

EMPLOYMENT AND APPOINTMENTS COMMITTEE

Thursday, 16 September 2010

Present:

Councillor A Bridson (Chair)

Councillors P Davies P Kearney
S Foulkes M McLaughlin
J Green L Rennie
M Johnston

In attendance:

Councillor G Gardiner

20 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were requested to declare whether they had an interest, either personal or prejudicial, in any item on the agenda and, if so, to declare it and state the nature of such interest.

No such declarations were made.

21 MINUTES

The Committee was requested to receive the minutes of the meetings held on 17 June and 17 August, 2010.

In connection with minute 8 (Managing Attendance), the Head of HR and Organisational Development stated that she would write to Members to clarify the term 'neurological/central nervous system', one of the sickness reasons referred to in the report.

Resolved – That the minutes of the 17 June and 17 August meetings be approved.

22 WASTE AND RECYCLING STAFFING

The Director of Technical Services submitted a report which sought the Committee's approval for the establishment of five new posts within the Waste and Recycling Division of the Technical Services Department at Grades of Band C (£15039-£15725) x 2 posts and Band G (£22221-£25472) x 3 posts. Four of the posts were currently filled with temporary/agency staff.

The proposals were approved by Cabinet on 22 February 2010 (minute 332 refers) as part of the 2010/11 Budget Proposals in respect of Improving the Environment, Energy Efficiency and Carbon Reduction.

As part of the Budget Proposals it was agreed to create a new post of Eco Schools Officer to engage with and educate children and community groups in reducing waste and increasing the volume and quality of waste recycled in schools and in children's

homes. Budget provision of £80,000 was made to cover the cost of the post and associated resources.

Budget provision of £100,000 was also made in order to establish the posts of Community Liaison Manager, Trade Waste Officer and 2 Participation Officers. The budgetary provision was being funded from increased recycling credits from April 2010 onwards. The total annual saving from moving away from the use of agency workers to creating new posts on the Council's own establishment was £13,600. It was proposed that the existing agency workers be invited to apply for the new posts subject to any competition from Council employees on the Redeployment List. Appointments could then be made on their merits.

Responding to Members' comments, the Head of Service, Streetscene and Waste, stated that there was a need for a dedicated officer in the post of Eco Schools Officer as this work could not be delivered through any other mechanisms of using existing staff within the department. With the permission of the Chair, the Cabinet Member for the Environment confirmed that this was the case and that Wirral was currently lagging behind many other authorities in the country in this work.

The Leader of the Council requested further information be provided in respect of the Eco Schools Officer post and the reasoning for this to be a dedicated post.

Resolved –

(1) That this Committee approves the establishment of the following five posts to be financed from budget sums approved by Cabinet on 22 February 2010:

1 x Community Liaison Manager – Band G

1 x Trade Waste Officer – Band G

1 x Eco Schools Officer – Band G

2 x Participation Officer - Band C

(2) That the existing agency workers be allowed to apply for the new posts after employees on the Corporate Redeployment Register have been considered.

(3) That further information be provided to Committee members on the Eco Schools Officer post.

23 PARKS AND COUNTRYSIDE SERVICES PROCUREMENT EXERCISE - CREATION OF NEW CONTRACT MANAGER POST

The Director of Technical Services submitted a report which sought the Committee's approval for the establishment of a new Parks and Countryside Services Contract Manager post at a grade of EPO9 (£46,423 - £48,979).

Cabinet had agreed on 22 July, 2010 (minute 84 refers) to proceed with a major procurement exercise (PACSPE) to deliver a new 'Total Service with Single Provider' service delivery model for Parks & Countryside Services commencing winter 2011. Specialist senior-level expertise would be required to ensure this procurement exercise and subsequent contract management arrangements were a success and at

their meeting Cabinet had endorsed the creation of a new Parks and Countryside Services Contract Manager post.

The total cost of this new post based on the top of the grade and including on-costs was £61,714 to be funded from within existing resources. The consultants, Capita Symonds, who had developed the outline business case for PACSPE had indicated that efficiency savings of £7.841M over a ten year contract term as a result of moving to a new single strategic contract with no diminution in service delivery.

Responding to Members' comments, the Head of Human Resources and Organisational Development stated that any post was open to those on the redeployment register and would be open to internal applicants prior to going to any external advertisement.

The Leader of the Labour Group commented that the Parks and Countryside Service procurement process was now fundamentally unfair as a twin track approach, with an in-house bid for the service, which would have made the process more competitive, had not been adopted and that he could not support the proposal.

On a motion by Councillor Green, seconded by Councillor Mrs L Rennie, it was –

Resolved (5:3) (Councillors P Davies, Foulkes and McLaughlin voting against)
–

That this Committee approves the creation of a new Parks and Countryside Services Contract Manager post at salary grade EPO9 and that normal recruitment procedures be commenced, prior to any external advertisement and recruitment, with immediate effect.

24 **SUBSISTENCE REIMBURSEMENTS**

Further to minute 5 (17/6/10), the Director of Finance submitted a report regarding current reimbursement rates for subsistence expenditure relating to all staff. The matter had been deferred at the June meeting pending the outcome of national pay negotiations.

As pay rates had now been frozen the Director recommended that no allowances should be increased for 2010-11. In using the current maximum rates the amounts for subsistence would continue to be evidenced by the production of valid receipts wherever reasonably possible. No reimbursement would be made where an officer had received a meal as part of the travel arrangements.

The Leader of the Labour Group asked if the Trades Unions had been consulted on the proposals and the Director responded that they had not.

It was then,

Resolved – That it be recommended that the subsistence rates remain unchanged for 2010/11 and that this forms the basis of consultation with Wirral Trades Unions and a report back to the next meeting of this Committee.

DELEGATION OF AUTHORITY FOR CHANGES TO STAFFING STRUCTURE (UP TO AND INCLUDING SPINAL COLUMN POINT 49)

The Director of Law, HR and Asset Management submitted a report which sought approval to grant delegated authority to Chief Officers for any changes to the Council's staffing structure, including creation and deletion of posts involving employees up to and including Spinal Column Point (SCP) 49 (grade PO14). This would amend the current procedure whereby changes to the staffing structure, including the creation and deletion of posts at any level, were submitted to Employment and Appointments Committee for approval.

The proposed new procedure for the creation, deletion or amendment of posts, would include authorisation from:

- Chief Officer (relevant department)
- Director of Finance
- Head of HR/OD

For proposed changes to the staffing structure to be implemented, authorisation must be obtained from all three Officers. This process would provide a consistent approach and ensure that the Council's staffing structure continued to be closely managed and provide a robust process for monitoring costs which was critical in the current challenging economic environment.

It was also proposed that should this new procedure be adopted, all vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.

The Leader of the Labour Group expressed grave concerns that the proposed new procedure would exclude elected Members from some re-structuring of departments.

The Leader of the Council suggested that it would be useful to have regular monitoring reports.

It was moved by Councillor Green and seconded by Councillor Mrs L Rennie, that –

“(1) This Committee recommends Council approve the procedure to grant delegated authority to Chief Officers for any changes to the Council's staffing structure, including creation, amendment and deletion of posts involving employees up to and including Spinal Column Point (SCP) 49 and to revise the Scheme of Delegation accordingly, with immediate effect, and that regular monitoring reports be brought to this Committee.

(2) All vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.”

It was moved as an amendment by Councillor P Davies and seconded by Councillor S Foulkes, that –

“(1) This Committee rejects the recommendation, 15.1 in the report, as it will reduce the ability of elected Members to influence decisions on staffing restructures and therefore agrees to retain the status quo.

(2) All vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.”

The amendment was put and lost (3:5).

The motion was put and carried (5:3).

Resolved (5:3) –

(1) This Committee recommends Council approve the procedure to grant delegated authority to Chief Officers for any changes to the Council’s staffing structure, including creation, amendment and deletion of posts involving employees up to and including Spinal Column Point (SCP) 49 and to revise the Scheme of Delegation accordingly, with immediate effect, and that regular monitoring reports be brought to this Committee.

(2) All vacant posts currently shown on the staffing establishment would be deleted other than by exception as agreed by the relevant Director, Director of Finance and Head of HR/OD.

26 **MANAGING ATTENDANCE**

The Director of Law, HR and Asset Management submitted a report updating the Committee on the current attendance management position. The final outturn BVPI absence figure for the year to 31 March 2010 was 10.22 days.

A breakdown of sickness absence figures for Quarter 1 and comparative data for 2006/7, 2007/8, 2008/9 and 2010/11, by quarter and by full year, was shown in appendix 1 to the report. Sickness levels for Quarter 1 (2.40) showed an improvement against both previous years (2.48 and 2.63) with four out of seven departments having showed an improvement on the corresponding quarter last year. Should this be sustained throughout the year, the projected figure at the end of year would represent improvement on the previous three years.

The report also included benchmarking data both locally and nationally as well as absence levels from the private sector. Figures had been obtained from the Chartered Institute of Personnel and Development, Absence Management, Annual Survey Report 2009.

Work had continued on a revised Absence Management Policy which had been produced and on which consultation with the Trade Unions was currently being undertaken. The final proposed improvements would be brought to the next Employment and Appointments Committee.

Resolved – That this Committee notes the benchmarking sickness absence data for 2009/10.

27 **WORKFORCE MONITORING QUARTER 1 REPORT (APRIL TO JUNE 2010/11)**

The Director of Law, HR and Asset Management submitted a report which gave a summary of the monitoring and analysis of the Council's workforce for Quarter 1 (1 April 2010 to 30 June 2010) and the proposed outcomes and actions to be taken as a result. Appendices to the report fulfilled the Council's specific employment duties in relation to employment for race, gender and disability.

Additionally, the Head of HR and OD circulated a graphical representation of employees and applicants by ward. She also commented that she would provide a presentation to the Committee at a later date and responded to a number of comments on the data trends.

Resolved –

(1) That Committee notes the requirement for the Authority to comply with specific employment duties and report upon them has been fulfilled.

(2) That Committee notes the findings of the Summary Report for Quarter 1, 2010/11.

28 **APPEALS SUB-COMMITTEE**

Further to minute 10 (17/6/10), the Director of Law, HR and Asset Management submitted a report upon the possibility of having a pooled membership for the Appeals Sub-Committee. If the Committee were mindful to appoint a pool of Members, it would need to be politically proportionate, the current number of members and deputies, 21, would be in the ratio 8:8:5 (Conservative: Labour: Liberal Democrat). With a pooled membership there could be occasions when the Sub-Committee would not be politically proportionate, therefore the appointment of a pool would need to be approved by Council with no Members voting against.

To ensure a consistency of approach from the membership pool, it was recommended that all Members of the pool undertake training. Whilst it was recognised that some Members had considerable experience of hearing appeals, it was timely to undertake further development to share skills and knowledge and update Members on recent employment case law.

Resolved –

(1) That this Committee recommends to Council the appointment of a pool of 21 Members in the ratio 8:8:5, from which an Appeals Sub-Committee of 3 Members will be drawn as and when required, with the Chair being appointed at each meeting, for the current municipal year 2010/11.

(2) That training for Elected Members undertaking appeals takes place, as a matter of good practice, to support Committee's decision.

29 **APPEALS SUB-COMMITTEE MINUTES**

The minutes of the Appeals Sub-Committee held on 14 July and 23 August, 2010 were submitted for information.

Resolved – That the minutes be noted.

30 UPDATE ON MANAGING WORKFORCE CHANGE AND REDEPLOYMENT

The Director of Law, HR and Asset Management, submitted a report providing an update on the on-going management of Workforce Change and outlined progress to date on the successful redeployment of employees throughout the Council in support of the efficiency programme. The Corporate Redeployment Team undertook regular reviews of all employees currently on the redeployment register, with a particular focus on those who were approaching 6 months on the redeployment register and those who had been on the redeployment register for over 6 months.

Resolved – That the report be noted.

31 FOOTBALL DEVELOPMENT OFFICER

The Chair had agreed to consideration of this urgent item of business in view of the need for a decision prior to the next meeting of this Committee.

The Director of Technical Services submitted a report which sought the Committee's approval to establish a post of Football Development Officer (Play Football Officer) as part of the Sports Development section in Cultural Services. The post would be for three years at a Grade of Band G (£22,221-£25,472) subject to job evaluation.

The cost of the post, including on-costs for the three years would be £98,066. The post would be funded with a grant of £75,000 from the Football Association (FA) and £23,066 from the Sports Development budget which in turn would be offset by an estimated income of £54,000 from football courses.

Responding to Members' comments, the Director stated that the grant conditions were such that the post needed to be full-time. The FA had also asked that the post be known as a Play Football Officer.

Resolved – That this Committee approves the establishment of the post of Football Development Officer (Play Football Officer) for 3 years on grade Band G, subject to job evaluation.

32 EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC

Resolved - That, under section 100 (A) (4) of the Local Government Act 1972, the public be 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 by paragraph 1 of Part I of Schedule 12A (as amended) to that Act.

33 ALLEGATIONS AGAINST EMPLOYEES

The Director of Law, HR and Asset Management provided details of allegations of serious or gross misconduct made against employees and advised of the action taken in each case.

Resolved – That the report be noted.