



## Lewes District Council

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### Employment Committee

**Minutes** of a meeting of the **Employment Committee** held in the **Warren Room, Lewes House, 32 High Street, Lewes** on **Monday, 15 February 2010** at 10.00am.

**Present:**

**Employer's Side:**

Councillor T M Hawthorne (Chair)

Councillors J H Freeman, J M Harrison-Hicks, D O Rogers OBE and H J F Sheppard

**Employees' Side:**

Mr N Cannan, Mr M Connolly, Mr P Demetriou and Mrs L Plant

**Also present:**

Mr J Clark, Head of Business Services

Mr T Hayward, Committee Officer

**Apologies received:**

Mr G Purdye and Mr T Watson (Employees' Side)

#### Minutes

	Action
<p><b>16 Minutes</b></p> <p>The Minutes of the meeting held on 12 October 2009 were approved as a correct record and signed by the Chair.</p>	
<p><b>17 Apologies for Absence/Declaration of Substitute Members</b></p> <p>Apologies for absence had been received from Mr G Purdye and Mr T Watson (Employees' Side). Mr N Cannan declared that he was substituting for Mr G Purdye (Employees' Side).</p>	
<p><b>18 Urgent Item</b></p> <p>The Chair advised that he had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that Report No 50/10(A) entitled "Whistleblowing Policy and Anti Fraud and Corruption Strategy", which had been circulated to all members of the Employment Committee on</p>	

10 February 2010, be considered as a matter of urgency in order that the Committee could take its decisions based on the most up to date information which was available.

## **19 Whistleblowing Policy and Anti Fraud and Corruption Strategy**

The Committee considered Report No 50/10(A) which was a revised version of an earlier Report which had been prepared on the same subject namely, Report No 50/10. Report No 50/10(A) had been circulated to all members of the Committee on 10 February 2010 and related to a proposal to update the Council's Whistleblowing Policy and Anti Fraud and Corruption Strategy. The Appendices to Report No 50/10(A) remained unchanged from those which had been circulated with Report No 50/10 and, therefore, had not been re-circulated with the revised version of that Report.

The Public Interest Disclosure Act (PIDA) 1998 had come into force in July 1999. The Act offered a framework of protection against victimisation or dismissal for workers who disclosed, or 'blew the whistle on', criminal behaviour or other defined forms of wrongdoing at their work place.

In November 1999, the Council had included its own guidance on Whistleblowing in its Staff Guide. That guidance had been regularly updated and a revised version was set out at Appendix A to the Report which reflected a small number of recent changes that had been made in order to clarify reporting arrangements. The changes were shown underlined and in italics.

To date, no cases had been reported under the Whistleblowing arrangements.

The Council had included an Anti Fraud and Corruption Strategy in its Staff Guide since October 1995. The guidance had been regularly updated and a revised version was set out at Appendix B to the Report which reflected a small number of recent changes that were needed in order to clarify reporting arrangements and emphasise the Council's zero tolerance to fraud and corruption. The changes were shown underlined and in italics.

The Head of Audit and Performance was the Lead Officer for the Strategy. Cases which were reported to Heads of Department under the Strategy needed to be notified to the Director of Finance and Community Services who, in turn, passed them to Internal Audit for appropriate investigation. Since March 2006 three cases had been reported, further details of which were set out in the Report.

The Employees' Side requested that, in order to ensure that investigations which were undertaken in respect of the Strategy provided appropriate safeguards for staff and the Council, and complied with legislation, additional text be inserted after the first sentence in the section entitled

“How will the Council investigate reported concerns?” of the Strategy as follows:

“Internal Audit will examine the existing evidence, and may search for additional evidence and information. This search may involve fact finding interviews with staff and a meeting with the person raising the concern. The investigation is carried out in accordance with a standard approach that provides appropriate safeguards for staff and the Council, and compliance with legislation.”

Resolved:

**19.1** That the revised Whistleblowing Policy, as set out at Appendix A to Report No 50/10(A), be agreed; and

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**19.2** That the revised Anti Fraud and Corruption Strategy, as set out at Appendix B to Report No 50/10(A), be agreed, subject to the insertion of additional text after the first sentence in the section entitled “How will the Council investigate reported concerns?” as follows:

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“Internal Audit will examine the existing evidence, and may search for additional evidence and information. This search may involve fact finding interviews with staff and a meeting with the person raising the concern. The investigation is carried out in accordance with a standard approach that provides appropriate safeguards for staff and the Council, and compliance with legislation.”

*(Note: Appendices A and B, as referred to in 19.1 and 19.2 respectively above, remained unchanged from those which had been circulated with Report No 50/10 and, therefore, were not re-circulated with the revised version of that Report namely, Report No 50/10(A)).*

## **20 Grievance Procedure**

The Committee considered Report No 51/10 which proposed the updating of the Council’s grievance procedure, the proposed revised version of which was set out at Appendix A thereto.

At the request of the Employees’ Side it was

Resolved:

**20.1** That consideration of Report No 51/10 relating to the proposed updating of the Council’s grievance procedure, be deferred to the next meeting of the Committee in order that further discussions in respect thereof can be held between the Head of Business Services, Regional Officers representing the union Unison and representatives of the Lewes Branch of Unison.

HBS/Cttee  
Officer

## 21 Time To Train Procedure

The Committee considered Report No 52/10 relating to the proposed introduction of a new procedure in order to meet the requirements of the statutory “time to train” regulations.

From 6 April 2010 employees had a new right to request time to train. They could request to undertake accredited programmes leading to a qualification, or for unaccredited training to help them develop specific skills which were relevant to their job, workplace or business. Details relating to the key points in the new right were set out in paragraph 4 of the Report.

The regulations and the proposed new procedure did not affect the current procedures which the Council had in place to identify, agree and deliver training. Instead, it was an additional statutory responsibility that the Council needed to meet when requested to do so.

Details relating to the suggested procedure for making requests and dealing with them, were set out at Appendix A to the Report.

### Resolved:

- 21.1** That the Time To Train Procedure, as set out at Appendix A to Report No 52/10, be adopted subject to the amendment of the text set out in the paragraph entitled “Payment for time spent training” to read “.....do not have the right to be paid for the time spent training. However, we can agree to pay for the time, reach agreement.....”.

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## 22 Sickness Absence

The Committee considered Report No 53/10 relating to the current level of sickness absence at the Council and the steps which were being taken to reduce such level.

The level of sickness absence was a key performance indicator for the Council and was reported quarterly to Cabinet as part of the performance monitoring system. The Council had a comprehensive procedure for managing sickness absence and a number of associated procedures. However, the Council’s level of sickness absence was higher than average and the 2008/9 Use of Resources Assessment had included a recommendation that it try and improve its management of sickness absence.

The Report suggested that one of the steps which could be taken to meet that recommendation was for the Committee to receive regular Reports on the Council’s sickness absence position in order that it could monitor

progress and identify any further actions that could be taken in respect thereof.

Appendix A to the Report set out an initial analysis of the current sickness level with some comparisons over the last four years. It also included a short commentary on possible reasons for some of the figures.

The Corporate Management Team would also be receiving regular sickness figures and the data would be analysed further in order to identify problem areas that might be tackled in the future.

Resolved:

**22.1** That Report No 53/10 relating to sickness absence at the Council, be received and noted.

### **23 Time Off for Trade Union Duties and Activities**

The Committee considered Report No 54/10 relating to changes to the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice in respect of time off for trade union duties and activities which had been published in January 2010, and a proposal for a joint review of the Council's current policy.

The Council's staff guide contained a section on how it would treat time off in such circumstances however, it had not been reviewed for some years. Rather than the Council's Human Resources (HR) section unilaterally reviewing the guide against the revised code, the Report suggested that, instead, it would be more useful if such review was undertaken as a joint exercise with the union Unison.

The Employees' Side reported that it would wish to participate jointly with the Council's HR section in a review of the policy following which it was

Resolved:

**23.1** That a joint review of the Council's Time Off for Trade Union Duties and Activities policy be undertaken by the Council's Human Resources section and representatives of the union Unison, as detailed in Report No 54/10.

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### **24 Pay Award 2010/11**

The Committee received Report No 55/10 which provided an update on the national negotiations which were being undertaken in respect of the annual cost of living increase for local government staff.

There were several different negotiating bodies in local government, only two of which were relevant to the Council.

Paragraph 4 of the Report stated that the employers had written to the unions saying that they would not be offering any pay increase for the current year for any of the negotiating bodies. However, the Employees' Side reported that the union Unison had been encouraging its members to contact their local councillors and Members of Parliament in order to request that they ask the employers to reconsider their view on that issue.

Resolved:

**24.1** That Report No 55/10 relating to national negotiations which were being undertaken in respect of the annual cost of living increase for local government staff, be received and noted.

## **25 HR Benchmarking**

The Committee received Report No 56/10 relating to the results of a recent benchmarking exercise on Human Resources activities at the Council.

Resolved:

**25.1** That Report No 56/10 relating to the results of a recent benchmarking exercise on Human Resources activities at the Council, be received and noted.

## **26 Exclusion of the Public and Press**

Resolved:

**26.1** That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the Public and Press be excluded from the meeting during the discussion of Agenda Item 13 entitled "Consideration of Matters Raised by the Employees' Side", as there is likely to be a disclosure of exempt information as defined in paragraph 4 of Part 1 of Schedule 12A of the Act.

## **27 Consideration of Matters Raised by the Employees' Side**

There were no additional matters raised by the Employees' Side over and above those which had been recorded in the Minutes of this meeting of the Employment Committee.

**28 Date of Next Meeting**

Resolved:

- 28.1** That it be noted that the next meeting of the Employment Committee is scheduled to be held on Monday, 19 April 2010 in the Warren Room, Lewes House, 32 High Street, Lewes commencing at 10.00am.

All (to note)

The meeting ended at 10.51am

T M Hawthorne  
Chair