

Bristol City Council

Minutes of the Human Resources Committee

26 April 2018 at 2.00 pm



Members Present:-

Councillors: Paula O'Rourke (Vice-Chair, in the Chair), Richard Eddy, Gary Hopkins, Mike Langley, Jo Sergeant and Jon Wellington

Officers in Attendance:-

Husinara Jones, Mark Williams (Head of Human Resources), James Brereton (Interim People and Culture Manager), John Walsh (Interim Director: HR, Workforce and Organisational Design), Nigel Donnelly (Senior Customer Service Adviser (TU Rep)), Bryn Williams (HR Consultant) and Jeremy Livitt (Democratic Services Officer)

1. Welcome, Introductions and Safety Information

With the agreement of all Committee members, the start time of the meeting was changed to 2.30pm due to the attendance of three of four spokespersons at a meeting of the Selection Committee which was running later than anticipated.

All parties present introduced themselves.

2. Apologies for Absence

Apologies for Absence were received from Councillor Kye Dudd (Councillor Don Alexander substituting).

3. Declarations of Interest

There were no declarations of interest.

4. Minutes of previous meetings - 8th March 2018 and 20th March 2018

Meeting of 8th March 2018: Minute Number 9 – HR Constitution

The Committee noted the following outstanding action from this meeting:



“Councillor O’Rourke formally requested that Councillor Craig Cheney be asked to clarify the policy position, as soon as possible, in relation to the HR Committee’s already agreed position.”

Action: Mark Williams to write to Councillor Cheney to request a written response on this issue (copying in the Chair and Vice-Chair of the Committee).

Resolved – that the Minutes of the meetings held on 8th March 2018 and 20th March 2018 be approved as a correct record.

5. Public Forum

There were no Public Forum items.

6. Standing item - Training & Development - Apprenticeships and the Levy

Jane Taylor and Darren Perkins introduced this report. During the subsequent discussion, the following comments were made:

- (1) A 3 year strategy was being developed to achieve BCC’s targets in this area and spend the funding levy
- (2) The Team Leader for this service had recently been appointed
- (3) The team was very disappointed that it had not been successful in its recent application as part of the new national procurement scheme – however, it was acknowledged that there were approximately 2.500 providers (of which 750 had been successful). In subsequent conversations with EFSA, they had been advised that no detailed information could be provided for their unsuccessful bid ie there was just a yes or no bid
- (4) A review was being carried out to look at other potential approaches in future – for example embedding an assessor in the teams and the need to deal with mentoring
- (5) This was a very positive report with good work having been carried out. It was noted, however, that BCC was not spending enough on a monthly basis which could affect the ability to claw back the levy
- (6) Following concerns expressed by UNITE concerning Trade Union Representation on this issue in view of the partnership agreement under which this Trade Union operated, officers agreed to ensure further discussions on this issue took place
- (7) The target had not dropped since June 2017. However, it was acknowledged that the procurement process had taken time following the introduction of two new funding systems
- (8) A number of schools were launching hub provision. In addition, there was a need to diversify the workforce in specific areas.

RESOLVED:



- (1) that the Committee notes the report.
- (2) that officers discuss with UNITE the issue of their representation on this issue – Jane Taylor/Darren Perkins
- (3) that regular progress is provided every six months – Mark Williams/James Brereton to add to Work Programme

7. Standing item - Industrial relations issues - Workforce policy savings

The Committee noted that:

- (1) Following a recent ballot of Trade Union members on 18th March 2018, the proposals relating to pay protection and redundancy payments had been rejected. However, further talks were continuing and final proposals would come to this Committee
- (2) UNITE remained very concerned about the proposed changes to their terms and conditions

Action: a report on the final outcome on negotiations with Trade Unions to be presented to a future meeting (likely to be first meeting of 2018/19 Municipal Year), with Trade Union comments being fully incorporated and appropriate officer recommendations – Mark Williams/James Brereton

8. Work Programme

The Work Programme was noted.

9. Amendments to the Code of Conduct for Employees

Bryn Williams (HR Adviser) introduced this report.

Committee Members and the UNITE Representative made the following comments:

- (1) The reference to an employee being required to advise their Line Manager in respect of their employment “or any other relevant matter” in Paragraph 7.5 of Appendix A should be removed as it is too wide ranging and ambiguous. Either this should be removed or if officers feel strongly that it needs to be included, an alternative would be “as agreed by the Chair of the HR Committee”
- (2) Whilst this code was broadly supported, it was important that it should not prevent employees from meaningful democratic engagement on organisation and operational matters, whilst requiring employees to refrain from misusing their position to lobby Councillors on particular issues
- (3) The difference between operational and organisational issues needed to be more clearly defined to clarify the right of employees to exercise their democratic freedom of speech and to avoid the creation of a “climate of fear” when employees speak to their manager. In particular, paragraph



7.3 needed to be re-phrased to avoid it being used as a means to prevent proper engagement between officers and Councillors.

- (4) There needed to be additional communication to managers to ensure that proper guidance was provided to managers on this issue
- (5) The proposed Code needed to be amended to clarify that police cautions are only legally required to be provided under the Rehabilitation of Offenders Act. In addition, in some instances, an individual might be under investigation by the Police into an issue which leads to no charges. Officers pointed out that there were situations when a caution had been made as a result of serious allegations and of which managers would not otherwise be made aware
- (6) The code needed to clarify the situation concerning safeguarding issues

In response, officers made the following points:

- (7) This Code of Conduct would operate alongside other policies and allows employees to consider protection for the employee as part of a normal employment policy. Councillors needed to have confidence in managers to operate policies properly
- (8) The word “inappropriately” is the key word to note in respect of the second sentence of Paragraph 7.3 of the proposed Code. *“You should not lobby a councillor(s) inappropriately on personal employment matters”.*

Councillor Richard Eddy moved, seconded by Councillor Paula O’Rourke and, upon being put to the vote, it was **LOST (3 for, 4 against) “that the proposed Code of Conduct is accepted and arrangements made to ensure it is properly communicated to staff.”**

There were no further motions made.

Action: a further appropriately amended report to be brought back to a future Committee meeting on this issue – Bryn Williams/Mark Williams/James Brereton.

10 The Council's Pay Policy Statement for 1st April 2018 to 31st March 2019

The Committee noted that the proposed pay policy covered 2018/19 Financial Year.

Councillor Richard Eddy confirmed that, in accordance with the agreed policy of the Conservative Group on this matter, he would be voting against any proposal to approve the recommendation contained within the report.

Councillor Jon Wellington moved, seconded by Councillor Mike Langley, and upon being put to the vote, it was

Resolved (5 for, 2 against) that the amended Pay Policy Statement be recommended to Full Council.

Action: Mark Williams/James Brereton



11 Exclusion of the 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(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) 1 of Part 1 of schedule 12A of the Act.

12 Salary of the Senior Coroner

Yvonne Dawes introduced this report.

The Committee noted that:

- (1) The current coroner was modernising the service in a challenging environment on a national level (ie the 2009 Coroner Act, which had been implemented in 2013)
- (2) The coroner in Bristol City Council was operating in one of the most complex and high volume environments in the country. It was believed that an appropriate level of salary was required to reflect this responsibility
- (3) BCC managed the coroner function for South Gloucestershire, Bath and North East Somerset and North Somerset Councils as well as BCC and funded it on a population basis ie 40% funding to match BCC containing 40% of the population

Councillor Paula O'Rourke moved, seconded by Councillor Jo Sergeant and, upon being put to the vote, it was

Resolved (unanimously): that an annual salary of £130,000 be approved for the Senior Coroner with effect from 1st April 2018.

Action: Mark Williams/James Brereton

The Committee's attention was drawn to Appendix A of the report and the comment from HR to this. Members were advised that, since no ruling on back pay had yet been made, HR officers would be discussing the matter further with colleagues in the South West.

Councillor Richard Eddy moved, seconded by Councillor Jo Sergeant and, upon being out to the vote, it was

Resolved (unanimously): that the issues of the removal of the Market Pay Supplement and cessation of the 5.5% Pension Supplement be deferred to a future meeting.

Action: Mark Williams/James Brereton



13 JNC Chief Officer case

The Committee received a report from John Walsh (Interim Director: Workforce and Change) concerning this issue.

Some members drew attention to concerns that they had raised about previous severance arrangements for some former employees. However, they felt that the proposed settlement was reasonable in the circumstances of the case.

Councillor Richard Eddy moved, seconded by Councillor Jo Sergeant and, upon being put to the vote, it was

Resolved: (6 for, 1 against) that the severance arrangements for the Executive Director: Communities to leave the Council's employment be approved with effect from 31st May 2018.

Action: John Walsh

14 Salary of Director: Commercialisation and Salary of Director: Workforce & Change

John Walsh left the meeting for the duration of this item.

The Committee noted that the Selection Committee at its meeting on 26th April 2018 had resolved "that the Human Resources Committee be recommended to make the appointment of the Director of Workforce and Change at an annual salary of £120,000."

Councillor Richard Eddy moved, seconded by Councillor Jon Wellington and, upon being put to the vote, it was

Resolved (unanimously): that the annual salaries of £105,000 and £120,000 respectively be approved for the Director: Commercialisation and the Director: Workforce and Change.

Action: Mark Williams

Meeting ended at 4.05 pm

CHAIR _____



