

Employment & Appeals Committee – Meeting held on Tuesday, 24th October, 2017.

Present:- Councillors Sarfraz (Chair), N Holledge (Vice-Chair), Bains, Bedi, Brooker and Sharif (in part)

Apologies for Absence:- Councillors M Holledge and R Sandhu

PART 1

14. Declarations of Interest

No declarations were made.

15. Minutes of the Meeting held on 20th June and 3rd August 2017

Resolved – That the minutes of the meetings held on 20th June and 3rd August 2017 be approved as a correct record.

16. Temporary Agency Staff - Progress on Implementation and Baseline Monitoring

The Interim Chief Executive introduced a report that provided Members with an update on the Temporary Agency Staff contract with Matrix.

The Council had spent just over £2.56m on temporary agency staff in the period from April to September 2017, which was a significant reduction from £3.16m spent in the same period last year. The number of Matrix placements had reduced from the last report to 156 during the period, 56 of which were in the wellbeing directorate and 46 in education services. In line with the Council's strategy there had been an increase in the recruitment and retention of social workers and a range of other actions to reduce spend across the Council were proving to be successful.

In noting the report, Members generally welcomed the progress that was being made and the fact that Matrix was delivering against the key performance indicators set out in the contract. Concern was expressed about the fact that there were six placements in the wellbeing directorate lasting for more than two years. Further information was requested in the next report on the nature of these placements and the reasons why they had lasted for more than two years.

Resolved – That the report be noted.

17. Arrangements for the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Interim Monitoring Officer introduced a report that sought the Committee's approval of a proposed new Disciplinary Policy and Procedure for the Head of Paid Service, Section 151 Officer and Monitoring Officer.

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The Council had agreed the new policy at its meeting on 18th May 2017 and had resolved that the procedure should be produced by the Monitoring Officer and approved by the Employment & Appeals Committee. The procedure set out the proposed process based on the model issued by the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities. The new procedure covered dismissals for misconduct, capability (performance or ill health other than permanent ill health) and some other substantial reason. It included the establishment of new bodies required, namely the Investigating and Disciplinary Committee, the Appeals Panel and the Independent Panel.

The Committee asked a number of questions about the reasons for introducing the new policy, the circumstances the new procedure would be used and how it would work in practice. The previous policy had been introduced to comply with new regulations which came into effect in 2015, but it had been produced before the model JNC procedure had been developed and a number of issues had come to light during the disciplinary process undertaken for the previous Chief Executive which needed to be addressed. The Interim Monitoring Officer explained in detail the scope of the policy, steps leading to suspension, arrangements for an independent investigation and the decision making process, including the role of councillors and the Independent Panel.

In response to a question, it was confirmed that any proposal for dismissal would ultimately be considered by full Council. Action short of dismissal would be a matter for the Investigating and Disciplinary Committee, which was a politically balanced group of five councillors including a member of the Cabinet but not the Leader of the Council. The Council would appoint Members to the committee and Appeals Panel and the Independent Panel, whose role was to review any proposal for dismissal, would be comprised of Independent Persons.

(Councillor Sharif joined the meeting at 6.55pm)

Members highlighted the importance of ensuring councillors participating at various stages of the process had received the appropriate training and it was confirmed that this would be provided. The issue of performance management was raised and it was confirmed that the current arrangements for conducting appraisals of the relevant officers would continue.

It was recognised that a robust process needed to be in place that complied with the relevant regulations and adopted best practice. Members also recognised that the process was complex and requested for an outline of the various required stages of the disciplinary procedure process to be set out on a flow chart for ease of reference and reported to the next meeting. At the conclusion of the discussion, the Disciplinary Policy and Procedure as set out at Appendix A to the report was approved.

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Resolved –

- (a) That the proposed new Disciplinary Policy and Procedure for the Head of Paid Service, Section 151 Officer and Monitoring Officer be approved.
- (b) That a flow chart be produced to set out the disciplinary procedure process outlining the various required stages for ease of reference and reported back to the next meeting.
- (c) That details regarding membership of the Investigating and Disciplinary Committee (IDC), the Appeals Panel and the Independent Panel be reported back to the next meeting.

18. Employment Policies and Procedures

The Committee considered a report which sought approval for the following three revised policies and procedures:

- Adoption, Surrogacy and Fostering;
- Shared Parental Leave and Pay; and
- Domestic Violence and Abuse.

The main changes to each of the policies were summarised and it was noted that the updated versions would ensure the Council was in line with current legislation; provide greater clarity to employees about their entitlements; and incorporate best practice tools and information to assist managers in implementing the policies. Consultation had taken place with the Trades Unions, Employee Engagement Forum and Disability Forum and the changes had been positively received.

Members discussed several issues including the policy relating to fostering and the need to ensure managers recognised their responsibilities and supported fosterers. The revised policy and procedure reflected the importance of the role of managers and included practical advice for them. It was agreed that the revised documents would help raise awareness and encourage a culture where staff who fostered were properly supported. The links between the domestic violence and abuse policy and the policies for staff relating to alcohol and drugs were raised. It was responded that a consistent approach was taken to encourage staff to raise issues and provide signposting to the most appropriate support.

At the conclusion of the discussion, the policies and procedures for adoption, surrogacy and fostering; shared parental leave and pay; and domestic violence and abuse were approved.

Resolved – That the Adoption, Surrogacy and Fostering, the Shared Parental leave and Pay and the Domestic Violence Abuse Policies and Procedures be approved.

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19. Actions Speak Louder...Programme Update

The Committee received an update on the 'Actions Speak Louder' mandatory training programme which had been developed to support the implementation of the new corporate values introduced in April 2017.

The training was part of the values, behaviours and diversity programme for all employees to embed the corporate values, drive positive cultural behaviour and change and promote improved working relationships and practices. A separate session for Members of the Council had been arranged for 9th November and all councillors were strongly encouraged to attend. The Garnett Foundation had been commissioned to co-design and deliver a bespoke, drama based session which was intended to be more engaging than traditional methods. At the conclusion of the discussion, the report was noted.

Resolved – That the update on the Actions Speak Louder training programme be noted and that Members be encouraged to attend the training on 9th November 2017.

20. Smart Working Policy and Procedure - Ratification of Amendments

A report was considered that sought ratification for an amendment to the definition of the types of smart workers as outlined in the Smart Working Policy and Procedure approved by the Committee at its meeting on 20th June 2017.

The proposed amendment was to change the definitions of work styles from three approved in June 2017 (home worker, location independent worker and office based worker) to four styles (home worker, mobile worker, smart worker and fixed location worker). These definitions had been subject of internal discussion within the Council as the policy had been developed. However, after giving further consideration to feedback since the Committee had approved the policy it was recommended that the four styles be adopted to improve clarity and consistency with the terminology in the policy. A decision tree had also been developed and trialled with staff to support them in identifying which of the four work styles was appropriate to them.

The use of four profiles would have particular benefits to the data gathering requirements to support the implementation of the Accommodation and Hub Strategy and ensure staff had the correct IT kit to enable them to work smartly. The rest of the policy remained unchanged. Members had been sent the revised wording previously for comment and no alterations had been proposed. The Committee was therefore requested to ratify the agreed amended definitions.

Resolved – That the amendment to the definition of the types of smart workers as outlined in the Smart Working Policy and Procedure be approved.

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21. Members' Attendance Record

Resolved – That the Members' Attendance Record be noted.

22. Date of Next Meeting - 25th January 2018

The date of the next meeting was confirmed as 25th January 2018.

23. Exclusion of the Press and Public

Resolved – That the Press and Public be excluded from the meeting during consideration of the item in Part 2 of the Agenda, as it involved the likely disclosure of exempt information relating to individuals as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (amended).

The following matter was considered in Part II of the agenda:

24. Part II Minutes of the Meeting held on 20th June 2017

Resolved – That the Part II minutes of the meeting held on 20th June 2017 be approved as a correct record.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.28 pm)