

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
HUMAN RESOURCES COMMITTEE
HELD ON 20TH JANUARY 2011 AT 2.00 P.M.**

A Councillor Beynon
P Councillor Comer
P Councillor Gollop
P Councillor Hance
P Councillor Wright

HR

66.1/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Beynon.

HR

67.1/11 DECLARATIONS OF INTEREST

None

HR

**68.1/11 MINUTES - HUMAN RESOURCES COMMITTEE - 16th
DECEMBER 2010**

**RESOLVED - that the minutes of the meeting of the
Human Resources Committee held on
16th December 2010 be confirmed as a
correct record and signed by the Chair.**

Matters Arising

58.12/10 Health and Safety Annual Report 2009/10

Following a Public Forum representation, it was confirmed that a leaflet had been identified that had included the phone number for Accident Direct which could then refer the caller to a Solicitor. It had been produced by the Neighbourhoods directorate for use in the community and not for officer use. It was confirmed that all advice should be from a corporate level rather than produced by directorates and the leaflet had been withdrawn. Leaflets would advise that employees that were members of Trade Unions should consult their TU representatives in the first instance.

HR

69.1/11

PUBLIC FORUM

Public Forum business was circulated to the committee in advance of the meeting and a copy placed in the Minute Book.

The remaining public forum items would be heard prior to the item to which they referred.

HR

70.1/11

REVISIONS TO GRIEVANCE PROCEDURE

The Committee considered a report of the Service Director: Strategic HR & Workforce Strategy (agenda item no. 5) which requested approval of a revised Grievance Procedure.

The Committee noted the items of public forum submitted.

In response to the public forum submissions and Members questions, the following points were discussed;

- The proposals had followed interesting and constructive discussions with the Trade Unions and a wide range of Union views. The fundamental changes had been widely agreed with the Trade Unions, with the only dispute being the appeals mechanism.
- The revised guidance stressed that management had to be held to account and directed more towards informal resolution of grievances.
- It had been arranged that an external provider would provide conflict training in March 2011 for the process to come into operation on 1st April 2011.
- Regarding Appeal Dates, the onus was to find a date that all parties were agreeable to, however when agreement could not be reached the guidance stated that a substitute TU representative could be sought. That position was consistent with law and helped the process to keep moving.
- The question of why a high number of staff from certain equalities groups lodged grievances was one for the wider organisation.
- There was the perception of fairness and impartiality to appeal panels involving Elected Members.
- Benchmark information showed a move away from

- involvement of Elected Members in grievance appeals.
- Grievance appeals considered specialist information and day to day operational issues which should be resolved by managers. Elected Members should be involved on a strategic level. The proposed revised panel would consist of Service Manager, Strategic HR adviser and Trade Union representative.
- There was concern that the appeal decisions under a revised panel would likely be a 2 to 1 (with the 1 being the Trade Union Representative). It was suggested that a snapshot information report be presented to HR Committee in October 2011 to see how many appeals had been lodged, panels had taken place and the split in decision making. The trend in six months would help show the direction of travel, with a full review in twelve months and any suggestions for amendments.
- Cases where there had been informal resolution would also be logged and monitored.

The following changes were suggested to the revised procedure;

Paragraph 1.4 – add ‘harassment and bullying’ to the list of examples.

Paragraph 1.4 - the list of alternative procedures to be changed to a new paragraph 1.5.

RESOLVED - (1) that the revised Grievance Procedure, as set out in Appendix A to the report, be approved to include the discontinuation of Elected Member involvement at grievance appeals at Stage 3 of the Procedure in favour of an officer level appeal process.

(2) The revised procedure (with revisions above) to be implemented with effect from 1st April 2011, for newly lodged grievances only as set out in the report.

(3) A ‘snapshot’ information report to HR Committee in October 2011, and a full review report to HR Committee in January 2012.

The Committee considered a report of the Service Director: Strategic HR & Workforce Strategy (agenda item no. 6) which requested approval of a revised Disciplinary Procedure.

The Committee noted the items of public forum submitted.

In response to the public forum submissions and Members questions, the following points were discussed;

- The procedure for the attendance of witnesses within the appeals process was that witnesses withdrew from the room after their evidence had been heard, unless otherwise agreed by all parties. Appeal Panels were an internal process, held in private, and not the same as the process for tribunals which were judicial and held in public.
- The Labour and Conservative Group Leaders had been concerned if there were no Member involvement in Disciplinary Appeals. The ability to objectively challenge was fundamental for Elected Members.
- Until the Council had less appeals lodged, and therefore good practices, it could not be justified to take Elected Members out of the Process.
- It was of continued importance to resolve problems at a local level. Human Resources matters were key issues to be dealt with by managers, as they are employed to do.
- Evidence from other authorities did not support the proposal to discontinue Elected Member involvement. The appeals involved someone's livelihood and the Elected Member should be the final internal appeal mechanism as an impartial hearing, before any move to go to external measures such a tribunal.
- It was confirmed that the position of the Chief Executive and Director, HR had not changed although they were prepared to support the recommendation of option two; to continue the existing appeal arrangements.
- Departmental delegations regarding which managers and supervisors have the authority to take disciplinary/ dismissal action were decided on a directorate by directorate basis. Further discussions would take place on a TU/Officer level with regards to the clarification of the tier of management that can undertake disciplinary action.

RESOLVED - (1) that the revised Disciplinary Procedure, as set out in Appendix A to

the report, be approved to include the continuation of the existing appeal arrangements, to be conducted by elected Members for dismissal hearings, and by officers for appeals against disciplinary warnings.

(2) The revised procedure to be implemented with effect from 1st April 2011, for new disciplinary/dismissal cases, as set out in the report.

HR

72.1/11

VOLUNTARY REDUCTION IN CONTRACTUAL WORKING HOURS

The Committee considered a joint report of the Chief Executive and Service Director: Strategic HR & Workforce Strategy (agenda item no. 7) which requested adoption of the Voluntary Reduction in Contractual Hours Scheme, as an amendment/addendum to the Voluntary Severance Scheme.

The Committee noted the items of public forum submitted.

It was suggested and agreed that the wording of the second paragraph of Appendix A could be improved in terms of 'plain English'. Guidance on the pensionable benefits would also be issued.

It was clarified that during the first two years of working at reduced hours, a person's redundancy pay would not be affected. After two years at reduced contractual hours any redundancy would then be calculated using the reduced hours.

RESOLVED - (1)that the Voluntary Reduction in Contractual Hours Scheme, as an amendment/addendum to the Voluntary Severance Scheme with effect from 21st January 2011 be adopted.

(2) that the Service Director: HR would circulate revised wording re: the second paragraph of Appendix A.

EMPLOYMENT STATISTICS – HALF YEARLY

The Committee considered a report of the Strategic Director Corporate Services (agenda item no. 8) relating to the Council's employment statistics as at 30th September 2010 and to consider receiving an employment statistics report on a quarterly basis.

The Committee noted the items of public forum submitted.

In response to the public forum submissions and Members questions, the following points were discussed;

- The Strategic Leadership Team consider a monthly report on headcounts of staff as well as a forecast/ direction of travel. In June 2011 a report to the HR Committee would be able to show forecast across departments and link to the Medium Term Financial Plan.
- Governing Bodies were responsible for school headcounts. It was suggested that the increased numbers in the schools headcount could be due to the fact that schools were nearing the end of a three year period of 2.5% growth year on year. Now at 1.5%, the headcount figure would go down.
- The report included agency workers, but excluded those agency workers in residential care due to the way they were booked and recorded 'per shift'. Members requested that a suitable recording system be adopted to note the hours per shift and convert them to FTE figures.
- Agency workers continued to be used within residential care due to the Residential Futures programme. As the law regarding agency employees changed on the 1st October 2011, the Directorate would look at how to address the change and would report to the DJCC in the next few months.
- 100 agency workers remained at present (down from 500) which continued to be closely monitored by the Vacancy Management Panel. There was still a justifiable explanation for the use of short term agency workers in some areas such as Housing Benefit where it benefitted service delivery.
- Due to the reduction of agency workers, the Council were in a comparably better position than other authorities with

regards to the forecast level of redundancies.

- It was important to link the report to budgets in order to consider whether management practices for the reduction of staff were taking place.

**RESOLVED - (1) that the report be noted.
(2) that the report be presented to the HR Committee on a quarterly basis from June 2011.**

HR

74.1/11

SICKNESS ABSENCE UPDATE

The Committee considered a report of the Service Director: Strategic HR & Workforce Strategy (agenda item no. 9) regarding the sickness absence rate for the Council.

The Committee noted the items of public forum submitted.

In response to the public forum submissions and Members questions, the following points were discussed;

- The Stress at Work Policy had been agreed by the Corporate Employees Health & Safety Consultative Committee following extensive consultation.
- It was acknowledged that discussions regarding sickness absence involve a number of equalities impact factors to be taken into account.
- The figures for Schools had been included within the report with an overall sickness absence rate for the Council workforce of 7.57 days per employee. If schools were to be removed from the equation the 'Council Only' figure would increase by one day, which remained less than the public sector average of 9.6 days per employee.
- It was acknowledged that the sickness absence rate for the Health and Social Care directorate continued to be high and it was important to identify and address the underlying causes of why people were off sick. A shift to the preventative agenda was consistent with the White Paper on Public Health.
- Issues to take into account for the Health and Social Care Directorate were the nature of the work and the age of the workforce. A reduction of one day a week would help reduce the cost of agency staff and other financial impacts.

- Officers agreed that workers should be allowed to return work with reduced duties if it had been agreed by medical practitioners. Issues should be tackled in a positive way when employees returned to work. The impact was not only financial, but also the morale of the employee and their colleagues.
- Officers and Trade Union reps were asked to look at case studies of returns to work, and discuss at the SS&H DJCC.
- Officers agreed to investigate and respond to claims that the holiday allowances an employee could reclaim while on sick leave was less than their BCC allowance.

A progress report would be presented in March 2011 to consider the overall sickness absence rates and what was being done. In June/July 2011 a report would be presented that assessed whether those measures were working.

The Committee expressed concern directly to the Social Services and Health Directorate and the Strategic Director and urged to continue to work with Human Resources officers and to come back to the Committee with the specific actions for improving sickness absence rates in June 2011.

RESOLVED - (1) that the report be noted.

(2) that a progress report be presented to HR Committee in March 2011

(3) that a report that assessed how the measures were working council-wide be presented in June 2011.

(4) that the Strategic Director of Social Services & Health report to the HR Committee in June 2011 regarding specific improvements for the H&SC directorate.

HR

75.1/11

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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act (as amended).

HR

76.1/11

DISMISSAL ON THE GROUNDS OF REDUNDANCY

(Exempt under paragraph 1 - Information relating to an individual)

The Committee considered an exempt report of the Strategic Director, Corporate Resources (agenda item no. 11) seeking approval for the dismissal of a Service Director on the grounds of redundancy of service with effect from the 4th February 2011.

RESOLVED - (1) that the dismissal be agreed on the grounds of redundancy with effect from 4th February 2011.

HR

77.1/11

DISMISSAL ON THE GROUNDS OF REDUNDANCY

(Exempt under paragraph 1 - Information relating to an individual)

The Committee considered an exempt report of the Strategic Director, City Development (agenda item no. 12) seeking approval for the dismissal of a Service Director on the grounds of redundancy of service with effect from the 19th February 2011.

RESOLVED - (1) that the dismissal be agreed on the grounds of redundancy with effect from 19th February 2011.

HR

78.1/11

URGENT BUSINESS

There was none

HR

79.1/11

DATE OF NEXT MEETING

**RESOLVED - The next meeting of the Human
Resources Committee be held on
Thursday 24th February 2011 at 2.00pm**

(The meeting ended at 4.25pm)

CHAIR