



LONDON BOROUGH OF BRENT

MINUTES OF THE GENERAL PURPOSES COMMITTEE Wednesday 4 September 2013 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors Al-Ebadi (alternate for Councillor Mashari), Kansagra, Lorber and Pavey

Apologies for absence were received from: Councillors Brown, Hirani, Hopkins, Mashari and J Moher

1. **Declarations of personal and prejudicial interests**

None declared.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 4 July 2013 be approved as an accurate record of the meeting, subject to the following amendment:-

Page 1, under 'Apologies for absence', add 'Councillor Kansagra'.

3. **Matters arising**

None.

4. **Joint Negotiating Committee Conditions of Service**

Cara Davani (Operational Director, Human Resources) introduced the report that outlined details of a review of Joint Negotiating Committee (JNC) conditions of service for chief officers. The review had concluded that chief officer posts be determined from those senior management positions that fall within the JNC definition of chief officer and that they be employed on JNC terms and conditions, whilst retaining local variations. Cara Davani advised that this would also be in accordance with the council's constitution. In respect of all other senior managers on Hay grades, these would be employed under National Joint Council (NJC) terms and conditions which would bring them in line with all other staff and provide greater alignment across the organisation, whilst there would be retention of some local variations that are beneficial to the council. In addition, disciplinary arrangements and appeals for senior managers on Hay grades were to be brought in line with all other staff in order to ensure greater equity. Hay staff were also to be formally subject to the council's staff appraisal arrangements, although Cara Davani advised that in practice this was already being undertaken. The last proposal was to

implement a pay award consistent with that for all other staff where the JNC for chief officers does not negotiate a pay award.

During discussion, it was noted that Hay staff would no longer have entitlement to legal representation at disciplinary hearings in order to bring them in alignment with other staff. It was queried whether in fact all staff should be entitled to legal representation in order to meet legal requirements under the Human Rights Act. An explanation was also sought in respect of the reasons for classifying the Assistant Chief Executive and the Operational Director of Human Resources as chief officer posts.

In reply, Cara Davani advised that legally there was no requirement for legal representation at council disciplinary level, and nor would it be feasible to have a lawyer present at every disciplinary proceedings in view of the resources required. However, she advised that every appellant would continue to be entitled to a representative, such as a trade union representative or a work colleague. In respect of definition of chief officer, Cara Davani advised that this was required under the council's constitution and included Corporate Management Team (CMT) members and those entitled to attend CMT meetings, including the Assistant Chief Executive and Operational Director of HR.

RESOLVED:-

- (i) that strategic directors, operational directors with responsibility for a statutory function and the Assistant Chief Executive and Operational Director HR be classified as chief officers in accordance with the JNC definition for chief officers and be afforded JNC terms and conditions as modified by other proposals in this report and the local variations to the existing contract for Hay graded posts be retained in accordance with the council's constitution;
- (ii) that all other posts on Hay grades to revert to NJC for Local Government Services terms and conditions whilst retaining the local variations to the existing Hay contract;
- (iii) that those posts identified as statutory chief officer posts as set out in the constitution be updated in line with the constitution;
- (iv) that disciplinary arrangements for senior managers be brought in line with all other staff;
- (v) that the consultation arrangements in the JNC conditions be aligned where it is proposed to delete a chief officer post with the council's managing change arrangements for all other staff;
- (vi) that the council's appraisal arrangements for Hay grade staff be adopted, as is current practice; and
- (vii) that a pay award which is consistent with that being rolled out for all other staff where the JNC for Chief Officers does not negotiate a pay award be implemented.

5. **Managing change policy and procedure**

Cara Davani introduced this item and informed members that a new managing change policy and procedure was proposed to supersede the existing one. The new policy and procedure would be simplified to provide greater flexibility for managing organisational change both for employees and the council, whilst the consultation period for redundancies was to be amended in line with the changes in legislation. Job matching would be based on previous and new job descriptions as opposed to person specifications, whilst grade ranges would change to one grade up to one grade down. Cara Davani advised that the council's redundancy policy would become contractual and explained that severance pay had in practice always included the enhancement element so this would now be contractual. Members noted that this proposal had the support of the trade unions.

During members' discussion, it was queried whether making the redundancy policy contractual would have any tax implications. Further clarification was sought as to using job descriptions rather than person specifications for job matching and what the views of the trade unions were in respect of the consultation period being reduced.

In reply, Andrew Potts (Principal Employment and Education Lawyer, Legal and Procurement Department) advised that redundancy payments were tax exempt up to £30k. Cara Davani advised that job matching through job descriptions was desirable because it focused on the actual job rather than the individual, whilst the person specification was more subjective. In respect of the consultation period for redundancies, no objections had been raised by the trade unions and the council could extend the consultation period if it felt that it was appropriate. The Chair added that consultations had been extended previously.

Councillor Kansagra suggested that the second recommendation in report should include member involvement in consultation and it was agreed that this would be the Leader of the Council. Cara Davani also advised of a further amendment to the second recommendation that consultation with the Director of Governance and Corporate Services be deleted as this was no longer applicable.

RESOLVED:-

- (i) that the new managing change policy and procedure be agreed with effect from 5 September 2013; and
- (ii) that the Operational Director, Human Resources (or Deputy), in consultation with the Leader of the Council and then in consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the managing change policy and procedure to ensure it remains relevant and 'fit for purpose'.

6. **Attendance policy and procedures**

Cara Davani introduced the report and advised that it was proposed to simplify the new attendance policy and procedures and to incorporate some existing policies,

including the managing alcohol, drugs and substance misuse policy. The triggers for intervention had also been modified slightly to allow the council to take a more proactive stance in supporting staff who may have health issues in managing their sickness levels. The trade unions had suggested that patterns of absence should also be taken into account and this had been taken on board and included in the proposals.

During discussion by committee, further details were sought in assessing when a member of staff was sick and their ability, for example, to work from home. Comparisons of levels of staff absenteeism with other London boroughs was requested and reasons sought as to why the policy was being strengthened in view that absence levels were comparatively low. Clarification in respect of doctor and dentist appointments was also sought.

In reply, Cara Davani advised members that if staff had been identified as being sick, then they should not be working in any setting, including at home. However, there may be some situations where they were fit to work but unable to travel to work because of their physical condition, in which case home working may be agreed. Cara Davani advised that staff absenteeism rates were amongst the lowest of all London boroughs and well below the average, however there was a perception that there may be some under reporting of absenteeism and in some instances of taking the maximum absence from work without activating triggers for intervention. For these reasons, it was felt that the changes to the policy would be beneficial, as well as providing the opportunity for earlier intervention. Cara Davani added that an assessment would be undertaken to see if there was any impact as a result of the introduction of the new absence management system. Members noted that managers were encouraged to ensure that their staff sought doctor and medical appointments at the beginning or end of the working day wherever possible to minimise the impact on their work.

RESOLVED:-

- (i) that the new attendance policy and procedure be agreed with effect from 5 September 2013; and
- (ii) that the Operational Director, Human Resources (or Deputy), in consultation with the Leader of the Council, and then in consultation with the relevant trade unions, be authorised to make such other changes as may be necessary from time to time to the attendance policy and procedure to ensure it remains relevant and 'fit for purpose'.

7. Appointments to Sub-Committees / Outside Bodies

None.

8. Any other urgent business

None.

The meeting closed at 7.40 pm

M BUTT
Chair