

Bristol City Council

Minutes of the Human Resources Committee

22 September 2016 at 2.00 pm



Members Present:-

Councillors: Helen Godwin (Chair), Paula O'Rourke (Vice-Chair), Kye Dudd, Richard Eddy, Gary Hopkins and Jo Sergeant

Officers in Attendance:-

Richard Billingham (Service Director HR), Mark Williams, James Brereton and Louise deCordova (Democratic Services Officer)

1. Welcome, Introductions and Safety Information

The Chair led welcome and introductions

2. Apologies for Absence

There were no apologies for absence

3. Declarations of Interest

There were no declarations of interest.

4. Minutes of the Previous Meeting

The Committee RESOLVED:

To agree the minutes of the previous meeting as a correct record.

It was confirmed that the report on the use of Agency staff in the organisation would be scheduled for the November meeting.

5. Chair's Business



The Chair provided a verbal update on the work being progressed by the Culture Groups. After two meetings it had been agreed that the work on diversity/values and the work to develop the staff survey should be combined into one culture change group:

Staff survey

- a. A first draft had been worked up and a communications plan was being progressed. The plan to include best methods for engagement and communication with offline staff such as depot managers. Officers to circulate notes from the previous meetings. **Action: Culture Change Group**
- b. The Communication Plan to be circulated when signed off. **Action: Culture Change Group**

Diversity/values

- c. Cllr Craig had commenced work on setting up a diversity networking group. The network would develop recommendations to improve staff diversity amongst underrepresented groups such as BME, LGBT and the disabled.

Work Programme

- d. In order to manage the work programme effectively a number of reports had been carried over to the next meeting as follows:
 - Organisational re-design update
 - Use of agency staff
 - Health & wellbeing
 - Pay reform
 - Code of Practice on the English Language Requirement for Public Sector Workers
 - Remuneration of HM Coroner (exempt)
 - Exit payment cap and exit payment recovery
 - BCC response to the BME2020/BME Roundtable reports
 - Staff survey results

The December meeting would be brought forward to a date in November (to be confirmed).

6. Public Forum

The Committee noted the following statement (a copy of the statement has been placed in the minute book (accessed via Democratic Services)).

- Steve Paines Unite – Various items

The Chair advised that each submission would be taken just before each item concerned.

7. Chief Executive pay and conditions and performance management (report)



The Committee received a report from the Service Director, Human Resources and Workplace, and considered the public forum statement by Steve Paines, Unite in conjunction with this item. The report set out recommendations in relation to pay and conditions and performance management and proposed ideas for debate around how alternative contractual relationships might look. The Committee is asked to recommend to Full Council the proposed constitutional changes.

Members engaged in a detailed discussion which explored the contractual elements that could be incorporated into terms and conditions and performance management in order to limit the Council's liability whilst safeguarding the individual's employment rights in the event of early termination of the contract.

In discussion the following points were made:

- a. Changes to Chief Executive pay and conditions should fit within national Joint Negotiating Committee (JNC) guidelines
- b. A fixed term contract may make it more difficult for the Council to attract applicants at this level
- c. Other considerations could include a permanent contract with formalised performance management arrangements. There were currently no formal arrangements for performance management in place. The formalised arrangements proposed in the report are not dissimilar to that which applies to head teachers in schools.
- d. Expert advice had been sought in consideration of appropriate contractual terms around fixed term contracts. The nature of the term could be fixed to the end of 2020 to overlap with the mayoral and local elections and the transition to a new mayoral administration term to provide continuity through that period. Advantages of a fixed term contract could provide the opportunity to recruit to the skills required at that point.
- e. A fixed term contract does not rule out the facility to terminate the contract by mutual agreement. If a fixed term contract was extended, this would be tantamount to creation of a permanent contract in law, unless the Council were able to prove an Objective Justification.
- f. As one of the "protected officers", dismissal of the Head of Paid Service must follow the procedure set out in the Council's Constitution, which involves the Independent Person process.
- g. The criteria that would trigger a 10% bonus were not clear. In a climate of job and budget cuts performance bonuses for this post may not seem appropriate. Subject to proper performance management arrangements, a bonus could incentivise the post holder to remain. The trigger of any bonus should be tight criteria and targets and be assessed by an independent panel. ALACE and SOLACE are potential sources of advice.



- h. The 1:10 salary ratio was a long-term commitment, but there was no plan at this stage to automatically up-rate the starting salary in line with the Living Wage Foundation Living Wage. Concern was expressed that this ratio could limit the Council's ability to be competitive and attract the calibre of candidate desired for the role.
- i. Officers to confirm the fees payable for the Counting/Returning Officer roles and advise the Committee of options for alternative distribution arrangements. **Action: Richard Billingham**
- j. New government regulations which stipulate a £95k cap on exit payments would limit the amounts payable in the event of early termination.
- k. Of major concern was how to enable good performance in the role. An option for this could be the politically-balanced performance management panel as outlined in the report. Officers to explore performance management options. **Action: Richard Billingham**

The Committee RESOLVED:

- (i) **To agree in principal a fixed term contract for the Chief Executive post. Officers to provide more detailed proposals around performance management, contractual terms, returning officers disbursements and early termination.**
- (ii) **To note the report and actions arising.**

8. Voluntary severance scheme and restructuring (report)

The Committee received a report from the Service Director, Human Resources and Workplace, and considered the public forum statement by Steve Paines, Unite in conjunction with this item. The report updated the Committee on plans to avoid compulsory redundancies arising from the requirement to reduce spending by £29m in the current financial year. The Committee is asked to note the report. In discussion the following points were made:

- a. The speed of implementation had been unsettling for some staff. There had been some delays in the Council responding to voluntary severance applications, many applications had been rejected and there appeared to be a lack of consistency across the departments.
- b. Schemes had been introduced to assist staff through this process which included, weekly meetings, a staff options day, careers advice, interview skills.
- c. 650 people had expressed an interest in voluntary severance. 140 applications had been agreed and implemented. Further reductions were expected between now and next March. There would be more clarity after the Medium Term Financial Strategy proposals are announced in October. The Mayor had requested the use of reserves to help plug the funding gap.



- d. Central government had delayed implementation of the £95k cap and Treasury guidance on the use of the Full Council waiver had yet to be published. 106 employees in the organisation could be affected.
- e. The budget consultation would address the Council's service provision and inform the future shape of the organisation. There was currently a lot of cost in the middle of the council's workforce structure. The cost benefits of outsourcing over in-house provision would need to be challenged through category management and procurement, but was not a one-sided approach and would need to be nuanced to create the biggest impact.
- f. Voluntary Severance to be placed on the work programme as a standing item for future meetings.
Action: James Brereton

The Committee RESOLVED:

- (i) **To note the report and actions arising**

9. Protected officer investigation and disciplinary process (report)

The Committee received a report from the Service Director, Human Resources and Workplace. The report proposed how the Council should implement the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. The Committee is asked to recommend the proposed amendments of the Council's Constitution to Full Council.

The Committee RESOLVED:

- (i) **To approve the recommendations to Full Council as set out in the report.**

10. 'Ban the Box' (report)

The Committee received a report from the Service Director, Human Resources and Workplace, and considered the public forum statement by Steve Paines, Unite in conjunction with this item. The report briefs the Committee on the Ban the Box initiative and asks the Committee to consider if the Council should become a Ban the Box employer.

The following points were raised in discussion:

- a. The initiative would publicise the organisation's willingness to consider candidates with criminal convictions.
- b. It was important to understand how the initiative would operate in practice. There would need to be clear communication and guidance to avoid inappropriate appointments to posts where restrictions applied.



- c. Para 13 of the report recommended that questions were asked in a positive way. This would involve discussions with colleagues around how questions were framed. There would be a focus on interviewers changing the way questions were asked and providing more opportunities for interviewees to describe the context of their criminal record.

The Committee RESOLVED:

- (i) **To agree in principle that the Council should become a Ban the Box employer. Officers to work on the detail of how implementation might work.**

11. Disability Confident (report)

The Committee received a report from the Service Director, Human Resources and Workplace. The report updates the Committee on the launch of the Government's Disability Confident scheme, which is due to replace the Disability Symbol ("Two Ticks") scheme from 1st July 2017. The Council intends to become a Disability Confident Leader (Level 3), which means that it will act as a champion within its local and business community, its supply chain and networks. The Committee is asked to note the report.

The Committee RESOLVED:

- (i) **To note the report.**

12. Living Wage Foundation accreditation (report)

The Committee received a report from the Service Director, Human Resources and Workplace, and considered the public forum statement by Steve Paines, Unite in conjunction with this item. The report updates the Committee on the Council's progress towards becoming accredited by the Living Wage Foundation.

The following points were raised in discussion:

- a. The Council's pay structure needed revision to ensure that supervisory pay differentials were restored.
- b. The financial impact of ensuring contracts comply could be considerable, particularly in adult domiciliary social care, which was an area of significant spend for Bristol (£120m per year).
- c. There was a difference between the national living wage and the recommendation to pay the rate announced by the Living Wage Foundation.
- d. Officers to provide a progress report once the Living Wage Foundation had responded to the Council's submission. **Action: James Brereton**

The Committee RESOLVED:



(i) To note the report and actions arising.

13. Apprenticeship Levy (report)

The Committee received a report from the Service Director, Human Resources and Workplace, and considered the public forum statement by Steve Paines, Unite in conjunction with this item. The report explains the implications for the Council of the Apprenticeship Levy. The Committee is asked to note the report.

The following points were raised in discussion:

- a. There was a genuine opportunity presented by the levy to support succession planning in skills shortage areas, think more creatively not just to provide entry level roles, but connect this to work on talent management and some of the key strands in culture change group.
- b. Despite the significant challenge presented by the levy there was an opportunity for the Council to pioneer change in partnership with other public sector bodies, and from a city regional perspective.
- c. The Council had a good apprenticeship programme and retention rate. The levy requires a transition to 0.5% of payroll and will equate to a move from 102 to 280 apprentices. There was a desire to ensure that in meeting the targets the opportunities remained meaningful with good outcomes for participants to transition with skills into employment.
- d. The finance would need to be found within existing budgets with potential for additional funds to be drawn down from the Skills Funding Agency.
- e. Some apprenticeships were in partnership with further education colleges. The Council's Employment and Skills Service had a leading role in promoting apprenticeships to employers across the City.
- f. There may be opportunities to partner with other employers and become a provider. It was not clear whether it could be turned into a revenue stream or generate surplus. Construction apprenticeships could be one of the areas to concentrate on.

The Committee RESOLVED:

(i) To note the report.

14. Collective agreement on holiday pay (report)



The Committee received a report from the Service Director, Human Resources and Workplace. The report explains the reason for the introduction of a holiday pay supplement to employees. The Committee is asked to note the report.

The Committee RESOLVED:

- (i) **To note the report.**

15. Exclusion of the Press and Public

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

16. Voluntary redundancy of a Service Director (report)

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

The Committee considered an exempt report from the Service Director, Human Resources and Workplace. The report requests the Committee's approval for the voluntary redundancy of a Service Director and the deletion of that post with effect from 31st October 2016.

The Committee RESOLVED:

- (i) **To approve the voluntary redundancy as set out in the report.**

Meeting ended at 4.30 pm

CHAIR _____

