

Employment & Appeals Committee – Meeting held on Tuesday, 24th March, 2015.

Present:- Councillors Brooker (Chair), Chohan, Dhaliwal, N Holledge (Vice-Chair), Plenty and Sandhu

Apologies for Absence:- Councillor Coad and Zarait

PART 1

28. Declarations of Interest

No declarations of interest were received from Members.

Ruth Bagley, Chief Executive highlighted that all Slough BC Officers including those present at the meeting had an interest in agenda item 7, Redundancy Consultation.

29. Minutes of the Meeting held on 22nd January 2015

Resolved - That the minutes of the last meeting, held on 22nd January, 2015, be approved as a correct record.

30. Temporary Agency Staff - Progress on Implementation and Baseline Monitoring

Claire Portsmouth, Procurement and Contracts Analyst, outlined a report to update the Committee on the progress in implementation and baseline monitoring of temporary agency staff with Matrix. Concerns had been raised by members around the costs and numbers of agency staff requested through Matrix. The report was intended to alleviate some of the concerns but it was highlighted that for a variety of reasons, Slough continued to rely heavily on agency staff. Also, until the structure of the Council started to settle through a number of ongoing consultations and the implementation of the five year plan, costs would likely increase in the interim period of adjustments.

It was highlighted that to date in the current year, the total amount invoiced (April to February 2015) was £9,602,885. The weekly invoiced amount was on average £200k; therefore the forecast for the full year of £10.4m reported in the last report remained on target. The Committee noted that the number of Matrix placements currently stood at 240, against 228 for the last report.

Members noted that margin costs through re-procurement continued and since quarter 1 there had been a £27k reduction. The exercise to move staff off contract would continue where any agency staff remained at SBC for more than 12 weeks and so far a total of 97 placements had been re-procured against 191 eligible posts (50%).

The Officer discussed pay parity for certain temporary agency workers and SBC staff and this was variable. In the case of a Senior Social Worker the

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pay was £3.51 per hour higher than the SBC equivalent worker and the higher pay was far in excess of the scale point. Members were advised that work was being undertaken by HR to recruit permanent Social Workers. It was also noted that there was some disparity between the salaries paid to administrative staff and temporary and permanent staff undertaking non-qualified healthcare posts and work was underway with Matrix to resolve this.

It was noted that 1% of the total pay to Matrix resulted from agency staff expenses, the majority of which were for mileage paid since April. The mileage rates paid reflected those paid to permanent staff. This would need to be reviewed to assess whether mileage claims for agency staff should be managed differently.

The Committee noted that Matrix continued to achieve the KPI targets set out in the original contract regarding filling of posts, the number of rejected candidates and helpdesk assistance and these were monitored on a quarterly basis. Members noted that the number of candidate applications, recruitment difficulties and recruitment in progress continued to be the most common reason for agency staff requests (54% over the last quarter).

Members raised a number of comments/ questions in the debate that followed including:

- The breakdown of agency staff placements and tenure of staff were included in the report. How did the Council compare hours and days and how did the Council know that it was getting value for money from the contract? *It was agreed that at the next meeting of the Committee a report would be included to discuss how the matrix Contract was being managed in terms of value for money.*
- The report stated that there were currently 24 staff outside of the Matrix contract at February, costing £145,374 over January and February. 82% of the spend was within the Wellbeing Directorate. Members were advised that there should be no long term contracts outside of Matrix and work was being done to ensure the posts were put into the Matrix contract when they came to an end. *It was felt that the report did not include sufficient information around this area. It was agreed that the Officer would provide details of the length of these contracts etc within the next report.*
- In relation to agency staff placements and the length of those contracts, what was the term of longest contract in place? *This was thought to be 7 years and the officer agreed to provide a report on this at the next meeting. In the Wellbeing Directorate it was necessary to retain agency staff if it was not possible to recruit to replace them when their contract ended. This problem was a national one and explained why there were some longstanding staff in social care areas. On occasion there were staff who had rare skills who were employed for a particular project. It was acknowledged that there were concerns around this practice and better quality data would be useful so that Senior Management could examine this. It was also confirmed that the 1st Quarter of the Audit Plan next year would consider Matrix Actions.*

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The Officer advised that a breakdown on length of tenure of placements through Matrix would be added to future reports.

- Could the Officer confirm that the Council was not in breach of the Agency Worker Regulations (2010)? It was noted that the highest average pay rate salary was £8.68. *The Officer confirmed that the lowest SBC rate was £8.48 and he assured the Member that there was pay parity. The Member requested that the actual pay detail be included in the next report.*
- A Member noted the pay differences between permanent SBC and agency staff and it appeared that in some cases the Council was paying the Agency a significant amount per week above SBC levels per staff member? *The Officer advised that the normal uplift was in the area of 24% and he accepted that the figures set out in the report were of concern. The Member requested and it was agreed that additional data would be presented in future reports to show the differences.*
- How could Members assess whether the Matrix Contract was value for money? It was felt that there should be a comparator. *The Officer advised that Matrix had been requested to benchmark last year's data and it was acknowledged that they could not continue to compare themselves to Pertemps for this purpose.*

Resolved- That the report be noted.

31. SBC Accommodation Strategy

Roger Parkin, Director, Customer and Community Services, introduced a report, providing Members with an update on the SBC Accommodation Strategy, including detail on the impact on services and staff during and after the various office moves.

The Committee was advised that since 2008, the Council has transformed the way assets were used and substantial savings had been achieved, since the closure of the The Town Hall. The number of desks had been reduced from 1400 to 800 in St Martins Place. The Director discussed a number of initiatives introduced to support new ways of working, which had received very positive feedback from staff. These included the opening of a Business Suite on the 1st floor west at St Martins Place and a number of informal meeting spaces enabling staff to have informal discussions away from the desk area. Another improvement was an increase in the number of meeting rooms, therefore reducing the councils spend on hiring space.

It was also noted that Video Conferencing had been installed in the CMT meeting room and this would reduce the need for people to travel elsewhere to attend meetings. Wi-Fi would be installed as part of this project and working space at Chalvey Community Centre, Britwell Centre and Manor Park Centre, would enable staff to log in there for short periods away from the office between meetings.

The Director advised that an Asset Challenge Project would support the objectives of the Accommodation Strategy Project Board and Corporate

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Landlord. All three projects had been set up to support each other while achieving a similar objective, i.e. financial savings for the council.

The Committee was advised that from the feedback available there had been minimal impact to staff in view of the extent of the work that was being undertaken to upgrade the mechanical and electrical equipment during working hours. Staff in general had welcomed the new office environment, finding it airy, with a more open and less congested feeling. No negative feedback had been received regarding the smaller desk space apart from tall members of staff regarding the desk bar located underneath the desk. The supplier had changed the bars where requested. Chairs had proven to be a little problematic, with so many people having different requirements and preferences, preventing a standard chair for all. The majority of staff were satisfied with the new chairs, and the supplier had again been very helpful in resolving any issues.

The Director advised that unfortunately the office temperature would not be consistent throughout the building until all the mechanical upgrading work was complete. Where possible windows would be opened if the temperature was too warm.

Members raised a number of questions/ comments in the ensuing discussion:

- What were the specific problems around office temperatures? *The valves in the system opened and closed to regulate temperature but at the moment these could not be fully controlled. The Director confirmed that the system would operate successfully when the system works were completed.*
- When would the work be completed and could an assurance be given that the system would work correctly? *The ground floor would be finished for the return of staff on 19th April. It was confirmed that the system would be sealed, balanced and would work correctly.*
- Did the system circulate fresh air? *It was confirmed that this was the case.*
- Was there flexibility in the accommodation strategy and were there any areas of concern? *The future desk policy would allow 6 desks for 10 staff. The wiring was completed in the building and the new Air Con system would be guaranteed for 10 years. Some issues remained around roof repairs and it had been necessary to submit a capital bid to remedy this.*
- Was there any correlation between the levels of sickness and the accommodation strategy? *None were identified but an Ofsted inspection had identified that there were a lack of meeting rooms in the building and this had been improved through further provision.*
- The number of desks had reduced from 1400 to 800. Did this reflect the reduction in actual staff numbers? *In part there had been a reduction but also a number of staff worked part time so there had not been a reduction of 600.*
- What was the cost of the refurbishments to St Martin's Place? *The works in the current phase cost £3m. Reduced maintenance costs*

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would result in substantial revenue savings. £1.2 m had been spent since the move to St Martins Place but there would be considerable savings going forward.

- It was suggested that the murals that had been placed on several walls were not attractive. Why had scenes of local interest not been used instead? *The murals were inexpensive 'off the shelf' additions to provide feature walls. To commission bespoke scenes of local landmarks would have been too costly.*
- When would the Accommodation Strategy be completed? *The current phase would be completed on 16th April 2016.*
- When the Town Hall was vacated, there was an understanding that the Council Chamber could be used in future for meetings. Why had this materialised? *It was thought that there were issues around disabled access as the school had no lift. The Chief Executive advised that she would investigate this matter and report back to Councillor Dhaliwal.*

Resolved- That the report be noted.

32. **Sickness Absence Update & HR Balanced Scorecard**

Surjit Nagra, HR Business Partner, summarised a report providing members with an update on progress of reducing the Council's Sickness absence. The report provided the latest available performance figures and the Council's Overall Sickness Absence Balanced Scorecard. A full data set was not available as the meeting date was brought forward.

The Assistant Director provided a summary of the report and Members were reminded that the sickness absence scorecard continued to be reported at management team meetings to monitor sickness absence in service areas. It was highlighted that the HR Team had provided additional support to help manage sickness levels in the Wellbeing Directorate and this had led to a sustained improvement over the last 2 months.

The Committee noted that the Regeneration, Housing and Resources Directorate had a fluctuating score over the last 6 months and was currently reporting as the lowest performing directorate with a performance management score of 69.2 in December. Again, HR support was being provided to this Directorate to remind managers of their duties in terms of policy compliance and completion of the sickness tracker sheets. It was noted that the Chief Executives directorate was the first to reach a performance score of 100 in December. Whilst it was recognised that this was the smallest Directorate with the least sickness absence, it was an acknowledgement that good management of sickness absence could be achieved.

Members were advised that the Council was maintaining a positive approach to managing sickness absence and managers continued to undertake formal meetings with employees when they hit trigger points and to follow the different stages of the policy. It was noted that 97.9% of managers and supervisors had now attended the Sickness Absence Training.

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Due to the nature of the work undertaken within the Wellbeing Directorate, it was accepted that staff would present the largest number of sickness days lost and a revised target of 9.4 sick days had agreed. The target for the Council as a whole had been amended to 8.1 days and this would be recorded on the January Scorecards.

Members noted the individual Directorate Scorecards and it was highlighted that Occupational Health remained an important component to ensure relevant medical advice was sought in a timely manner. 43.8% of staff that had hit the sickness absence trigger had been referred to Occupational Health to enable the manager to support the employee with their sickness.

The Officer discussed the impact of skeletal breaks, sprains, stress, and infections on sickness levels and extra physiotherapy and back care clinics that had been provided for the Wellbeing Directorate. The success of these sessions would be reviewed when completed with a view to possibly providing similar schemes across the Council. With regard to infections, it was noted that managers were responsible for ensuring that arrangements were in place for the vaccination of their care workers who were in direct contact with patients and service users. Flu vaccinations were offered through the Occupational Health contract and 28 employees had attended the sessions. It was highlighted however that many staff would possibly have received vaccinations at other clinics such as with their own GP and of course this was a personal choice. It was difficult to assess whether the offer of a vaccination had impacted on sickness levels in the respective Directorate due to the low measurable take up.

Members raised a number of questions/ comments in the ensuing debate:

- It was noted that in the RHR Directorate a high number of staff had met the 6 day sickness trigger but only a percentage of these had received a formal Stage 1 meeting? *This was acknowledged but it was highlighted that 2 individuals were on long term sick leave and the figures were therefore skewed.*
- Could all staff be requested to have a flu vaccination to improve sickness levels and in particular would it be helpful to require counter staff who were in frequent contact with the public to participate in a vaccination programme? *It was accepted that staff in these areas would likely benefit more from a vaccination but the decision on whether to receive a flu jab rested with the staff member and the employer could not insist on this. There was also some evidence that the vaccine was not always 100% effective in controlling influenza levels.*
- How did Slough BC compare with other councils in terms of sickness triggers? *It was reported that other councils had a 10 day per annum sickness threshold.*

Resolved - That the report be noted.

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33. Smoking Policy Update

Kevin Gordon, Assistant Director, Professional Services outlined a report setting out the Council's proposed new Smoking Policy and amended times during which staff would be permitted to smoke during the working day. The Committee was requested to consider the revised policy and the requested implementation date.

The Officer advised that the Council had engaged 'Solutions 4 Health to support staff as part of the Council's Employee Wellbeing programme to help the Council to achieve its goal of becoming a smoke free environment. Since 13th January 2015, the company had offered free one to one confidential support, provide weekly nicotine replacement therapy and helped staff who wanted to set a quit date.

There was no data available to identify how many employees smoked and it was therefore difficult to gauge whether the initiative was having a successful impact. So far 8 employees had signed up to the 'Commit to Quit' scheme. The Committee was advised that the Council's Smoking Policy was created in 2007, following new government rules regulating smoking in the workplace. In 2014 the Council reinforced the times that staff were permitted to smoke at work which was currently anytime outside of core hours, i.e. 10am – 12noon and 14.00pm – 16.00pm.

Staff had generally complied with these hours but the Council aimed to further reduce smoking at work and a recommendation to extend the times that staff were not allowed to smoke during the working day was proposed. With effect from 1st April, 2015 it was proposed that staff would not be allowed to smoke between the hours of 09.30am – 12.00 noon and 14.00 – 16.30pm.

Members were referred to the revised smoking Policy set out at Appendix 1 of the report and to a number of FAQs that were compiled for the Council's intranet to assist staff.

It was highlighted that smoking, in designated areas would only be permitted in the employee's own time and any contravention of the policy by employees would be regarded as a disciplinary breach and would be treated as misconduct under the Disciplinary Policy.

Directors and Senior Managers were responsible for promoting awareness of the policy and ensuring that all workers co-operated to ensure the success of this policy. At the same time, employees were responsible for co-operating and complying with the no smoking rules. The Officer concluded that smoking was considered to be one of the biggest causes of ill health and premature death in the country and the Council was committed to providing a safe and comfortable working environment for employees and visitors.

The Committee welcomed the report as a measure to improve the health of Slough BC staff.

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Resolved-

- (a) That the revised Council Smoking Policy set out at Appendix 1 of the report, extending the hours that staff are not permitted to smoke to: 09.30am – 12.00 noon and 14.00 – 16.30pm be agreed.
- (b) That the revised Council Smoking Policy be implemented on 1st April 2015.

34. Redundancy Consultation

Ruth Bagley, Chief Executive, outlined a report setting out proposed changes to the discretionary elements of the Council's redundancy payment scheme.

The Committee was requested to consider and agree the following suggested changes to the scheme:

- Reduce the levels of redundancy payment through reducing the current redundancy multiplier of 2.5 to 1.5 and capping the maximum number of weeks payable from the current 75 weeks to 30 weeks or
- Taking note of feedback from Trade Unions, adopt a different model.

The Chief Executive discussed the background to the proposal and the consultation process that had taken place. The purpose of the consultation was to address the need to balance a fair employment offer for staff with the need to reduce future budgets, whilst addressing the increased demand for services. The Committee was reminded that a Planning for the Future exercise was undertaken between 2010 and 2012 and staff numbers had subsequently reduced by measures which included voluntary and early retirement. It was clear that in the resulting smaller, less flexible organisation, further change was needed and restructures had been necessary. Whilst savings approaching £50 million had been made since 2010, further savings of £35 m were required in the years 2015 to 2019.

It was highlighted that although the cost of redundancy payments could eventually be recoverable through savings, the payments placed a significant charge on the Council's budget and could attract public criticism in times of austerity. Some employers had adopted the national statutory formula for calculating redundancy payments but some chose to enhance this formula. In considering budgetary issues, an initial report to Corporate Management Team (CMT) had indicated that the Council's redundancy payments were falling out of step with some other authorities and there was an opportunity to reduce these costs.

The Chief Executive advised that since all Council Officers had a potential interest in the redundancy payment scheme, an independent report was commissioned from the Council's internal auditors who were asked to recommend a revision to the scheme that would offer affordability to the local

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taxpayer whilst ensuring acceptable staff recruitment and retention. The report and recommendation were based on the auditor's report.

Members considered the results of the subsequent benchmarking exercise that had been undertaken which made comparison with more than 40 other local authorities and public sector bodies, and the methodology used in calculating redundancy payments. The exercise included the consideration of weekly pay, the redundancy multiplier, the application of statutory age bands versus one that used a standard multiplier irrespective of age, and the question of capping. The analysis identified a number of proposals for consideration set out in the report and it was noted that a discretionary multiplier of 1.5 was the average amount used by councils, and this assisted in recruitment and retention as it fell above the statutory minimum. Some Councils had adopted a lower option for the multiplier and higher for the number of weeks capped or vice versa. In some cases Authorities had opted for lower levels for both or higher for both.

The Committee was advised that the payment scheme or a change to it did not form part of the Council's contractual arrangements. The Council had the option to adopt the statutory redundancy scheme but having reviewed the options it was proposed that a discretionary multiplier of 1.5, a cap of 20 years' service and a 30 weeks' cap was applied and the Committee was asked to agree these combinations. This revision would enable the Council to provide a scheme that was significantly above statutory levels of redundancy whilst at the same time reducing the financial burden imposed by future redundancy costs.

The Chief Executive advised that the Council had the option to implement the scheme without notice or build in a delay so that consultations that were well under way could be accommodated and the latter was the preferred option. It was therefore recommended that the revised scheme take effect from 1st April 2015, subject to any restructure consultations which had been fully launched (i.e. approved by CMT and sent to staff) by 6 February 2015, and where the respective members of staff would receive their redundancy payments before or on 30 June 2015, being considered under the existing redundancy payment scheme.

Members were advised that the consultation was issued to all staff on 5th February, 2015, both across the Council and in schools. Trade Union representatives were also sent a copy of the proposals for consideration and comment. All staff were given an opportunity to attend an information session during the week beginning 9th February 2015. The Chief Executive had advised that at the close of the consultation on 9th March, only 3 individuals submitted a response. Trade Unions had on behalf of their members requested a considerable enhancement to the proposal which would have meant that the Council remained an outlier from the significant majority of local authorities within the benchmark report. It was noted that following discussion with senior managers, Trade Unions had advised they would undertake a survey their members on an alternative proposal as follows:

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1. Reducing the levels of redundancy payment through reducing the current redundancy multiplier of 2.5 to 1.75 and capping the maximum number of weeks at 30 or:
2. Reducing the levels of redundancy payment through reducing the current redundancy multiplier of 2.5 to 1.65 and capping the maximum number of weeks at 35.

The detailed outcome of the survey had not been received.

Staff had concerns around the capping arrangements and the Trade Unions had requested a longer period of implementation. It was noted that none of the Unions had made any comment on the effective date.

Members were advised that staff who were able to demonstrate by 28th February that their post could be redundant with effect from 30th June subject to there being a sound business and financial case without disruption to the service, would be eligible to be considered for redundancy under the existing scheme. The Chief Executive advised that a small number of applications were received for voluntary redundancy and these had been considered by CMT in the usual way. Some were agreed whilst others were rejected. It was clear that staff were naturally not happy with the less favourable redundancy proposals but the revised scheme reflected what other Council's had implemented.

In the ensuing debate Members raised a number of comments/ questions:

- Would the terms be applied in the same way for both voluntary and compulsory redundancy schemes? *It was confirmed that this was the case.*
- Had other options been considered? *It was confirmed that other options had been considered but the analysis had generated three suggested options for consideration as set out in the report.*
- What was the average cap for other Labour run Councils? *Two Labour Councils benchmarked were reported to have a cap of 104 weeks but the suggested cap was comparable to the average cap and was not out of step with many other Labour Councils.*
- Could the Committee decide to place a cap on the cash value? *Members were advised that this option had not formed part of the consultation and was not before the Committee as an option.*
- How was the variable multiplier affected by age? *The age bands would remain- in the proposed scheme the multiplier would be 2.25 after the age of 41 yrs and reduce to 0.75 at age less than 22 yrs.*
- Would the cap on years be changed? *The current cap was set at 20 yrs and this would remain the same under the recommended levels. It was felt that a higher cap could be discriminatory against women.*
- Could an example be given of the affect of a revised cap to 30 weeks pay where the staff member was a high earner with long service? *The example was given of a staff member who would hit the 30 weeks cap with a reduced multiplier of 1.5. The resulting redundancy payment*

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under the proposed scheme would be approx £91k rather than £200k under the existing scheme.

- How did this calculation meet the weekly pay cap of £470? *It was explained that this figure represented the amount used in a statutory redundancy calculation only.*
- How did Central government redundancy schemes compare with the proposed Slough scheme? *The Civil Service schemes had been reduced but broadly at a level above those set in Local Government.*

The Committee was reminded that the proposed option was for a discretionary multiplier of 1.5 and a cap of 20 yrs and 30 weeks. There was no proposal to change the statutory minimum weekly pay. Members deliberated and agreed these proposals.

Resolved- That the Committee agree that the Council's Redundancy Payment scheme be amended as follows:

- (a) That the current redundancy multiplier be reduced from 2.5 to 1.5.
- (b) That the cap on the maximum number of weeks payable under the scheme be reduced from 75 weeks to 30 weeks and that the cap on years be retained at 20 years.
- (c) That the revisions to the scheme be implemented from 1st April 2015, subject to any restructure consultations which had been fully launched (i.e. approved by CMT and sent to staff) by 6 February 2015 and where the respective members of staff receive their redundancy payments before or on 30 June 2015 will be considered under the existing redundancy payment scheme.

35. Attendance Record

Resolved - That the report be noted.

36. Date of Next Meeting

The date of the next meeting was confirmed as Tuesday, 23rd June, 2015.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 9.15 pm)