

Employment & Appeals Committee – Meeting held on Thursday, 29th January, 2009.

Present:- Councillors Bains (Vice-Chair), A S Dhaliwal, Grewal, Hewitt, Long, Qureshi and Stokes

Apologies for Absence:- Councillor Mann

PART 1

17. Declarations of Interest

None.

18. Minutes of the Meeting held on Wednesday 29th September 2008

The minutes of the meeting held on Wednesday 29th September 2008 were approved as a correct record.

A Member queried whether the letter to Cabinet requested at the last meeting relating to the change in date of the Cabinet meeting had been sent. He was advised by the democratic services officer that it had not as no formal resolution had not been proposed or agreed, however the relevant parties had been made aware of the concerns raised.

19. HR Policies & Procedures – Capability Policy and Procedure

The Assistant Director, Human Resources, presented a report to the Committee outlining the proposed amended Capability Policy and Procedure. This policy would provide an improved framework to guide managers and staff in the handling of capability issues affecting staff performance. The amended policy had been circulated in draft form for formal consultation with trade unions and had been approved. Several focus groups had been held with staff, managers, trade unions and HR to engage stakeholders in revising the policy. The review of the policy had been initiated as a result of a capability case which had progressed to the final stage. It was felt by all parties involved (manager, employee and Trade Unions) that at this, the final, stage the policy had lacked sufficient detail. The report outlined several of the key amendments including the inclusion of a detailed stage 3 process and supporting templates of the necessary letters and scripts. A diagram detailing the Capability Policy and Procedure Step Process was tabled.

In the subsequent discussion Members raised a number of questions as follows:

A Member sought clarification of when the policy would be applied, with particular reference to a fall in an employee's performance coinciding with large levels of sick leave. The Committee was informed that the Sickness Absence Policy would be applied in such a case and that the Capability Policy

Employment & Appeals Committee - 29.01.09

and Procedure was intended for use only in connection with staff performance issues.

A Member requested further detail regarding the agreement of job descriptions. The Assistant Director, Human Resources, advised that Job descriptions were provided as part of the application packs and that the suitability of the candidate with regards to the job description was assessed at application and interview stages. Regular reviews formed part of the probationary period of a new employee at which point training needs would be identified. The Capability procedure was only relevant after this period and was not very widely used as staff performance issues were often resolved through informal processes.

A Member asked how long details of any capability proceedings initiated would remain on an employee's employment record and was informed that as background information it would remain indefinitely but that it could only be considered valid by the employer for a 12 month period from the date it was instigated.

A Member queried whether the policy was applicable to senior members of staff and, if so, who was expected to monitor these members of staff. The Committee was informed that the policy only applied to lower grades of staff and that separate processes existed for senior staff in accordance with their terms and conditions.

Resolved - That the Capability Policy and Procedure be approved subject to the following amendments:

- (a) That the procedure be amended to clearly stipulate which posts it is applicable to.
- (b) That the procedure be amended to state what procedures are to be followed where it is not applicable.

20. Membership of the Employment Appeals Sub-Committee

With the permission of the Chair, a Member queried whether the membership of the Employment Appeals Sub-Committee should, under the Council's Constitution, be drawn from the Employment and Appeals Committee, and noted that currently only one of the three primary members of the Sub-Committee was drawn from the Employment and Appeals Committee. Clarification with regards to the training requirements of the Sub-Committee members was also sought.

The Committee was informed by the Democratic Services Officer that at a meeting on 19th June 2008 the Committee had approved the appointment of the Members of the Sub-Committee in line with the Constitution. With respect to the training requirements, Members were obliged to undertake training every year or could not sit on the Employment Appeals Sub-Committee. This training was delivered by the Deputy Borough Solicitor.

Employment & Appeals Committee - 29.01.09

21. Blood Borne Infections/Viruses – Policy and Code of Practice

The Assistant Director, Human Resources presented a report to the Committee on behalf of the Senior Health and Safety Adviser, outlining the proposed Blood Borne Infections/Viruses Policy and Code of Practice. The Policy and Code of Practice would provide a clear source of information with regards to the corporate stance on the employment position for people suffering these conditions and establish a standard to which managers and employees would be expected to adhere. The need for some Directorates to make adaptations to the policy or have additional specific policies was recognised. The policy was developed in consultation with several parties including Occupational Health, the Corporate Management Team and Trade Unions.

In the subsequent discussion Members raised a number of questions as follows:

A Member sought clarification regarding the process to be applied where an employee failed to inform SBC that they had a blood borne infection/virus, as required in the policy. The Assistant Director, Human Resources explained to the Committee that when employment commenced such information had to be disclosed via an occupational health form, however where the medical circumstances of the individual changed subsequently, there was no obligation to inform SBC, although it would be preferred. Where the employee failed to disclose this information to Occupational Health at this first stage, the action taken would depend on the circumstances of the case in question. Principally the policy aimed to encourage a good relationship between employee and employer in order to ensure that such situations did not arise.

A Member enquired as to whether Human Resources would be informed by Occupational Health when a person with such a condition was employed by SBC and were told that this was not automatic but subject to the discussions that Occupational Health had with the individual concerned. Occupational Health would then provide sufficient information, support and guidance to the relevant manager (and employee) as necessary.

Resolved – That the Blood Borne Infections/Viruses Policy and Code of Practice be approved.

22. HR Statistics Report

The Assistant Director of Human Resources presented a report to the Committee detailing the HR statistics for Quarter 3 and identifying the key trends. A similar report for Quarter 2 was tabled for the Committee's consideration. Quarter 2 showed a decrease in staff turnover and sickness absence and an increase in the number of disabled employees and those from a BAME background. These trends were continued into Quarter 3 with staff turnover standing at 1.7% and the number of staff from BAME backgrounds having increased by 0.6%. It was also reported that the number

Employment & Appeals Committee - 29.01.09

of vacancies had fallen in Quarter 3. As requested at the previous meeting of the Committee, the number of staff from BAME categories in posts with pay of £35,000 per annum and over was identified, although the Assistant Director advised that the figure quoted in the report had been transposed and should read 23.9%. Out of this 23.9%, 15% were from Asian/Asian British backgrounds.

A Member enquired as to whether any actions could be taken or were being taken in order to achieve a more balanced ratio in relation to staff gender, which currently stood at approximately 70% females and 30% males. The Committee was informed that whilst this is a traditional/historic reflection of the range of local government activities some areas were more evenly split with the business administration NVQ's being about 50/50. However, it was important that applicants should be appointed to a post based solely on their suitability for the position.

Resolved – That the report be noted.

23. Staff Redundancies

A Member noted that the government had advised that before Local Authorities considered compulsory redundancies, other options should be explored first and queried whether this approach had been followed by SBC. Further to this, the concern was raised that the potential for compulsory redundancies and the consequent uncertainty amongst the staff, might encourage pre-emptive requests for voluntary redundancies whereby the council could lose skilled and experienced staff.

The Chair advised that the matter raised did not relate to an item on the agenda but advised that several options were being considered before compulsory redundancies including voluntary redundancies, requests for reduced hours and the deletion of vacant posts. In addition to this, consultation with the Trade Unions and a formal staff consultation period would also be held. The Deputy Leader of the Council had also advised that if Members sought further clarification regarding this issue they were welcome to contact him.

24. Date of Next Meeting - Monday 6th April 2009

The Committee noted the date of the next meeting.

Chair

(Note: The Meeting opened at 6.30 pm and closed at 7.37 pm)