

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
HUMAN RESOURCES COMMITTEE
HELD ON 8TH JANUARY 2008 AT 2.00 P.M.**

- P Councillor Comer (in the Chair)
- P Councillor Bees
- P Councillor Eddy
- P Councillor C. Price
- P Councillor Wright

**HR
58.1/09 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence.

**HR
59.1/09 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**HR
60.1/09 MINUTES – HUMAN RESOURCES COMMITTEE – 27TH
NOVEMBER 2008**

**HR 51.11/08 MANAGING ATTENDANCE POLICY AND
PROCEDURE**

Final bullet point to read:it was not appropriate for HR staff to *give* medical opinions

RESOLVED - that the minutes of the meeting of the Human Resources Committee held on 27th November 2008, as amended above, be confirmed as a correct record and signed by the Chair.

**HR
61.1/09 MINUTES - SPECIAL MEETING OF THE HUMAN
RESOURCES COMMITTEE - 3RD DECEMBER 2008**

RESOLVED - that the minutes of the special

meeting of the Human Resources Committee held on 3rd December 2008 be confirmed as a correct record and signed by the Chair.

**HR
62.1/09 PUBLIC FORUM**

AGENDA ITEM	AUTHOR OF STATEMENT	SUBJECT(S) OF STATEMENT	No.
7	Ian Scott	Investigation Process for Grievances/Grievance Procedure	1
5 7 8	Rowena Hayward GMB	Housing Caretaker Review - Tied Accommodation Investigation Process for Grievances/Grievance Procedure New Ways of Working Policy - Implementation Update.	2
5	Robert Longstaff UNITE	Housing Caretaker Review - Tied Accommodation	3
5	Jeff Sutton GMB	Housing Caretaker Review - Tied Accommodation	4
6 7 8	Steve Paines UNITE	Performance Management Framework Policy for Employees Investigation Process for Grievances/Grievance Procedure New Ways of Working Policy - Implementation Update.	5

The public forum items were heard prior to the agenda item to which they referred and considered during the Committee's discussion.

**HR
63.1/09 HOUSING CARETAKING REVIEW - TIED
ACCOMMODATION**

The Committee considered a report of the Head of Human Resources (agenda item no. 5) -

- (1) awarding pay protection to employees who as a consequence of the review, will lose contractual Tied

Accommodation benefits;

- (2) approving the value of tied accommodation benefits for the purpose of pay protection; and
- (3) highlighting and seeking views on other HR issues affecting this workgroup under the proposed restructuring of the service review.

The Chair reminded attendees at the meeting that the role of the Committee was only to consider the HR implications of the Housing Caretaker Review.

The Committee received the public forum items presented for this agenda item. The following comments were given in response and during the ensuing discussion:

- The proposals set out in the review reflected a service fit for purpose.
- The Trade Union proposals were submitted after the end of the consultation period and there had not been an opportunity for further discussions with them. The Trade Union proposals amounted to no positive change or improvement in the service.
- It made sense to use out of hours contractors, such as Bristol Contract Services, for incidents such as fires and floods as they were able to both put the problem right and clean up.
- A high level of service was provided to older people in sheltered housing schemes through supported housing without the need for residential caretakers or support staff.
- Departure from the local agreement on emoluments could result in some employees being treated in a better way than others.
- The Council was under no obligation to protect the payments of benefits. The Committee was being asked to approve a variation of the Managing Change Policy to award benefit protection in a fair, equitable and most defensible manner.
- The proposals were consistent with the agreement reached with Trade Unions during the Wardens' Review in April 2008.

However, it was accepted that changes in working arrangements for wardens had resulted in additional payments for workers (who had previously been regraded) whereas for Caretakers the reverse was true.

- Different treatment of two residential groups of workers could leave the Council in breach of equal pay requirements.
- The payment of average of actual costs could lead to some employees being advantaged and some disadvantaged. The The notional costs suggested were lower than the average actual costs.

The Head of Housing Operations, Caretaking Services Manager and HR Adviser presented the report. The following points were highlighted:

- The implementation of the Tied Accommodation Policy was delayed at the request of the Human Resources Committee until the completion of the Housing Caretakers Review. The resulting issues regarding the value of emoluments and protection were brought to the Committee for their consideration together with the HR concerns raised by the Trade Unions.
- The review was necessary to address issues of value for money and to address the low levels of customer satisfaction.
- There had been a lot of opportunity for staff to comment on the Draft Vision which had been presented to the Quality of Life Scrutiny Commission on 14 July 2008. The Commission supported the option which included a reduced but appropriate number of residential caretakers working on an area basis.
- The majority of staff would continue to be residential and continue to have their housing costs paid by the Council. A smaller number would no longer be required to be residential and may chose to be redeployed due to the financial impact.
- Officers had consulted Trade Unions and management's responses to the points raised during the consultations were included in the report (appendices F1, F2). The Trade Union proposals (appendices F3, F4) had been received later and

management had not had the opportunity to respond fully but their view was that the counter proposals were not deliverable, would increase costs, retaining the same number of staff with increased salary costs, and this view was expressed in the report.

- Management regretted the impact that the review was likely to have on caretakers' income. However, all community caretakers were at present paid to supervise when, in fact, most undertook no supervisory duties.
- The HR issues raised by the Trade Unions in their proposals were addressed:
 - There was no logic to the location of residential caretakers at the present time and no duties outside of hours were worked. The review would give clear extra responsibility to residential staff and address customer awareness of the role. Shop stewards had been involved in the discussions on the future locations for residential caretakers. Trade Union proposals included an additional residential caretaker to the present number, but they had not said where they felt the extra resident staff were needed or why.
 - The role of the caretaking service had been enhanced and would take additional responsibility for estate management and a wider range of issues as well as being residents' first point of call. Tasks would be redistributed in some roles more than others.
 - The role of the Community Caretaker needed to change. The new job paperwork had been written following consultations with shop stewards and reflected the role for the future.
 - The Mobile Caretaking Team was an expensive element of the present service. Incorporation of the work within the new area teams would give staff a better sense of responsibility and ownership. There was no need for a separate team.
- The Trade Union proposals had been costed at £400,000 more than the current costs. Officers were willing to discuss the proposals with Trade Union representatives.

- The job evaluation process was on going and assumptions had been made in the report about the potential grades.
- It was unlikely that all employees would consider the new roles as suitable alternative employment due to the financial impact and would in those circumstances need to go through the New Opportunities Procedure:
 - 26 Site Team Leaders and Mobile Caretakers would be ring-fenced for 15 Site Co-ordinator posts, the remaining 11 were unlikely to be job matched and would therefore be subject to the New Opportunities Procedure.
 - 43 community caretakers would be ring-fenced for 14 Senior Caretaker posts. The remaining 29 could be matched to community caretaker posts, a small number may be unmatched go into the New Opportunities Procedure.
 - In total it was estimated up to 20 staff could be placed in New Opportunities.
 - 39 Assistant Community Caretakers would be directly appointed to new posts on the same grade as at present.
 - There were 28 proposed residential posts. There were currently 36 residential community caretakers.
- The proposals did not increase the number of managers and supervisors. At the present time there was 1 supervisor to 15 employees, the future proposals were 1 supervisor to every 17.3 employees. Office based managers would be reduced from 8 to 5.
- The new Site Co-ordinator role involved supervisory but no cleaning duties.
- It was proposed that staff remaining in a residential role would continue to have water rates and utility bills paid for three years. The PAYE Settlement Agreement would cease.
- For staff not remaining in a residential role the payment of all bills would cease immediately and an introductory tenancy would be issued. Pay protection of £4,087 would

be guaranteed for 3 years.

- Alternative buyout options were outlined and the Committee was asked to consider the variances.

The following points were raised during the ensuing discussion:

- The proposals and legal view stated in the report gave the best position for the Council for any equal pay challenges.
- The Trade Unions stated that they did not recognise the local agreement and warned the Council about pursuing that route.
- It was noted that there was no easy solution to the benefit protection issues. Members discussed and agreed that pay protection should be based on individual amounts rather than average amounts. Calculations would be based on the present point in time with the latest bills available being used as the basis for calculations.
- Trade Unions were unable to give blanket support to this possibility at the present time.
- The recommendations as presented in the report were agreed, subject to a further report to the Committee regarding the calculation of benefits and further discussions with the Trade Unions.

- RESOLVED -**
- (1) that pay protection will be awarded in this instance as set out in paragraph 1.1 of the report;**
 - (2) that the proposals set out in paragraph 8.1(a) and (b) and paragraph 8.7 of the report be approved subject to a further report on the calculation of benefits of the caretakers affected;**
 - (3) that the “buy out” would be equivalent to two years protection payment (paragraph 8.1(c) of the report**

refers);

- (4) that the proposals set out in paragraph 9 - "members of residential staff", paragraph 10 - revised "role of caretakers", paragraph 11 - "residential community care paperwork" and paragraph 12 - "retention of the Mobile Team" be noted.
- (5) that Bristol City Council would not protect tax and national insurance contributions for any employees.

HR

64.1/09

PERFORMANCE MANAGEMENT FRAMEWORK POLICY

The Committee considered a report of the Head of Human Resources (agenda item no. 6) -

- (a) approving the Performance Management Framework Policy for employees with effect from 1st April 2009; and
- (b) endorsing a review of the Bristol Manager's Scheme during 2009/10.

The Committee received the public forum items presented for this agenda item. The following comments were given in response:

- The intention of the Performance Management Framework and Policy was to ensure the Framework and the Improving Performance Procedure were in line. A further report to 'tidy up' the Improving Performance Procedures would be presented to the Committee in due course.
- 90% of the workforce had completed the PMDS process. The remaining 10% covered the 9% annual turnover of staff and those on maternity leave at the relevant time. This was a massive improvement from the 70% completion a year ago.

- A detailed breakdown of figures from 2007/2008, including leavers and starters, would be presented at the next Human Resources Committee meeting. The results from 2008/09 would be presented at a meeting in September/October 2009.
- The payment of annual increments could be withheld as a result of poor performance but payments could not be withdrawn.
- 'Celebrating Success' was now part of Council policy and viewed as the system for rewarding good performance. It was noted however, that some directorates gave very scant information about nominees to the judging panel which resulted in individuals and teams not getting the recognition they deserved.

The Head of Human Resources presented the report and highlighted the following points:

- This was the last of the major framework documents to be revised.
- The framework supported the positive messages of the Council's commitment to raise standards.
- The PMDS scheme would shortly change from 4 schemes to 3, with managers and supervisors being included in the same scheme.
- Officers were committed to reviewing the Bristol Manager Scheme during 2009. A report would be brought to the Human Resources Committee in 2010.
- Members were reminded that they were involved in the 360 degree review.
- Members supported the review of the Bristol Manager Scheme in order to ensure all were trained in the core competencies.

RESOLVED - 1) that the Performance Management Framework Policy for employees be approved with effect from 1st April 2009;

2) that a review of the Bristol Manager's Scheme during 2009 with a report to the Human Resources Committee in 2010 be endorsed; and

3) that a detailed report on the 2007/2008 year end Performance Management data would be presented to the next Human Resources Committee meeting.

HR

65.1/09

INVESTIGATION PROCESS FOR GRIEVANCES/GRIEVANCE PROCEDURE: ANALYSIS

The Committee considered a report of the Head of Human Resources (agenda item no. 7) noting the actions already undertaken by the Employee Relations Team.

The Committee received the public forum items presented for this agenda item. The following comments were given in response:

- A draft ACAS code had been published which was intended to replace the present ACAS code from April 2009. Trade Unions would be consulted on the draft code via Officer/TU meetings shortly. The new code emphasised that there should be no 'unreasonable delay' when dealing with employees' grievances.
- Officers acknowledged that there were instances when Managers were not communicating with employees who had submitted grievances. The policy advised that Managers ensured employees were kept updated but could not legislate when the advice or when best practice for investigations was not followed.
- Each investigation was different and an agreement about how often staff would be updated should be agreed at the outset of each investigation. Managers should be reminded of this point. The commissioning manager was responsible for ensuring that all involved were kept informed.
- The new ACAS code sought informal mediation sessions to take place in an attempt to prevent grievance procedures

progressing.

- The Investigation Service logged the time taken for each investigation and performance was improving so that almost all investigations were completed within the 28 day timescale.
- The 28 day timescale did not include the time the manager took to request an investigation or the time taken to organise an Appeal Committee hearing at the end of the process.

The Human Resources Manager presented the report and the following points were clarified:

- An Investigation Co-ordinator had recently commenced the role in the Health and Social Care Department. A further report would be presented in 4/5 months time (June/July 2009) to update members on the progress of this pilot scheme.
- Members agreed that 28 days should remain the target for completion of investigations.
- Future reports to refer to '28 days' rather than '6 weeks'.

- RESOLVED -**
- 1. that the actions already undertaken by the Employee Relations Team be noted.**
 - 2. that a further report be brought to the Human Resources meeting in June/July 2009.**
 - 3. that employees would receive progress updates at a minimum of at least every 28 days.**

HR

66.1/09

NEW WAYS OF WORKING POLICY - IMPLEMENTATION UPDATE

The Committee considered a report of the Head of Human Resources (agenda item no. 8)

- (a) noting the key issues that have arisen since the implementation of the new policy; and

- (b) noting that a further report would be brought to the Human Resources Committee in April 2009.

The Committee received the public forum items presented for this agenda item. The following comments were given by officers in response:

- The proposals to date were costed to take account of an overall reduction in office space. The costs would be fully discussed during the further review of the New Ways of Working Policy.
- This was an information report. The current policy was a holding position and further work was needed on the business case and clearer guidelines on a range of issues, including the provision of equipment for working at home.
- A further report would be brought back to the Human Resources Committee in April 2009.

RESOLVED - that the contents of the report be noted and that a further report be brought back to this Committee in April 2009.

HR

67.1/09

EXCLUSION OF PRESS AND PUBLIC

RESOLVED - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act (as amended).

HR

68.1/09

REQUEST FOR EARLY RETIREMENT

The Committee considered an exempt report of the Chief Executive (agenda item no. 10) seeking approval of a request for early retirement.

The following resolution was agreed by members of the

Human Resources Committee.

RESOLVED - that the recommendations in the report be approved.

(The meeting ended at 4.25pm)

CHAIR