

Staffing Committee Agenda

Date: Wednesday 21st March 2018
Time: 2.00 pm
Venue: Committee Suite 2/3 - Westfields, Middlewich Road, Sandbach, CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision making meetings are audio recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with paragraph 2.32 of the Committee Procedural Rules and Appendix 7 of the Rules a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the body in question.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given. It is not required to give notice of the intention to make use of public speaking provision, however, as a matter of courtesy, a period of 24 hours notice is encouraged.

4. **Minutes of Previous meeting** (Pages 3 - 12)

To approve the minutes of the meeting held on 25 January 2018

5. **Cultural Review Update**

To cover through presentation and handouts:

- Progress since publication of the report
- Role of Strategic Partner (Sticky Change)
- Governance & Reporting
- Outcomes
- Risks and Issues
- Role of Staffing Committee
- Next steps

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Staffing Committee**
held on Thursday, 25th January, 2018 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor B Moran (Chairman)

Councillors G Baggott, JP Findlow (Substitute for Cllr R Bailey), D Flude,
J Jackson, M Parsons and L Wardlaw (Substitute for Cllr D Brown)

Officers in Attendance

Kath O'Dywer, Acting Chief Executive
Dan Dickinson, Acting Director of Legal Services
Sara Barker, Head of Strategic HR
Rosie Ottewill, Organisational Development Manager
Abigail Rushton, Senior Manager Workforce Development
Suzanne Antrobus, Team Manager, Legal
Rachel Graves, Democratic Services Officer

The Chairman announced that there would be an item of urgent business to consider. He confirmed that, in accordance with Section 100B(4)(b) of the Local Government Act 1972, he was of the opinion that the item should be dealt at the meeting. It would be dealt with in the public part of the meeting and the reasons for urgency would be recorded in the minutes of the meeting.

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Bailey and D Brown.

15 DECLARATIONS OF INTEREST

Councillor J Jackson declared that she was a member of GMB and
Councillor D Flude declared that she was a retired member of UNISON.

16 PUBLIC SPEAKING TIME/OPEN SESSION

Councillor S Corcoran asked the following questions:

“At the end of the last Staffing Committee meeting the Chair made a personal statement. What is the provision in the Constitution that allows items to be added to the agenda without notice and without the possibility of challenge or debate? When was this provision last used?”

The draft minutes do not accord with the recording. Should the minutes reflect what was actually said at the meeting or what the chair intended to say?

Should the sentence "Rather, I have actively encouraged Members to report incidents, through the Council's established mechanisms." be removed from the minutes as it was not said?

Why was it necessary to mention the location of the knife incident?

The statement says "The Leader is quoted publically saying: "reporting of individual incidents, such as in *****, where they are serious or shocking, fall outside the terms of reference of Staffing Committee. This incident was not covered up; it was dealt with responsibly and sensibly and through our established processes."

When did the Leader publicly say this and when and where was it publicly recorded?

The Chair denies that he sat on the information about the knife, but what did he do? If he followed the terms of reference referred to above then he did nothing.

If the incident was outside the terms of reference of the committee why was the Chair of the Staffing Committee given details of the incident?

The Chair denies that he covered up the knife incident, so who did he tell?

As several councillors attended a staffing committee shortly after the knife incident to raise concerns about bullying at the Council, shouldn't the Chair have been more pro-active in addressing their concerns?

In retrospect would he consider discussing the knife incident in part 2 with his fellow committee members?

At a time when there are widespread concerns about the culture of the council and we should be doing all we can to encourage whistleblowers to come forward in confidence, how does the Chair intend to reassure staff that he can be trusted with confidential information and will not unnecessarily reveal information about vulnerable staff in future?"

The Chairman requested that Councillor Corcoran write to him personally and he would arrange for answers and other comments to be given to the questions.

17 MINUTES OF PREVIOUS MEETING

In light of the comment made by Councillor Corcoran in relation to the minutes of the previous meeting, it was proposed, seconded and voted on

that the following wording be deleted from the Chairman's Statement recorded in the minutes as it had not been said at the meeting:

"Rather, I have actively encouraged Members to report incidents through the Council's established mechanisms."

The Chairman stated however that he had said this at the meeting before last and that he continued to encourage all staff to report any matters through the Council's established procedures.

RESOLVED:

That the minutes of the meeting held on 26 October 2017 be confirmed as a correct record, subject to the deletion of the following sentence from the Chairman's Statement - "Rather, I have actively encouraged Members to report incidents through the Council's established mechanisms."

18 INDEPENDENT CULTURE REVIEW - NOTICE OF MOTION RESPONSE

The Committee considered the following Motion which had been submitted by Councillor D Bailey and D Flude at the Council meeting on 19 October 2018 and referred to the Staffing Committee for consideration:-

Independent Cultural Review

"Cheshire East Council has been beset by numerous allegations of bullying and harassment from its staff.

This Council claims to be an organisation that puts 'Residents First'. In order to carry out such an objective in an effective and efficient manner, we rely on our staff to deliver the services our residents rely on. Therefore, the welfare of the people we employ must be front and centre of everything we do as an organisation. Currently, there are concerns that we may be failing them and it is incumbent on us as elected representatives to tackle the issue head on.

We reference the recent independent cultural review that took place in Essex Fire & Rescue Service as a good model for this Council to adopt. Through a robust process of investigative work into the practices of the Service, Irene Lucas CBE of DCLG was able to explore the historical causes that fostered such a toxic culture of harassment and intimidation that besieged the organisation for many years. Such a root and branch review of our organisation would be an agent of positive and transformative change for this Council, if we are brave enough to embark on such a path.

It is recommended that:

- *Cheshire East acknowledges we have deep-rooted cultural issues in respect to the treatment of our employees in certain quarters.*

- *Cheshire East Council writes to the Department of Communities & Local Government acknowledging our problem with the bullying and harassment of our staff requesting that they appoint an individual or group of local Government experts, as in the example cited above, to conduct an independent cultural review.*
- *Cheshire East Council actively cooperate with the actors asked to undertake such a task providing resources where appropriate, working on a cross-party basis to support the review in a collaborative, meaningful and positive manner.*
- *Cheshire East Council begins to extensively work with its recognised trade unions, taking advice and recommendations from them where appropriate to enhance the welfare of our employees in and out of the work place.*
- *Cheshire East Council reaffirms and strengthens its commitment to those staff who decide to ‘whistle-blow’ on malpractices within the organisation.”*

Councillor D Flude, as seconder of the Motion, spoke in relation to the Motion.

The Committee noted that an external culture review had been commissioned in October 2017 and had been undertaken by the LGA during November and December 2017. The findings and recommendations from the review would be announced on 29 January 2018.

The Council had appointed Public Concern at Work to provide additional support for whistleblowing and to undertake a review of the current whistleblowing arrangements. The outcomes would be reported back to Audit and Governance Committee and to Staffing Committee as appropriate.

RESOLVED:

That, for the reasons set out in the report, the Committee notes and continues to fully support the Local Government Association Independent Cultural Review and looks forward to receiving the review findings and recommendations at a meeting on 29 January 2018.

19 MUTUALLY AGREED RESIGNATION SCHEME

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chairman agreed that this item be considered as an item of urgent business as a recommendation to Council would be required to amend the Pay Policy Statement if Cabinet approved the Scheme and this could not wait until the next meeting of the Committee in April 2018.

The Committee considered a report on the proposed Mutually Agreed Resignation Scheme (MARS).

The MARS policy and procedures had been developed as a consequence of the staff savings identified in the 2018/21 Medium Term Financial Strategy and was outlined in the Workforce Section of that report.

MARS would enable individual employees, in agreement with the Council, to choose to leave their employment voluntarily in return for a discretionary 'severance' payment. This would be through a voluntary application process, which was non-contractual. The job vacancies created would be filled by redeployment of staff from other jobs or those seeking career development.

If Cabinet on 6 February approved the MARS policy, an amendment would be required to the Council's Pay Policy. A draft of the proposed wording was circulated to the Committee.

The Committee was disappointed that the Trade Unions views on the proposed scheme were not included in the report. It was understood that the Trade Unions views would be reported verbally to Cabinet on 6 February.

The Committee asked that it be made clear in the Scheme that the settlement agreement would not contain a confidentiality clause.

It was requested that a review of the Scheme be undertaken after 12 months and the outcome reported to the Committee.

RESOLVED: That

- 1 the Mutually Agreed Resignation Scheme and payment schedule be noted; and
- 2 if the Scheme is approved by Cabinet on 6 February 2018, the following paragraph be added to the Pay Policy Statement:

"The Council also has a Mutually Agreed Resignation Scheme (MARS) which enables individual employees, including Chief Officers, in agreement with the Council, to choose to leave their employment voluntarily in return for a discretionary 'severance' payment. This scheme creates flexibility to avoid compulsory redundancies in the future, enable the redeployment of resources to higher priority areas of work and reduce costs in lower priority areas. MARS is a non-contractual and has no pension liabilities. There terms of this are set out in the discretionary policy."

20 PAY POLICY STATEMENT 2018/2019

The Committee considered a report on the Draft Pay Policy Statement for 2018-2019.

The Council was required under section 38 of the Localism Act 2011 to produce a Pay Policy Statement by 31 March on an annual basis.

Changes since last year's Statement were outlined in Section 12 of the report and related to a small change in the broad remuneration ranges for Chief Officers; development of a new national NJC pay structure and pay spine and possible impact on grading structure for Chief Officers; increase in the National Living Wage; change in the Council's Constitution regarding any new post whose remuneration was more than £100,000 and the requirement to publish annual Gender Pay Gap data.

RESOLVED: That

- 1 the changes since the 2017/18 Pay Policy Statement be noted, as outlined in Section 12.2 of the report; and
- 2 Council be recommended to approve and publish the Pay Policy Statement for 2018/19.

21 HR AND HEALTH AND SAFETY - QUARTER 3 UPDATE REPORT

The Committee considered a report on the progress with the Council's People Plan 2017/18.

The report provided details on the progress with the main priorities for each HR service area in the People Plan, and on HR Performance Data for Quarter 3, which included headcount and employee turnover, voluntary redundancy and working days lost to sickness absence.

The report also provided a summary of accidents and incidents in Quarter 3 of 2017/18 and details of the RIDDOR reportable accidents.

It was requested that the Council's Smoking Policy be re-circulated to staff and Elected Members.

In relation to the review of Sleep In arrangements, it was confirmed that the period for claiming was six years. The findings of a tribunal case were awaited and the outcomes from this would inform how the Council proceeded with this issue. An update on this matter would be brought to a future meeting.

There were a number of outstanding actions from the Attendance Management project and an update on these would be brought to the next meeting.

RESOLVED: That

- 1 the report be noted;
- 2 the Council's Smoking Policy to be reissued to staff and Elected Members;
- 3 an update on Sleep In arrangements be brought to a future meeting; and
- 4 a report on the progress with outstanding actions from the Attendance Management Working Group be brought to the next meeting.

22 WELLBEING IN WORK UPDATE

The Committee considered a report which provided an update on Wellbeing in Work.

The report details the programme of work to be undertaken. As part of this work, the first monthly Wellbeing in Work newsletter had been issued to staff. The Wellbeing in Work Staff Forum had meet in November 2017 and had been well supported.

RESOLVED:

That the report be noted.

23 APPRENTICESHIP LEVY

The Committee considered a report on the work undertaken to ensure the Council meets the new statutory obligations for apprenticeship reforms introduced in April 2017.

The Finance Act 2016 had introduced a new finding mechanism for apprenticeships – an apprentice ship levy. The levy was paid by employers on 0.5% of pay bill. The anticipated cost for the Council was around £689,000. The Government deducted a portion of this figure to reflect employees who lived outside England and then topped up the remainder by 10%. Based on this, the anticipated annual amount available to spend was £736,000.

The Council's current target for the number of apprentices was currently 182. This was based on 2.3% of headcount across the core, maintained schools and ASDVs. As at 1 December 2017, 75 apprentices had started. This was expected to increase by a further 21 in January/February 2018 when a management degree and ILM 5 apprenticeship started.

The report outlined the steps being taken to ensure the levy funding was spent and statutory targets met. An update report would be brought to a future meeting of the Committee.

RESOLVED:

That the report be noted.

24 DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER - RECRUITMENT

The Committee received an update on the recruitment of the Director of Legal Services and Monitoring Officer.

The advert for the position had now gone live with a closing date of 16 February 2018. The timetable for the longlisting, shortlisting, technical assessment and interviews would be finalised shortly and details shared with member of the Staffing Committee.

It was reported that as this position was a statutory post it would not be affected by the recruitment freeze.

RESOLVED:

That the update be received.

25 COMPOSITION OF THE STAFFING APPEALS SUB COMMITTEE

The Committee considered a proposal to amend the composition of the Staffing Appeals Sub Committee.

It was proposed that the requirement for the Chairman or (if not available) the Vice Chairman of the Staffing Committee to be selected be removed from the required composition of the Sub Committee.

RESOLVED:

That the composition of the Staffing Appeals Sub Committee should be:

“A convened Sub Committee should comprise three Staffing Committee members and be determined/selected based on a response to an availability request from Democratic Services, on behalf of the Chairman of Staffing Committee.

The Chairman of the Staffing Appeals Sub Committee should be determined at the start of the meeting.”

The meeting commenced at 2.00 pm and concluded at 4.20 pm

Councillor B Moran (Chairman)

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