

Minutes of: **EMPLOYMENT PANEL**

Date of Meeting: 24 January 2023

Present: Councillor T Rafiq (in the Chair)
 Councillors R Bernstein, J Grimshaw, D Berry, E Moss,
 M Walsh and L Dean

Also in attendance: Sam McVaigh, Director of People and Inclusion, Rachel
 Sweeting – Workforce Transformation Lead, Caroline Schofield
 – Strategic Lead HR, Kelly Barnett – Democratic Services

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor C Cummins
 Councillor M Walsh apologies for lateness due to Council
 Business

1 APOLOGIES FOR ABSENCE

Apologies for absence are noted above.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

3 MINUTES OF THE PREVIOUS MEETING

It was agreed that the notes of the meeting held on 20 September 2022 be approved as a correct record and signed by the Chair.

4 TERMS OF REFERENCE OF THE EMPLOYMENT PANEL

Sam McVaigh, Director of People and Inclusion presented the terms of reference of the Employment Panel to members and highlighted the changes.

Members raised concerns with the proposed 2-member quorum on an appeals panel. It was suggested that if an appeals panel went ahead with only 2 members, the Chair of the Panel may be left with the responsibility to make the final decision on a dismissal or grievance appeal. Members discussed the quorum and agreed that a full 3-member panel should be constituted for appeal panels.

A member raised concerns regarding committees being politically proportionate and questioned whether political proportionality for the Employment Panel is as described in the Constitution. Members discussed political proportionality and suggested that a consistent approach across all committees should be discussed further. Kelly Barnett advised that the concerns raised will be fed back to the Monitoring Officer and the Head of Democratic Services.

In response to a member's question around political proportionality, Kelly Barnett advised that a 6-member recruitment panel would be constituted with 3 Labour members, 1 Conservative member, 1 Radcliffe First member, with the addition of the Cabinet Portfolio Holder for the area, if they were not already a member of the Employment Panel.

It was agreed:

1. The terms of reference of the Employment Panel were agreed subject to amending the quorum of an appeal and appointment panel to 3 members.
2. Kelly Barnett to feedback concerns raised regarding committees being politically proportionate to the Monitoring Officer and Head of Democratic Services.

5 NATIONAL JOINT COUNCIL FOR LOCAL GOVERNMENT SERVICES (GREEN BOOK) PAY AWARD - ADDITIONAL DAYS LEAVE AND REMOVAL OF SCP1

Sam McVaigh, Director of People and Inclusion presented the National Joint Council for Local Government Services (Green Book) Pay Award report. The report outlines how some of the national changes have been applied to the Bury Policy Framework.

Sam McVaigh reported that historically pay awards have usually been a percentage uplift. Nationally, it was agreed that the pay award for NJC (Green Book) staff, as a part of the 2022/23 uplift would be a flat rate of £1,925 on each scale point. As part of the national pay agreement for 2022/23 it was agreed that an additional day of annual leave would be awarded to staff from 1st April 2023, and that spinal point 1 would be deleted, again with effect from 1st April 2023. The NJC collective agreement only directly applies to Green Book staff, however the inclusion of a 'not less favourable' clause within some other terms and conditions of employment means that leave allocations for these staff groups have also been reviewed.

A Member raised concerns around having an additional day's annual leave on top of the saving proposals of buying additional leave as it could impact on the delivery of services.

The Employment Panel agreed:

1. The changes to leave entitlements set out within the report and noted the proposed approach to the deletion of SCP 1 with effect from 1 April 2023.

6 AMENDMENTS TO OFFICER EMPLOYMENT PROCEDURE RULES AND DISCIPLINARY PROCEDURE FOR HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

Sam McVaigh, Director of People and Inclusion presented the proposed amendments to the Officer Employment Procedure Rules and Disciplinary Procedure.

Sam McVaigh reported that the national Chief Executive's handbook (which constitutes an element of the conditions of service for Local Authority Chief Executives) had been updated in relation to the independent investigation process and disciplinary procedures for Chief Executives. The proposed changes make the process more independent, and, in keeping with Bury's current approach, the proposal is that

the changes are the same for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer. Sam McVaigh advised that the proposed changes to the disciplinary procedure for the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer will require an amendment to the Constitution and therefore ultimately be subject to Council approval.

In response to a member's question around when these disciplinary procedures were last used, Caroline Schofield reported that the procedure was used in relation to 2 Statutory Officers some years ago.

Sam McVaigh reported that the report also sets out a new proposed approval mechanism for special severance payments, in accordance with updated statutory guidance. Currently, any payments made around the termination of employment which is in excess of £100K, requires approval by full Council. The new national guidance sets out clearly that the Chief Executive, the Monitoring Officer, the Section 151 Officer and the Leader of the Council are responsible for agreeing payments between the value of £20K and £100K. The guidance is clear that any special severance payments should only be agreed with clear legal advice, where it is a payment that would be in the Local Authority's best interest. Sam McVaigh advised that the proposed changes will amend the Constitution.

Member's raised concerns regarding the scrutiny around special severance payments between the value of £20K- £100K. In response, Sam McVaigh reported that details are published on the government website on a yearly basis. The national guidance around special severance payments sets out who must agree the payments and members were advised that they can consider further people to agree these payments. Sam McVaigh highlighted that these agreements need to be kept as confidential and as non-political as possible and that they are not a common occurrence.

In relation to a member's question around the national guidance, Sam McVaigh advised that by including the special severance payments within the Council Constitution, means that it is a rule that must be followed and minimises risk of the guidance not being followed. Caroline Schofield advised that the guidance is statutory.

Members discussed having additional measures in place to strengthen the overall governance and transparency of special severance payments and agreed that payments from £20k to £100K will require agreement from the Monitoring Officer, the Section 151 Officer, the Chief Executive and the Leader in consultation with the Chair of the Overview and Scrutiny Committee. The Chair of the Overview and Scrutiny Committee will have no power to veto any decisions made.

The Employment Panel agreed:

1. To amend the Officer Employment Procedure Rules to state that any and all payments of £20K and over in value up to £100K requires approval from the Monitoring Officer, Section 151 Officer, Chief Executive and Leader, in Consultation with the Chair of the Overview and Scrutiny Committee.
2. Subject to the above amendment, commend the revised Officer Employment Procedure Rules to Council for approval.

7 CHIEF OFFICER JOB EVALUATION SCHEME

Sam McVaigh, Director of People and Inclusion presented the Chief Officer Job Evaluation Scheme report.

Sam McVaigh reported that Chief Officer jobs are currently evaluated through the Hay Job Evaluation Scheme, all job evaluations must be completed by two trained evaluators and Bury Council only has two trained evaluators. Hay no longer trains external parties to conduct evaluations and the rate for externally evaluating job roles is £2500 per role. Sam McVaigh advised that Bury Council needs to widen its pool of trained evaluators and become more sustainable by making use of the LGA Job Evaluation Scheme. The LGA had completed some work for Bury where approximately 15 jobs were picked at random to check that our pay line and the grading of chief officer posts are translatable with the LGA Evaluation Scheme. The proposed change doesn't affect the pay of any of our Chief Officers. Bury Council are proposing the change in the job evaluation schemes on the basis of consultation with Chief Officers, where feedback may be received. Subject to the consultation, it is proposed that Bury Council will transfer to using the LGA Scheme. The LGA would train 9 members of staff including a trade union representative.

In a response to a member's question around the costs involved, Sam McVaigh advised that there is a one-off cost to the LGA of £10,500 which will include training, consultancy support, mapping work and transition management of the consultation. Sam McVaigh advised that it would not be cost effective to stay with the current scheme due to the volume of job evaluations that are completed each year.

The Employment Panel agreed:

1. That the transition of the Council's job evaluation scheme for Chief Officers should change from the Hay to the LGA Scheme, subject to consultation with affected staff.

8 WORKFORCE POLICY REVIEW: PHASE 1

Sam McVaigh, Director of People and Inclusion presented a report outlining 7 policy areas that have been reviewed and advised that this is the start of a process to review the whole policy framework in Bury. Reviewing the policies gives chance to improve, modernise and reflect best practice. The first phase of policy updates have been completed where the policies are outdated, urgent or posing operational challenges, and where there are current gaps in policy provision. Sam McVaigh explained that at future Employment Panel he will report on further policy updates.

Members highlighted the importance of having policies that are up to date, in response to a question around measuring effectiveness of the updated policies, Sam McVaigh explained that in relation to measuring the effectiveness of the updated policies he would look to see if there were any policies not being followed and investigate the patterns of HR casework. Sam McVaigh highlighted tools that can be used to measure the effectiveness of the policies which included regular manager focus groups, change agents and close dialogues with trade unions. Sam McVaigh explained that he wanted to do some further work around offering staff the opportunity to comment on the HR policy framework and advised that all staff also had the opportunity to comment

through the Pulse surveys. Sam McVaigh advised of an intake on the 7-month management development training programme, one module of the programme will focus on policies.

9 RECRUITMENT AND SELECTION

Sam McVaigh reported that it has been a number of years since the Recruitment and Selection Policy was updated. The proposed changes strongly reflect inclusion and recognising best practice.

10 DOMESTIC VIOLENCE AND ABUSE

Sam McVaigh reported that Bury Council takes domestic violence and abuse incredibly seriously and advised that it is important that Bury Council, highlighting that the proposed new policy aligns with the latest best practice and own domestic violence advice that is given to residents of Bury.

11 STAFF TRAVEL

Sam McVaigh reported that the current policy is incentivising staff to drive. If a member of staff is classed as a priority user, they will drive over 2000 miles per year and receive a lump sum payment. The current policy is not right for a number of reasons including that priority user status is around the requirement to having access to a vehicle to effectively discharge your job and the necessity of having a vehicle in relation to the role that you undertake. The proposal is around moving away from miles travelled to the criticality of having a vehicle to undertake your role. There are no changes proposed around the wider process and levels of payment, modelling has been completed around the proposal to ensure that it does not have any negative consequences.

In response to members' questions around staff travel, Sam McVaigh reported that all employees who use a vehicle for work should have completed driving for work training to comply with health and safety standards. Sam McVaigh explained that there are different tiers of payments for staff travel and explained the difference of an employee having a mileage payment for miles travelled and needing a car to carry out their work and therefore reimbursing staff with small lump sum payment. Sam McVaigh advised that in the future we may look at moving from 3 tiers to 2 tiers of payment. Sam McVaigh reported that there is full detailed guidance around staff travel and that there will be an element of protection for 6 months. Section 6 of local conditions of service is largely focused on car travel, although the Council can pay for travel by bike. Staff are expected to use the cheapest mode of transport depending on their destination.

a BANKING OF LEAVE AND CARRY OVER OF LEAVE POLICY

Sam McVaigh reported that currently banking of leave arrangements means that an employee can put a number of unused days of annual leave into a bank giving the opportunity for employees to take short career breaks. It is proposed that after this leave year the policy will be withdrawn meaning that no more leave can be banked and there will be a 5-year period to take any leave the employees have accrued due to the operational challenge of people trying to take banked leave.

In a response to member's questions around the banking and carry over of leave policy, Caroline Schofield advised that an employee could bank up to 25 days of annual leave. Sam McVaigh advised that banking of annual leave was suspended during the Covid-19 period.

In a response to a member's question around the data of banking of leave, Sam McVaigh advised that he will provide this information to members and advised that Human Resources will monitor the data over the next 5 years to ensure that banked leave is being taken. Caroline Schofield advised that people who have worked for the Local Authority for some time will likely have some banked leave.

12 CARRY OVER OF LEAVE ARRANGEMENTS

Sam McVaigh advised that the proposal is to increase the amount of carry forward leave from 3 to 5 days, which is common practice across other Local Authorities considering the banking of leave scheme being withdrawn.

13 PAY PROTECTION

Sam McVaigh reported that in Bury, there has not been a written Pay Protection Policy and have followed a complicated custom and practice. It is proposed that Bury Council introduces a Pay Protection Policy and advised that the protection maximum value is around the number of spinal points.

14 REDEPLOYMENT POLICY

Sam McVaigh reported that the revised Redeployment Policy reflects the latest ACAS guidance, including a lesser reliance on grade differential as the sole criterion for reasonability.

Sam McVaigh reported that if members are supportive of the proposals, he will be talking to staff at a briefing during the week to advise of the changes and the policies will be taken to the Joint Consultative Committee for Trade Unions to seek to agree the policies with Trade Union colleagues.

The Employment Panel agreed:

1. The revised Recruitment and Selection Policy.
2. The revised Domestic Violence and Abuse Policy.
3. The proposed changes to the approach to car user status designation and the required small amend to Section 6 of the Local Conditions of Service.
4. The withdrawal of the Banking of Leave and Carry Over of Leave Policy, including removal of the Banked Leave arrangements, giving employees 5 years to take any leave already banked – with effect from 1st April 20233.
5. The proposed revision to the Council's Local Conditions of Service in relation to annual leave, specifically to increase the maximum value of carry forward leave to 5 days, with effect to leave to be carried into the 2024/ 2025 leave year.
6. The proposed amendments to the Council's current Re-deployment Policy.
7. That the new and revised policies will go forward for endorsement via the Trade Union Consultation Meeting and the Council's Corporate Joint Consultative

Committee before being published on the Council's internet pages and communicated to staff.

15 URGENT BUSINESS

There was no urgent business.

COUNCILLOR T RAFIQ

Chair

(Note: The meeting started at 7.00 pm and ended at 8.25 pm)