice-Chair), Brooker, Davis, A S Dhaliwal (left at 7.15pm) and Sharif (arrived at 6.37pm)

**Apologies for Absence:-** Councillor Rasib, Chohan, Coad and S K Dhaliwal

### **PART 1**

#### **17. Declarations of Interest**

Cllr Brooker declared a personal interest in item 9 (Working with Trade Unions) as a member of the Transport Salaried Staff Association which was in merger talks with UNITE.

#### **18. Minutes of the Meeting held on 10th July 2013**

**Resolved -** That the minutes of the last meeting held on 10<sup>th</sup> July 2013 be approved as a correct record.

#### **19. Reducing Sickness Absence - Performance Update**

The Committee considered a report with an update on progress of reducing the Council's sickness absence.

The average full time equivalent (FTE) days lost per month since introduction of the new sickness absence policy had continued to decrease in 2013 compared to the equivalent period in 2012. Overall, this showed that the Council should be on line to reduce the average sickness absence days per year from 12 in 2012 to meet the target of 8.5 days by September 2013 and 6.5 days by September 2014.

The report also contained the sickness balanced scorecard showing the numbers (and percentage) of staff per Directorate reaching each stage set down in the sickness absence policy during the six month period to June 2013. The Committee was reminded of the triggers for each stage of the procedure, designed to assist managers by quickly bringing to notice those staff with a regular or persistent absence record, to enable prompt action to be taken to ensure compliance with the policy. Although the 20.7% proportion of managers who had yet to attend the absence training course seemed high, this was partly due to the turnover of staff and the number of new managers appointed. Training courses being organised during September and October should reduce the proportion remaining untrained; the Committee set a target of 90% trained for the next progress report.

On querying the percentage of staff who had failed to attend a booked Occupational Health appointment, the Committee was informed that this had led to pay being stopped for no more than 4 or 5 staff, and usually only for a

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short period since the appointment was then kept. More detail on this was requested for the next report. Sickness could be the subject of discussion at a staff appraisal in addition to interviews held in compliance with the absence policy.

In answer to a question, it was reported that there was no recognition, for instance a letter of commendation, of staff who had taken no sickness absence during the year. It was also confirmed that based on advice from Occupational Health, flu vaccinations were not offered to staff in general, only those in frequent contact with vulnerable or elderly people.

### **Resolved -**

- (a) That the report be noted; and
- (b) Additions be made to the next report to give more detail on cases where booked appointments to Occupational Health had been missed and the laid down reasons for sickness that were required to be shown in returns.

## **20. Temporary Agency Staff - progress on Implementation and Baseline Monitoring**

The Committee considered a progress report on the contract with Matrix SCM to supply temporary agency staff for the Council, which had been in operation since January 2013.

The implementation of the new contract had a savings target for 2013/14 of £250,000. Expenditure on agency staff from 6<sup>th</sup> January to 31<sup>st</sup> July 2013 amounted to £3,778,022, meaning there would be a saving of £230,230 under the formula agreed with Matrix.

Joint work with the contractor had continued on developing the Slough specific system updates with a positive impact on the electronic ordering process. Matrix had made further progress in securing a wider agency pool for Slough and the number of agencies now enrolled had increased by 7.3% from the last report. 81% of agency workers were travelling less than 20 miles to their place of work, 58% were travelling from within SL1-SL6 post codes and 44% were travelling from within SL1-SL3 post codes.

There were currently 102 agency workers employed via the full approval process, with a further 125 temporary staff employed via the sessional/open process. The posts covered within this process ranged from Social Workers to Childcare Assistants to Nursery Nurses. The Committee noted the ongoing difficulty with the recruitment of permanent social work staff, although the continuing recruitment campaigns were having some effect. There was a national shortage of qualified social workers, the Council was competing with London Boroughs to recruit, and feedback from exit interviews indicated that the difficult and heavy social work case load in Slough deterred some potential applicants. Also, some social workers preferred the financial package and flexibility available through an agency by continuing as a temp.

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The Committee noted the breakdown of agency staff numbers and costs set out in the report. A request was made that for the next meeting this data should include year to date figures and a column showing the temps with a tenure of the longest duration.

Following questions it was confirmed that the Council had no employees retained on “zero hours” contracts but some sessional workers were employed on “as and when” contracts providing occasional shifts to maintain cover. It was not the practice of the Council to re-engage ex-SBC staff as consultants, with the exception of occasional cases where time-limited one-off projects needed to be carried out.

**Resolved** - That the report be noted, and the additional information for breakdown of agency staff numbers and costs be provided in the next report.

### **21. Updated Health and Safety Policy**

The Committee considered a report introducing a revised Health and Safety Policy for the Council, together with an Action Plan, submitted for formal approval.

The current Health and Safety Policy, which had been in force since 2011, had been reviewed to ensure that it was still relevant and fit for purpose. There were two aspects of the policy on which amendments had been proposed:

- Some of the wording in the policy was vague – amendments were proposed to make the roles and responsibilities of staff at all levels more explicit.
- Some areas of the policy created ‘double-handing’ – this had been clarified by removal of references to managers carrying out the same task in two different ways.

The Corporate Consultative Forum had approved the documents, subject to further clarity around the review of risk assessments, on 25<sup>th</sup> July 2013. The Committee noted that basic Health and Safety training for all staff was undertaken, usually as part of induction training.

**Resolved** - That the revised Health and Safety Policy, together with the Action Plan, be approved and issued.

### **22. Settlement Agreements**

Consideration was given to a report outlining changes to the guidance relating to settlement agreements (formerly known as compromise agreements). Settlement agreements are legally binding contracts which can be used to end the employment relationship on agreed terms, and in particular waive an individual’s right to make a claim to a court or employment tribunal on the matters specifically covered in the agreement.

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The Advisory, Conciliation and Arbitration Service (ACAS) had issued a new code of conduct, which came into force on 29 July 2013, designed to guide employers, employees and their representatives in the negotiation of settlement agreements before the termination of employment. The Committee noted the new Code (set out in full as an appendix to the report) including the conditions which must be met for the settlement agreement to be legally binding.

In answer to questions from members, it was noted that:

- With the exception of a high number of agreements made in connection with a harmonisation exercise in 2011, large numbers of settlement agreements were not entered into by the Council.
- Where settlement agreements were made they tended to be used as an alternative instigating disciplinary or capability proceedings.
- In many cases, the settlement agreement provided for no enhanced payment to the employee, but covered only the relevant redundancy pay, payment in lieu of notice or pension entitlement.
- No settlement agreement was entered into unless a business case had been prepared (for signing off by the S. 151 Officer and the Chief Executive/Director) demonstrating that the benefits to the Council outweighed the costs.

The Committee also noted that disputed cases which resulted in an Employment Tribunal were time consuming and expensive for the Council to defend, notwithstanding an application for costs was always submitted.

### **Resolved –**

- (a) That settlement agreements will continue to be used only within the relevant HR and Legal guidance, and in accordance with the ACAS code of conduct as set out in the report.
- (b) That the Assistant Director, Professional Services will meet with the Chair and Vice-Chair of the Committee to explain in more detail the process for approval of the terms of settlement agreements, including the business case made for each, together with an outline of the extent and numbers of agreements entered into.

## **23. Senior Management and Leadership Grades**

The Committee considered a report seeking approval to address anomalies in the grading structure of the Council's Senior Management and Leadership (SML) pay scales.

Following the national pay award for main grade local government staff and the continued pay freeze for SML grades, anomalies were beginning to appear within the Council pay bands. Also, there were some historical issues where grades have overlapped or their design has meant unnecessary costs for the Council and increased the risk of equal pay challenge.

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Changes were proposed to remove the overlap between the top of main grade L10 and SML11 by adapting the three lowest incremental points of SML11 to ensure sufficient gaps and distance between them and the grade below. The current SML12 grade was very broad starting at £69,955 rising to £76,925, overlapping SML13 by more than £4k. The proposal here was to reduce the breadth of the grade saving £2,790 at the bottom and £6,560 at the top of the scale. Given the numbers of staff and their position on grades SML11 and 12, the proposals will be cost neutral, with just seven staff on the lower points of SML11 receiving a modest upward adjustment to their incremental point. Over time a small recurrent saving would accrue from appointments made to grade SML12.

The Committee noted that incremental progression for staff on SML grades was not automatic but was dependent appraisal.

**Resolved –** That approval be given to changes to:

- (a) incremental points 111 – 113 of SML Grade 11 with effect from 1<sup>st</sup> October 2013;
  - (b) incremental points 121 – 124 of SML Grade 12 with effect from 1<sup>st</sup> October 2013;
- as set out in detail in the report.

### 24. Human Resources Statistics

The Committee received an update on key HR statistics for the Council. These indicated a reduction in the number of staff in the establishment as well as the number of full time equivalent staff. The number of temporary workers had decreased, staff turnover had risen to 9.3% (well within the 5-15% target) and the reductions in sickness had levelled since the last reporting period.

The RAG rating for these indicators was green, with each showing the desired Direction of Travel. Also reported were significant decisions relating to Redundancy / Early Retirement for two senior officers earlier in 2013.

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

### 25. Working with Trade Unions

The Assistant Director Professional Services reported to the Committee that he proposed to bring papers to a future meeting of the Committee relating to the arrangements in place for working with the Trade Unions. Recent and forthcoming changes to employment patterns meant that it was opportune to review the arrangements to ensure they were adequate and appropriate for the shape of the workforce going forward, to deal with labour relations issues between the Council and the Unions.

The overall numbers of staff had reduced considerably in recent years due to changes in the nature of service provision, including the outsourcing of some services, and this may affect the level of Union representation, currently 3.5

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staff, that was required. In addition, with a growing number of Free Schools and Academies operating in the Borough, it was important to ensure continuity of proper access to Union representation for the staff affected.

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

### **26. Improving Performance Management Systems and Policies**

The Assistant Director Professional Services informed the Committee of some work being undertaken around improving performance management systems and policies within the Council. Included within this were the processes for dealing with staff capability and disciplinary issues, an area where members were involved if matters proceeded to an appeal requiring a hearing to be held.

Members were invited to express an interest in joining a working party to guide this piece of work. Of those present at the meeting, Cllr Brooker expressed an interest in the working party; it was suggested that the invitation should also be extended to members not at the meeting.

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

### **27. Work Programme 2013/14**

The Committee received a proposed work programme for the remainder of the 2013/14 year.

The Committee agreed to accept an addition to the programme for the 23<sup>rd</sup> January 2014 meeting for a report centred on "the approach to business change". This would involve a range of issues for consideration but could include such matters as performance related pay and incremental advance for staff. It was hoped the Chief Executive could attend the meeting to present the item.

**Resolved** - That the work programme, with the addition of the item referred to above, be noted.

### **28. Attendance Record**

The Committee received a report setting out Members' attendance over the past year.

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

### **29. Date of Next Meeting**

The date of the next meeting was confirmed as 23<sup>rd</sup> January 2014.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 8.27 pm)