

## **EMPLOYMENT PANEL**

**THURSDAY 9 JULY 2009 AT 10.30 AM**

**PRESENT:** Councillor Mallinson (J) (Chairman), Councillors Mrs Farmer, Glover, Mitchelson, Stothard and Weber.

Councillors Bloxham and Earp were also in attendance as observers.

### **EMP.07/09 ELECTION OF VICE CHAIRMAN**

Consideration was given to the election of Vice Chairman of the Employment Panel for the municipal year 2009/10.

Councillor Glover was nominated but withdrew his name from the nomination.

It was moved and seconded that Councillor Mitchelson be appointed as Vice Chairman of the Employment Panel for the municipal year 2009/10.

**RESOLVED** – That Councillor Mitchelson be appointed Vice Chairman of the Employment Panel for the municipal year 2009/10.

### **EMP.08/09 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **EMP.09/09 PUBLIC AND PRESS**

It was agreed that the agenda be agreed as laid out subject to the provision of legal advice in relation to the implementation of the Pay and Workforce Strategy being dealt with when the public and press were excluded. The information was exempt as it related to the financial or business affairs of the City Council, and also related to consultations and negotiations in connection with Labour relation matters.

### **EMP.10/09 DECLARATIONS OF INTEREST**

There were no declarations of personal or prejudicial items relating to any items on the agenda.

### **EMP.11/09 MINUTES**

The Minutes of the meeting of the Panel held on 12 June 2009 were circulated.

With regards to the decisions which the Panel had made under Minute EMP.05/09 Implementation of the Pay and Workforce Strategy Project, the Head of Personnel and Development Services indicated that he would update the Panel on those items as part of the presentation on the item on the Pay and Workforce Strategy which was already on the agenda.

RESOLVED – That the Minutes of the meeting held on 12 June 2009 and the update from the Head of Personnel and Development Services be noted.

### **EMP.12/09 IMPLEMENTATION OF THE PAY AND WORKFORCE STRATEGY**

Pursuant to Minute EMP.05/09 the Head of Personnel and Development Services reported (PPP.33/09) on the implementation of the Pay and Workforce Strategy Project. He reminded Members that the Pay and Workforce Strategy Project was currently stalled as Unison had refused to go to ballot on their members on the proposals and that the current position which the City Council found itself in was not sustainable for a number of reasons which had been identified at the last meeting of the Panel.

The Head of Personnel and Development added that the Council's Senior Management Team had recommended that consideration should be given to abandoning the Council's long held intention of achieving a collective agreement on this matter and had recommended that the Council consult Council on a proposition to unilaterally impose the outcomes of the Pay and Workforce Strategy on all employees. He further reminded Members of the decisions which the Panel had made at the last meeting in relation to this matter; that advice be sought from legal Counsel on the process of implementation; a request be made to Unison to explain their position; and, consideration be given to establishing an 'At Risk Register' for staff who would lose money as a result of Job Evaluation.

The Head of Personnel and Development added that legal advice from Counsel had now been received and the Head of Legal Services would report further on that advice in the private section of the agenda. A reply had also been received from Unison. The letter from Unison referred to the level of funding which had been provided to fund the outcomes of Job Evaluation and arrangements in respect of back pay and protection and also referred to the Council's levels of underspend which had been recently reported. The letter also set out a proposal for the Council to remove the lower spinal column points and move the pay line accordingly. Unison had indicated that they could not give accurate costs for these proposals but were willing to discuss the proposition with the City Council. Unison also wished to discuss an agreed form of words around the Council proactively helping staff who require protection and set out proposals for such a position statement.

The Head of Personnel and Development Services welcomed the letter from Unison and commented briefly on the proposal which had been suggested, and the revenue costs and one-off costs associated with that proposal. He also welcomed the offer from Unison to engage in dialogue about a range of

benefits across the authority and added that these could be raised at any time via the CJC and did not need to be particularly linked to the Pay Policy. He did however have some concerns about the wording of the position statement and in particular the statement that “the Council recognises that the gender pay gap has widened”.

The Head of Personnel and Development also commented on the recommendation that staff who were due to lose money as a result of the implementation of the project be placed on a redeployment register. He commented that whilst he welcomed the option to support staff who would lose out financially because of the implementation of the project, a number of problems would arise should these staff be placed on the redeployment register. Currently the redeployment register was used for individuals who were either made redundant or were suffering ill health and they were provided with focused individual support on a one to one basis through the Personnel team. Currently the support was provided to a small number of staff who were declared redundant or suffered ill health and although this placed considerable demands on the Personnel team, this support was sustainable. Should an additional 250 people be placed on that register then that level of support could not be provided and he suggested that this was a recommendation which could be discussed further with the Trade Unions to agree a sustainable way of providing support for people who had been adversely affected through the outcome of Job Evaluation.

The Deputy Town Clerk and Chief Executive also welcomed the letter which had been received from Unison and suggested that this presented a good opportunity to discuss the proposals further with Unison, as it was preferable to reach an agreed solution with the Trades Unions rather than the Council have to impose the outcomes on staff. He cautioned however that Unison did not say in their letter that if their proposals were agreed then they would also agree to ballot their members on the outcome of the Pay and Workforce Strategy. He added however that meeting Unison to discuss the contents in their letter would not be jeopardised by the Council agreeing to and commencing consultation with staff on the proposal to impose the outcome of the Pay and Workforce Strategy.

Members in considering the report commented on the possibility of using some of the underspends to resource help and support for staff who would lose out through the implementation of the Pay and Workforce Strategy. This could be a time limited resource which could help individuals to move forward with their careers but would also show the Council as a positive employer.

Members also welcomed the correspondence which had been received from Unison and were encouraged that this could provide an opportunity to reach an agreement on the outcome of the Strategy, rather than the Council needing to impose the outcome.

The Head of Personnel and Development Services did however warn that whilst the prospect of a negotiated outcome was preferable, there would still be a number of different processes and stages to pass through and it may

well be that a negotiated outcome would not be introduced any quicker than an outcome which was imposed, although this would still have advantages in respect of labour relations.

## **PUBLIC AND PRESS**

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information, as defined in the Paragraph Number (as indicated in brackets against each Minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **EMP.13/09 IMPLEMENTATION OF PAY AND WORKFORCE STRATEGY PROJECT ADVICE**

(Public and Press excluded by virtue of Paragraphs 3 and 4)

Pursuant to Minute EMP.5/09, the Head of Legal Services provided Members with a summary of the advice which had been received from Legal Counsel in relation to the proposed implementation of the Job Evaluation element of the Council's Pay and Workforce Strategy.

Members questioned the Head of Legal Services and discussed the possible use of Compromise Agreements.

The Head of Personnel and Development Services then presented the report which had been received from the External Reward Consultants in respect of the Equal Pay Audit. Members questioned the Personnel Manager on details of the report and it was:

RESOLVED – That the opinion of Legal Counsel in relation to implementation of Job Evaluation and the report from the External Reward Consultants be noted.

The meeting then resumed in open Committee.

### **EMP.14/09 IMPLEMENTATION OF THE PAY AND WORKFORCE STRATEGY PROJECT**

Councillor Mitchelson moved and Councillor Glover seconded and it was:

RESOLVED - That the Employment Panel recommends to Council that it consults with employees for a period of not less than 90 days with a view to the possible imposition of the Pay and Workforce Strategy in approximately 6 months time.

The Council welcomes the response from Unison and instructs Officers to discuss further with Trade Unions the contents of that letter and report back on those discussions to a future meeting of the Employment Panel.

## **EMP.15/09 TRANSFORMATION PROGRAMME – RESTRUCTURE**

Pursuant to Minute EX.132/09, the Town Clerk and Chief Executive reported (CE.15/09) on the Transformation Programme Restructure Proposals. She informed Members that the Executive had requested the Employment Panel to consider the restructure proposals prior to the Executive submitting a recommendation on those proposals to the meeting of the City Council on the 14 July 2009.

She reminded Members that the Employment Panel would have a central role in the restructure process should those proposals be approved by Council, in that; the Council would be asked to delegate authority to the Panel to approve the final details of any severance agreement for postholders affected by the proposals. The Panel would also carry out formal interviews as part of the selection process for the new Strategic Director and Strategic Manager posts, with any recommendations being submitted to full Council for approval.

The Town Clerk and Chief Executive had also circulated a further report (CE.19/09) on proposed amendments to the Appointment and Assimilation protocol. She informed Members that the protocol had been first drawn up in 2002 and used again as part of the restructure for the Senior Management Team in 2004/05. The protocol with some minor amendments had been reviewed for the 2009 restructure and had been sent to the Trade Unions for ratification. The Town Clerk and Chief Executive added however that when she had looked at the protocol in greater detail she had identified a problem in applying the criteria to this restructure process as a result of the difficulties in using the factors set out in the protocol to determine the ring fenced and matched post categories. She added that if these factors were used it could exclude some staff from being considered for posts and felt it would be unfair to disbar staff from applying for new posts as a result of an out of date policy.

The Town Clerk and Chief Executive also commented on the support which had been provided to the Employment Panel in carrying out the various roles which she had itemised earlier in the meeting. One training session had been arranged for Members and a further session would be arranged for those Members and substitute Members of the Panel who had not been able to attend the first session.

The Town Clerk and Chief Executive also reminded Members of arrangements which had been made to consult with interested parties on the Transformation proposals and set out the details of those responses which had been received following consultation with staff, elected Members and Trade Unions. She highlighted the key issues which had been raised and commented on suggestions which had been received in respect of amendments to the Structure Chart, and also the titles of the Strategic Manager posts.

The Transformation proposals had also been considered at special meetings of the Council's three Overview and Scrutiny Committees and minutes of those meetings had been circulated.

Members in considering the report and proposals commented that the Economy Directorate could be moved on the Structure Chart so as to sit under the Strategic Director which had responsibility for the other two outward looking Directorates ie. Community Engagement and Local Environment and also suggested that the Policy Directorate could instead of sitting under the Town Clerk and Chief Executive be moved to a box on the right of the Town Clerk and Chief Executive.

Members also noted that it was proposed that the services which were contained within the Directorate's boxes would be reviewed as part of a later stage of the Transformation process, and commented that the new structure would need to avoid re-introducing the inequalities which were presently being dealt with as part of the Job Evaluation Scheme.

RESOLVED – (1) That the comments of the Employment Panel on the proposed Transformation structure as set out above be relayed to the Executive for their consideration.

(2) That the role which is to be played by the Employment Panel in processing the restructure programme as set out in report CE.15/09 be noted and agreed.

(3) That the Town Clerk and Chief Executive arrange further training sessions for Members of the Employment Panel to support Members of the Panel in carrying out their role in the Transformation Restructure.

(4) That the Panel approve the suspension of the "Categorisation of Posts" outlined in 2.1 and 2.2 of the Appointment and Assimilation Protocol for the purposes of the 2009 Transformation Restructure.

(5) That the comments submitted as part of the consultation by staff, Trade Unions, Members and the three Overview and Scrutiny Committees be noted.

(The meeting ended at 12.40 pm)