

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
HUMAN RESOURCES COMMITTEE
HELD ON 24TH JULY 2008 AT 2.00 P.M.**

- P Councillor Comer (Chair)
- P Councillor Bees
- A Councillor Eddy
- P Councillor C. Price (agenda item 5 onwards)
- P Councillor Wright

**HR
14.7/08 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Eddy.

**HR
15.7/08 DECLARATIONS OF INTEREST**

There were no additional declarations of interest.

**HR
16.7/08 MINUTES – HUMAN RESOURCES COMMITTEE – 19TH
JUNE 2008**

**RESOLVED - that the minutes of the meeting of
the Human Resources Committee
held on 19th June 2008 be
confirmed as a correct record and
signed by the Chair.**

**HR
17.7/08 PUBLIC FORUM**

The following public forum statements were received. The Chair accepted the late submission from GMB as the matter had previously been discussed by the Committee. However, as a general rule late statements would not be accepted.

AGENDA ITEM	AUTHOR OF STATEMENT	SUBJECT(S) OF STATEMENT	No.
5	Anthony Austin NAHT	Code of Conduct for employees who work in schools	1
Not an agenda item	Ian Scott UNISON	Disciplinaries and Grievances - Independent Commissioning & Electronic Transfer of case paper information	2
5 7 8	Steve Paines UNITE	Code of Conduct for employees who work in schools Sickness Absence:OH&C/Withdrawal of Self Certification Open and Closed Pension Provisions	3
Not an agenda item	Rowena Hayward GMB	Tied Accommodation - arrangements for existing employees	Late submission

The public forum items were heard prior to the agenda item to which they referred.

In response to the statements presented that were not covered in this agenda the following comments were made:

Disciplinaries and Grievances

1. The Committee noted the concerns raised that on a few occasions the roles of witness and commissioning manager were not separated which may go against the perception of fairness. However, Members did not feel this led to a breach of the policy as there were occasions when it was not possible to separate the roles. When such circumstances arose, a timely discussion would be required to resolve the issue.
2. It was agreed that documents would be forwarded to trade union representatives electronically. Witness statements that had been amended and signed would be scanned and replace original versions. Trade unions would be advised.

Tied Accommodation

There was no intention to bring a report to the Committee after 1 October and then to backdate the implementation date of the removal of any emoluments to 1 October. There was no objection to the delay of the implementation date which would not be until after the report had been presented to the Committee. However, Members requested that the

review be completed as soon as possible, with a report presented the Human Resources Committee meeting due to be held on either 4 September or 16 October. Should the report be delayed by more than a few weeks the Committee must be informed of the delay.

HR

18.7/08

CODE OF CONDUCT FOR EMPLOYEES WHO WORK IN SCHOOLS

The Committee considered a report of the Director of Central Support Services (agenda item no. 5) seeking approval of a Code of Conduct to be used for all school-based employees.

The following responses were given to the points raised in the public forum statements.

- As part of the implementation process, briefing material would be provided to Headteachers to share with/distribute to staff as well as a contractual notice sent to each member of staff informing them of the new Code of Conduct.
- Governing Bodies of Voluntary Aided Schools would be recommended to adopt the new Code of Conduct.
- The requirement to disclose criminal issues was not an unusual one. It was better for all to be open with regard to any criminal actions. HR advisors would not sanction disciplinary action for minor issues.

The Human Resources Manager presented the report and highlighted the following points:

- The Code was based on the Code of Conduct for all other Council employees. Such a Code was long overdue and the absence of a Code had often been unhelpful in trade union cases.
- The Code set the standard for all Council and LMS employees and would aim to protect staff, pupils and the organisation and also help to maintain high standards. The adoption of the Code as part of staff contracts was in everyone's interest.
- The requirement for a declaration of interest would protect staff and public money when issues of hiring family members for work/contracts within schools.

During the ensuing discussion the following points were

clarified:

- The objections to the Code being made part of staff contracts were noted. The desire to make the code part of staff contracts was to ensure staff were aware of the requirements and to ensure they were followed. An advisory code would not have the same effect.
- It was better to have an open and transparent process where the Council was aware of any issues concerning staff behaviour and other matters which could then be considered using a test of reasonableness. Any issues would be considered on a case-by-case basis.
- The Authority needed a consistent approach for all staff. It was not possible to define each possible situation that might arise.
- If the Code suggested required reading that additional reading material should be added as an appendix.
- The following amendments were agreed:

Paragraph 3.3

Issues involving professional behaviour would be monitored and an information report would be presented to the Human Resources Committee in September/October 2009 - additional recommendation. (All agreed.)

Paragraph 4

The first sentence (Employees should organisation) to be removed. (Agreed 2:2 - Chair casting vote.)

The example relating to members of racist organisations to be removed. (All agreed.)

Paragraph 6.4 (2nd Bullet point)

To read: *For the avoidance of doubt employees must always refuse gifts of money.* (All agreed.)

Paragraph 8

To read *maximum working week of 48 hours (as defined by the Working Time Regulations).* (All agreed.)

Paragraph 10

Remove the words 'and outside' from line one. (Agreed 3:1.)

On voting 3 for and 1 abstention it was:

RESOLVED - (1) that the Code of Conduct for LMS Employees where the

Council was the employer, as amended above, be approved and that it would come into force for all new appointments with effect from 1st September 2008 and with effect from 1st January 2009 for all existing staff;

- (2) that the Governing Bodies of Voluntary Aided and Foundation schools be recommended to adopt the LMS Code of Conduct; and**
- (3) that issues involving professional behaviour would be monitored and an information report would be presented to the Human Resources Committee in September/October 2009.**

**HR
19.7/08**

REVISIONS TO JOINT NATIONAL COUNCIL FOR CHIEF EXECUTIVE'S CONDITIONS OF SERVICE

The Committee considered a report of the Head of Human Resources (agenda item no. 6) considering revisions to the national conditions of service for Chief Executives -

- (a) revised model procedure for discipline, capability and other reasons for dismissal;
- (b) suggested model for local determination of Chief Executives' pay; and
- (c) returning officer fees.

The Head of Human Resources presented the report. The following points were highlighted.

- The Head of Human Resources had discussed the report with the Chief Executive who was happy with the report and recommendations.

- The Returning Officer would remain the Head of Legal Services. The Chief Executive had indicated that she was qualified to act as the Returning Officer and was prepared to act as such should circumstances warrant it at any time in the future.
- The Human Resources Committee would act as the Remuneration Committee for determining the pay of the Chief Executive.
- The Deputy Chief Executive would be subject to the terms and conditions within the JNC for Chief Officers and not the JNC for Chief Executives.

- RESOLVED -**
- (1) that the national model procedure for discipline, capability and other reasons for dismissal be applied;**
 - (2) that the Human Resources Committee continue to determine the pay of the City Council's Chief Executive when required and that the Committee's terms of reference be updated to reflect the JNC circular;**
 - (3) that the Head of Legal Services remains the designated Returning Officer for the City Council and continue to receive the appropriate fee; and**
 - (4) that the Human Resources Committee would act as the Remuneration Committee for determining the pay of the Chief Executive.**

HR

20.7/08

SICKNESS ABSENCE: OH&C / WITHDRAWAL OF SELF CERTIFICATION

The Committee considered a report of the Head of Human Resources (agenda item no. 7) submitted for information in

relation to the response to the public forum request from the trade unions and to related issues around the management of sickness absence, as set out in appendix A to the report.

The following responses were given to the points raised in the public forum statements.

- Employees that made no attempt to make contact to notify their manager of sickness would be treated as taking unauthorised leave. However, the test of reasonableness would be applied. The proposals were to remind employees of their responsibilities.
- The revised Managing Attendance Procedure, which would include the proposed changes, would be presented to the Human Resources Committee at their meeting due to be held on 4 September 2008.
- No action would be taken against employees between now and the report being approved by the Committee.
- Consultations would be held on the revised policy before it was presented to the Committee. Trade union representatives would have the opportunity to feed their views into the consultation process.

The Human Resources Manager presented the report and highlighted the following points.

- The report was presented for information. The statistics indicated that over the past few years good progress had been made to reduce staff sickness level. However, recently the figures had plateaued and further action was necessary.
- It was proposed to pilot a sickness management absence line whereby employees phoned a special team of practitioners, not part of the Council, to report their sickness. It was likely that this pilot would involve residential/home care services of the Adult Community Care Division and Legal Services. Where this system had been adopted in other local authorities a substantial reduction in sickness absence had followed.
- Details of the pilot scheme would be discussed with the trade unions on 15 August 2008.
- Trade union views concerning the number of times an employee was expected to contact their manager during periods of sickness absence could be detailed when the report was presented to the Committee at its September meeting.

RESOLVED - that the report be noted.

HR

21.7/08

TUPE: TERMS - OPEN AND CLOSED PENSION PROVISIONS

The Committee considered a report of the Head of Human Resources (agenda item no. 8) to obtain views regarding the “options” set out in paragraph 5 of the report.

The following responses were given to the points raised in the public forum statement, the comments in which were support by the GMB representative:

- The Council had raised the issues surrounding a two-tier system nationally. Present Government guidance stated that it was the contractor's decision and that local authorities should not seek to influence their decision.

The Pensions Officer presented the report and the following points were highlighted:

- This report followed previous reports to the Committee and set out the financial implications and risks for the Council.
- The existing outsourcing arrangements had caused Councillors concern for some time and approaches were being made to Central Government for a review of the situation.
- In the meantime the Council should attempt to standardise its approach.
- It was important that 1st and 2nd tier officers were aware of the implications outlined in the report.

RESOLVED - (1) that the report be noted;

(2) that the content and implications of the report be brought to the attention of 1st and 2nd tier officers within Bristol City Council to ensure decisions were resolved at the beginning of the outsourcing process

wherever it was possible to do so; and

- (3) that contractors who requested to adopt the Local Government Pension Scheme be required to pay the relevant rate for the time the employee worked for the contractor. Although it was recognised that this could have implications for the employers contribution rate if a large number of staff were out-sourced.**

(The meeting ended at 3.45pm)

CHAIR