



Lewes District Council

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Employment Committee

Minutes of an extraordinary meeting of the **Employment Committee** held in the **Ditchling Room, Southover House, Southover Road, Lewes** on **Monday, 16 December 2013** at 2.30pm.

Present:

Employer's Side:

Councillors E E J Russell (Chair), R Blackman, S J Gauntlett, A X Smith and J Stockdale

Employees' Side:

Mr M Connolly, Ms S Harvey, Ms S Pattenden, Mr G Purdye and Mr T Watson

Also Present:

Ms B Cooke, Head of Organisational Development
Ms Z Downton, Committee Officer
Mrs H Knight, HR Manager
Mr J Osgathorpe, Director of Corporate Services

Minutes

27 Minutes

The Minutes of the meeting held on 14 October 2013 were approved as a correct record and signed by the Chair.

28 Apologies for Absence/Declaration of Substitute Members

An apology for absence had been received from Councillor C Butler (Employer's Side) and Mr N Cannan (Employees' Side). Councillor Stockdale declared he was substituting for Councillor Butler. Ms Pattenden declared she was substituting for Mr Cannan.

29 Proposed changes to redundancy compensation and pay protection arrangements; implementation of a new competency framework for all staff

Action

The Committee considered Report No 208/13 which provided guidance on proposed amendments to redundancy compensation and pay protection arrangements at Lewes District Council, in order that the Committee could make an appropriate recommendation to Full Council and relevant changes could be reflected in the 2014 Pay Policy Statement. The Report also provided guidance on the proposed implementation of a competency framework for all staff at the Council.

The Head of Organisational Development introduced herself to those present and brought attention to the reasons for the recommendations, as set out in section 3 of the Report, namely;

- Current pressure on public finances provided an opportunity to scrutinise all expenditure and to ensure it represented appropriate value for money.
- To bring Lewes District Council's compensation arrangements better into line not only with our neighbouring authorities, but also with the national drive to reduce public spending.
- To provide Lewes District Council with the opportunity to align individual performance with its overall business objectives by having a defined set of competencies by which to measure that performance.

Paragraphs 4.1 to 4.7 of the Report outlined the Council's redundancy compensation arrangements. Currently, an employee who had worked under a contract of employment with the Council for 2 years or more, and who was made redundant, was entitled to a redundancy payment. The Head of Organisational Development explained that the Council's multiplier to calculate redundancy pay was 2. Appendix 3 of the Report showed the potential financial savings in the event that the multiplier was reduced from 2 to 1.75. It showed that financial impact on individuals would be relatively small, but it was anticipated that there would be a more significant collective impact for the Council over a period of time.

Paragraphs 4.8 to 4.12 of the Report outlined the Council's Pay Protection arrangements. The Council had historically had a low number of staff on pay protection arrangements, however it was reasonable to assume that that situation could alter as the Council embarked on a period of change relating to the organisational restructuring.

The Committee noted that the Corporate Management Team had agreed in principle to maintaining the current 3 years protection period, but introducing a tapering arrangement of Year 1 – 100% protection, Year 2 – 66% protection and Year 3 – 33% protection. The Head of Organisational Development explained that it had been acknowledged that it was important for any individual affected to have a period of time to adjust, hence the suggestion of a tapering system.

The Head of Organisational Development highlighted paragraph 4.10.2 of

the Report which outlined the option to consider providing further clarification in the Redundancy and Redeployment Procedure around circumstances in which pay protection may or may not apply, for example guidelines around maximum reduction (as a percentage or number of grades). The intention was for a maximum of 10% to be cited, but acknowledging that staff may wish to accept a role at a lower level without pay protection as an alternative to redundancy, and for the policy to reflect some flexibility in such cases.

Paragraphs 4.13 to 4.19 of the Report summarised the Draft Core and Management Competency Framework. By having a defined set of competencies, the Council would be demonstrating the type of behaviours it valued and which it required in order to carry out its business. The Draft Framework, as set out in Appendix 4, would be a cornerstone to delivering the Council Plan and supporting the ambitions of the Council to continually improve the services it provided to its customers. The Draft Framework consisted of 6 core and 4 management competencies, with the core applying to all staff regardless of their role. The management competencies applied to any staff that had supervisory responsibility. The defined set of competencies would form an integral part of the staff appraisal process and employees would be recruited with regard to them.

In response to concerns raised by Unison, the Head of Organisational Development explained that an initial 'high level' Equalities Impact Assessment for the Draft Framework had been carried out, but was not available at the meeting. The assessment had highlighted the need to make the Framework readily accessible to all staff, in terms of technical language and formatting matters. It also highlighted positive opportunities to further equalities issues, given the Framework would give clear guidance to all staff, use a common language, and be a consistent and objective measure of performance. The Framework would also be in line with the Council's existing equality policy.

In response to a councillor's question, the Head of Organisational Development explained that the Framework was not intended to be a stand-alone policy, but was a supportive tool in relation to ongoing performance management and training and development processes. She explained further that briefing sessions and workshops would be held to inform staff on how to use it.

The Head of Organisational Development explained further that the Draft Framework had been drawn up by taking examples from other local authorities, and with input from the Council's Corporate Management Team. Elements of the policy were specific to the Council, but common standards had also been taken into account.

The Director of Corporate Services explained that the Framework was intended to introduce consistency and fairness and be the basis for constructive dialogue between managers and staff. The policy would allow the Council's Human Resources department to meet the needs of all staff

and in turn, the needs of the organisation.

A representative from the Employees' Side read out to the Committee its response to the Report, as follows;

"Unison is extremely concerned and disappointed at the timing of this report and in the lack of reasonable time for proper consultation and discussion with our members.

The collective implications of this report are potentially far reaching and profound for your staff. Unison considers there is additional information which is fundamental to the proper consideration of the report which has yet to be provided and without which may place the Council at risk of legal challenge.

We consider these proposals to be premature and they have not yet been the subject of meaningful consultation with the Branch. We are not in a position today to make representations about changes to contractual terms and new policies which could disadvantage our members.

We strongly urge the Employment Committee to defer making a formal recommendation to Cabinet at this time until the relevant information has been provided, further consultation with the union has taken place and an opportunity has been given for genuine, purposeful and constructive negotiations over these proposals."

In response to the statement from the Employees' Side, the Head of Organisational Development explained that the Council was not seeking to change contractual terms of employment. The proposed changes to the redundancy multiplier and pay protection arrangements related to non-contractual discretionary pay policies. That meant that Unison was invited to comment on the proposals, however there was no requirement for formal consultation.

The Committee felt that the proposals represented a cultural move for the organisation in order to be more in line with other local authorities.

The Employees' Side felt that more time was needed to carry out full and proper consultation with its members over the proposals. The Employees' Side re-iterated that it was not in a position to make specific representations at this time. It was also added that the initial Equalities Impact Assessment should have been presented in advance of the meeting as the Employees' Side had concerns over the potential wider impacts arising from the proposals.

The Director of Corporate Services explained to the Committee that the proposed changes to the policy and Framework were an attempt to drive consistency and competency within the Council.

The Committee felt that the proposals were the beginning of a process and the starting point for discussions with Unison and staff.

Resolved:

- 29.1** That Report No 208/13 be noted;
- 29.2** That the amendment of Lewes District Council's redundancy multiplier to 1.75, as set out in paragraphs 4.1 - 4.7 of Report No 208/13, be agreed;
- 29.3** That it be agreed to maintain the period of pay protection at a maximum of 3 years, but to introduce a tapering down arrangement of Year 1 – 100%; Year 2 – 66%; Year 3 – 33%, as set out in paragraphs 4.8 - 4.12 of Report No 208/13;
- 29.4** That it be agreed to revise the redundancy policy so that where the difference in salary between the two posts (current and proposed) exceeds 10%, pay protection will not usually apply (subject to exceptional circumstances) on the basis that it is unlikely to be considered a 'suitable alternative' to redundancy;
- 29.5** That the Employment Committee make a recommendation to Full Council to accept these proposed changes, as set out in Resolutions No 29.1 - 29.4 above, so that the Council's policy on the use of discretionary powers can be included in the revised Pay Policy Statement for annual approval by Full Council at its meeting on 26 February 2014; and
- 29.6** That the implementation of the draft Core and Management Competency Framework, as shown in Appendix 4 of Report No 208/13 and referred to in paragraphs 4.13 – 4.19 of the Report, be noted.

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(Note: Councillors Blackman, Gauntlett, Russell, Smith and Stockdale requested that their votes in support of the above recommendations be recorded).

30 Exclusion of the Public and PressResolved:

- 30.1** That, in accordance with Section 100A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting during the discussion of items 7 and 8 as there was likely to be disclosures of exempt information as defined in paragraphs 1, 2 and 4 of Part 1 of Schedule 12A of the Act.

31 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 the meeting of the Employment Committee.

32 Consideration of Health and Safety 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 the meeting of the Employment Committee.

33 Date of Next MeetingResolved:

- 33.1** That the next meeting of the Committee scheduled to be held on Monday, 13 January 2014 at 10.00am in the Ditchling Room, Southover House, Lewes be noted.

All to note

The meeting ended at 3.10pm.

E E J Russell
Chair