

Staffing Committee

Minutes of a meeting held at County Hall
Colliton Park, Dorchester on 17 June 2013

Present:-

Spencer Flower (Chairman)
Robert Gould (Vice-Chairman)
Trevor Jones and John Wilson

Officers:

Paul Kent (Director for Corporate Resources), Sheralyn Huntingford (Head of Human Resources), Helen Whitby (Principal Democratic Services Officer) and Rebecca Thomas (Senior Democratic Services Officer)

The following officers attended for items as appropriate:-

Debbie Ward (Chief Executive) and Jonathan Mair (Head of Legal and Democratic Services)

(Note: **RECOMMENDED** in this type denotes that the approval of the County Council is required.)

Apologies for Absence

56. An apology for absence was received from Paul Kimber.

Code of Conduct

57. There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

Terms of Reference

58. Members received the Staffing Committee's Terms of Reference.

Noted

Minutes

59. The minutes of the meetings held on 27 March and 4 June 2013 were confirmed and signed.

Matters Arising Minute 46.2 Trade Union Facilities Agreement

60. Members were advised that negotiations had recently concluded with Green Book Trade Unions and all three trade unions had accepted the agreement. Work was now underway to implement the agreement including the new facilities time recording mechanism which would provide oversight of trade union facilities time across the council.

Investors in People Update

61.1 The Committee considered a report by the Director for Corporate Resources that summarised supplementary discussions that had taken place with the County Council's external adviser in regards to proposals to seek re-accreditation against the Investors in People standard. The report also outlined the recommended approach to be undertaken for the interim review in 2013 and full review in 2014.

61.2 Members were reminded that at the Committee's meeting in September 2012, agreement was given to seek 'voluntary retaining recognition' by use of a mini review, allowing the Council to defer a full review until the following year. This would mean that for the 2014 review the Chief Executive, Director for Adult and Community Services and

Director for Corporate Resources will have been established in their roles for at least one year. 2014 will also see the launch of a new Corporate Plan and People Management Strategy.

61.3 The Head of Human Resources advised members of the intention to use Investors in People as a tool to drive forward performance and combine this with work to progress the development of the role of the Dorset Manager/leader, currently being taken forward within the second phase of work on reviewing the County Council's PDR process. Investors in People would thereby be used to measure the County Council's ability to meet its objectives through its people and lead the cultural change programme.

61.4 Training to become an accredited internal reviewer would, on this occasion, combine classroom based training sessions with a review of the Dorset Waste Partnership. This will provide an ideal opportunity to inform any decision whether or not to include the Partnership in the Council's next review.

61.5 Members welcomed the reduced burden on staff and managers involved in the review process. The Head of Human Resources confirmed that the sample size of the groups to be interviewed would continue to be representative, but be reduced compared to previous reviews, in that there would be some group interviews and the external adviser would carry out a greater number of interviews.

Resolved

62.1 That the progress made in developing the County Council's approach to securing accreditation be noted.

62.2 That the proposed approach to securing re-accreditation and the training of new Internal Reviewers be approved.

Head Count and FTE Figures 2012/13 – Quarter 4

63.1 The Committee considered a report by the Director for Corporate Resources on the County Council's headcount and full time employee (FTE) figures for the period 31 October to 31 December 2012.

63.2 The Head of Human Resources highlighted two errors contained within the table, given as an appendix to the report, but advised that this did not amend the overall total figures. An increase of 3 FTE across the period was demonstrated.

63.3 The Committee were advised that since June 2010, the point at which the Coalition Government's grant reductions first became known, the County Council's FTE had reduced by 522, if schools and the Dorset Waste Partnership are excluded. Within this figure, 245 FTE were for reasons of redundancy, of which 67% were voluntary redundancies. Other reasons for FTE reductions included examples such as non-replacement of leavers, retirement and reduced working hours. These were ordinarily without cost to the County Council.

Noted

Non-Directly Employed Contract Workforce Quarter 4 – 2012/13

64.1 The Committee considered a report by the Director for Corporate Resources which provided information about agency and consultancy workers engaged by the County Council in the final quarter of 2012/13. The report highlighted that although the expenditure on agency workers was a little above that in the same quarter of the previous year, the total spending in 2012/2013 was below the total for 2011/2012.

64.2 The Director for Corporate Resources explained that the report gave a complete view of agency workers used by the County Council and incorporated a commentary from business managers as to why these workers were necessary. He drew attention to tables which set out expenditure on agency and consultancy workers engaged by individual directorates, but asked members to note that currently there was not one available for the Dorset Waste Partnership. This would be included within future reports.

64.3 The Committee noted that the report had been considered by the Audit and Scrutiny Committee on 11 June 2013 and that they had questioned an agency employee's entitlement to maternity pay. Officers confirmed that the agency worker did not accrue statutory maternity pay rights until they had been engaged by the County Council for over 26 weeks. Agency workers are not entitled to contractual maternity pay.

64.4 Officers highlighted that Children's Services showed a significant decrease since the last quarter, and over the year, in the use of agency workers, including assignments for longer than two years or costing more than £4000 per month. Corporate Resources' use of agency workers increased slightly however, primarily as a result of the transfer of responsibility for the Emergency Welfare Assistance Service from the Department for Work and Pensions. The use of agency workers allowed Dorset Direct to adjust resources quickly to meet the peak demands.

64.5 The Chairman of the Audit and Scrutiny Committee confirmed that they were satisfied that proper controls were now in place, but concerns were raised in relation to the roll out of Phase 1 of the Dorset Waste Partnership and the Committee would continue their scrutiny until proper staffing provision had been made.

64.6 In response to a question, the Director for Corporate Resources and Head of Human Resources clarified the terms and conditions for agency workers and the corresponding rates and contract terms requested by Comensura, the County Council's neutral vendor of agency staff. Officers highlighted that agency workers were entitled to access the Council's terms and conditions regarding annual leave and were not treated less favourably.

64.7 One member referred to the report which indicated that less agency workers were engaged as the number of FTE increased, and he asked whether comparative figures of the actual costs incurred were available. Officers advised that the information could be obtained from the County Council's financial and management information system (DES). Monitoring arrangements were in place and it was highlighted that agency workers were used during peak periods, rather than employees FTE. Additionally consultants were used as a means to obtain a required skills set for a particular project. These arrangements were more flexible as the period of employment could be reduced or extended to more readily meet business demands.

64.8 A member raised the general concern of costs incurred by the County Council. The Chairman stated that the needs of the business had to be balanced against the cost of agency and consultancy workers. This sometimes meant that it was actually more cost effective to engage agency and/or consultancy workers.

Noted

Formal Disciplinary Cases

65.1 The Committee considered a report by the Director for Corporate Resources, as requested at their meeting on 1 February 2013, which provided summary data on the number of formal disciplinary cases across the County Council.

65.2 Previously, members had also requested details on the number of whistle-blowing cases. However the Head of Human Resources advised that historically these figures were not held centrally by Legal and Democratic Services. Due to pending changes to legislation, a single register would now be held by the County Council's Monitoring Officer.

65.3 Members asked whether there was a way to identify sick leave taken in direct correlation to approaching and/or ongoing disciplinary proceedings. The Head of Human Resources recognised that this did occur, and while the details would not be held centrally when formal proceedings were yet to commence, managers would be aware of the situation and this would be monitored.

65.4 In response to a question, clarification of the County Council's management of attendance procedure was given, and details given of when Occupational Health would become involved.

65.5 A member asked whether the PDR could be used as an additional tool for managers, such as including a competency for an officer's capability. Following advice that managers and the PDR process did differentiate these factors, members sought a report on the capability procedure and number of workers on the formal stages.

65.6 The Committee noted that the 'other' disciplinary case listed on the appendix to the report referred to a case where a disciplinary investigations overlapped with a redundancy process already underway.

Resolved

66.1 That the data provided be noted.

66.2 That within the next report on PDR completion figures, an overview is provided on the capability procedure and numbers currently on the formal stages.

Questions

67. No questions were asked by members under Standing Order 20(2).

Exempt Business

Exclusion of the Public

Resolved

68. That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for minute numbers 69 to 72 because it was likely that if members of the public were present, there would be a disclosure to them of exempt information as defined in the paragraphs indicated of Part 1 of Schedule 12A and the public interest in withholding the information outweighed the public interest in disclosing that information.

Membership of the Personnel Appeals Committee (Paragraphs 3, 4 & 5)

69.1 The Committee considered a joint exempt report by the Monitoring Officer and the Director for Corporate Resources on changes necessary to ensure the County Council complied with the law in regards to the composition of the Personnel Appeals Committee (PAC).

69.2 The report also addressed a request by the PAC, at its meeting on 28 May 2012 to explore revisions to employment processes so as to enable both grievance and end of employment appeals to be heard by the appropriate Director after consultation with members of the PAC.

69.3 Members gave their general support for the recommendations in the report, but expressed the view that the presumption should be that the Chief Executive or Director should make a determination after consultation with the Chairman of the PAC. In his absence, consultation should be made with an alternative member of the PAC.

69.4 Members supported the suggested approach but asked that a report on the new arrangements be provided after twelve months.

RECOMMENDED

70. That the County Council approve that:
- i. the membership of the Personnel Appeals Committee (PAC) be changed so that members of trade unions no longer serve as members of the Committee when it sits as a pay board or to hear grievance appeals from staff;
 - ii. the role of hearing and determining grievance appeals be delegated to the Chief Executive or a Director after consultation with the Chairman of the Personnel Appeals Committee (or in his absence, one member of the Personnel Appeals Committee), and one trade union representative drawn from any one of the recognised trade unions;
 - iii. the role of hearing and determining end of employment appeals be delegated to the Chief Executive or a Director, after consultation with the Chairman of the Personnel Appeals Committee (or in his absence, one member of the Personnel Appeals Committee) and a further member of the Personnel Appeals Committee; and
 - iv. a further report be provided for the Committee after the new arrangements have been in place for twelve months.

Director for Children's Services Appointment – Progress Report Review (Paragraphs 1 & 3)

71.1 The Committee received an oral exempt report by the Chief Executive following the recent recruitment exercise to appoint a Director for Children's Services.

71.2 Members were informed of the activities taken to date to recruit suitable applicants, available future options and associated costs of each.

Resolved

72.1 That South West Councils be invited to commission a facilitator to support the identification of options for the future of Children's Services leadership.

72.2 That the Acting Director for Children's Services be appointed as Director for Children's Services (with an agreed timescale to be determined), and that the arrangements for the appointment be delegated to the Chief Executive.

Meeting duration: 11.15am to 12.30pm

CHAIRMAN
29 July 2013