



General Purposes Committee
4 September 2013

**Report from the Operational Director
of Human Resources**

Wards affected:
ALL

JNC Conditions of Service

1.0 Summary

1.1 The Council has recently undertaken a review of the JNC Conditions of Service for Chief Officers. This report proposes that the Council determines those senior management posts which fall within the JNC definition for a chief officer and employs these staff on JNC terms and conditions. All other senior managers on Hay grades would be employed on NJC for Local Government Services terms and conditions. This will mean that the majority of staff on Hay grades will have terms and conditions which are in the main consistent with those for other staff whilst retaining a small number of local variations which are beneficial to the Council.

1.2 The Committee is also being asked to consider some changes to the JNC for Chief Officer terms and conditions which will bring them more into line with all other staff terms and conditions.

2.0 Recommendations

GP Committee is asked to agree to:

- strategic directors, operational directors with responsibility for a statutory function and the Assistant Chief Executive and Operational Director HR being 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. The local variations to the existing contract for Hay graded posts would also be retained. This is in accordance with the Council's Constitution and should remain as such;
- all other posts on Hay grades reverting to NJC for Local Government Services terms and conditions whilst retaining the local variations to the existing Hay contract;
- those posts identified as statutory Chief Officer posts are as set out in Brent's Constitution and will be updated in line with the Constitution;
- bring disciplinary arrangements for senior managers in line with all other staff;
- align the consultation arrangements in the JNC conditions where it is proposed to delete a chief officer post with the Council's managing change arrangements for all

other staff;

- adopt the Council's appraisal arrangements (which is current practice);
- implement 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.

3.0 Detail

3.1 GP Committee recently agreed to implement a new Hay Contract of employment which was more in line with the Council's core contract for all other staff.

3.2 Currently all Hay graded staff have contracts based broadly on terms and conditions outlined by the Joint Negotiating Committee (JNC) for Chief Officers of Local Authorities with some local variations.

The JNC for Chief Officers constitution defines a Chief officer as follows:

"The Committee shall have within its scope any officer of a local authority in England and Wales who:

1. is a chief officer designated by the employing authority as the administrative and executive head

either 1 of a separate department
or 2 of a particular function or service

which in either case is regarded by the authority as important in relation to the total activities of the authority; or

2. is designated by the authority as a recognised deputy to any chief officer covered by (1) above including an officer of deputy status but whose post may carry a different title".

3.3 In keeping with this definition it is proposed that the strategic directors, operational director posts that have responsibility for a statutory function and the Assistant Chief Executive and the Operational Director HR be classified as chief officers for purposes of their terms and conditions. This definition is widely used in other local authorities and this proposal brings Brent into line with other Local Authorities in this respect. This is in accordance with the Council's Constitution and any changes to the Constitution in respect of those defined as Chief Officer in the future should be kept in line. The terms and conditions for Chief Officers in many respects accord with those for all staff on NJC terms and conditions. However, the practice in Brent has been to have some local variations which have been adopted through custom and practice. These are discussed below. In the main it is recommended that the variations be retained with minor modifications to the agreement.

3.4 In respect of the remaining posts on Hay grades it is recommended that the terms and conditions are those for all other staff: NJC for Local Government Services terms and conditions; with the retention of the current local variations referred to above.

3.5 These proposals for the employment of senior managers on Hay grades will mean there is further alignment between the terms and conditions for these posts and those of all other staff. Overall this means that the proposal will not have a negative impact for staff affected. The minor modifications to the JNC Chief Officer terms and conditions are discussed below.

- 3.6 The existing disciplinary arrangements in place for all Hay staff are not entirely consistent with the arrangements in place for all other staff within the Council. The key differences being:
- Hay staff can be represented by a lawyer (this is not a feature of current JNC for Chief Officers conditions so is therefore historic). All other staff are not entitled to legal representation.
 - Right of appeal to an 'Ad Hoc Sub Committee of the General Purposes Committee' following any disciplinary sanction. All other staff can request a Member appeal following dismissal.
- 3.4 It is proposed to bring Hay disciplinary arrangements for senior managers on Hay grades into line with arrangements for all other staff. There is no logical rationale for retaining separate (and potentially more favourable) arrangements for senior staff and the strong preference is to ensure all staff regardless of grade are treated equitably.
- 3.5 Subject to the Committee approving the proposals in 3.3 and 3.4 above changes are proposed to the disciplinary arrangements. In both cases it is proposed that the local disciplinary policy and procedure will apply. The local policy and JNC provisions are in the main comparable. The key change is in regard to right to appeal to an 'Ad Hoc Sub Committee of the General Purposes Committee' which it is proposed is replaced. In future appeals against disciplinary action (including dismissal) with the exception of strategic directors would be heard by a Director, Operational Director or Head of Service. The Staff Appeals Sub Committee would only be convened by exception at the discretion of the Operational Director Human Resources for staff at Operational Director level and below. The staff Appeals Sub-Committee would consider dismissal appeals of strategic directors. This means in future senior managers would be able to request a Member Appeal panel is convened following dismissal in the same way as all other staff can make such a request. It is further proposed to remove the local variation for representation by a lawyer.
- 3.6 The appraisal arrangement should be in accordance with the Council's Appraisal Policy which is broadly comparable with the JNC Chief Officer appraisal arrangements. This reflects current practice.
- 3.7 The Council has applied JNC Chief Officer terms broadly i.e. for all Hay staff including negotiated pay awards. In future subject to the proposal to move staff on Hay grades, who are not classified as Chief Officers, to NJC terms and conditions, the pay award agreed for this staff group will apply. Where the JNC for Chief Officers does not negotiate a pay award it is proposed that for those staff that fall within the remit of this negotiating body the pay award will be in accordance with the agreed pay rise for all other staff. This is in accordance with arrangements for other staff groups not on NJC terms e.g. BACES staff. It also aligns with Brent's approach to provide equitable and fair terms and conditions for all staff.
- 3.8 Where it is proposed to abolish a chief officer post the JNC conditions state that statutory consultation arrangements should be followed. However, the conditions include a period of not less than 28 days for the statutory consultation. Under the Council's local managing change policy applicable to all other staff formal consultation is for a minimum of 15 calendar days and up to 30 calendar days (45 days where 100 or more redundancies are proposed). Normally where less than 20 posts are impacted consultation has been over a 15 day period. Consultation can always be extended where circumstances warrant an extension. There is no rational reason why arrangements for consultation should not be the same. It is therefore proposed to align consultation arrangements for those under the umbrella of JNC conditions with Brent's local arrangements.

3.9 It is not proposed to make changes to the higher working week; annual leave and the notice period for staff on Hay grades which are considered to be in the Council's best interests to retain.

4.0 Financial Implications

4.1 There are no specific financial implications as the 1% costs of a pay award have been factored into this year's budget for all categories of staff.

5.0 Legal Implications

5.1 Historically, any officer who was employed on a Hay Grade was automatically considered to be a chief officer and entitled to the JNC conditions of service. There does not appear to have been any rationale for this and the differential that was created was both not in the Council's interests and a potential equal pay issue. The proposed rationalisation creates increased parity and reduces any risks of challenges that may be made in terms of inequality. The current contractual entitlements as set out by the JNC terms for Chief Officers are capable of being varied in the ways proposed given their nature and extent and if agreement is given by the Committee then the changes can be legally made to put those changes into effect. It is anticipated that there is unlikely to be major objection to the changes and it is likely that the changes will be implemented by agreement.

6.0 Diversity Implications

6.1 The proposed approach creates greater equity in respect of terms and conditions of employment.

7.0 Staffing/Accommodation Implications

7.1 Staffing implications are covered in the body of the report. The trade unions have expressed their agreement to all of the changes outlined in this report. All Hay staff have been consulted on the proposals and there have not been any objections raised at this time.

Background Papers

JNC for Chief Officers Agreement

Current Hay contract

Brent Core Contract for staff on NJC terms and conditions

Contact Officer

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