

STAFFING AND APPEALS COMMITTEE



Wednesday, 14 October 2020

Democratic and Members' Services
Fiona McMillan
Monitoring Officer

13:00

Shire Hall
Castle Hill
Cambridge
CB3 0AP

COVID-19

During the Covid-19 pandemic Council and Committee meetings will be held virtually for Committee members and for members of the public who wish to participate. These meetings will held via Zoom and Microsoft Teams (for confidential or exempt items). For more information please contact the clerk for the meeting (details provided below).

AGENDA

Open to Public and Press

- 1. Election of Chairman/woman (oral)**
- 2. Election of Vice-Chairman/woman (oral)**
- 3. Apologies for absence and declarations of interest (oral)**
Guidance on declaring interests is available at <http://tinyurl.com/cc-conduct-code>
- 4. Minutes-18th February 2020** **1 - 6**
- 5. Exclusion of Press and Public (oral)**
To resolve that the press and public be excluded from the meeting on the grounds that the agenda contains exempt information under Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and that it would not be in the public interest for this information to be disclosed information relating to any individual.

6. Appointment to the post of Shared Assistant Director, IT & Digital Services

- Information relating to any individual;

The Staffing and Appeals Committee comprises the following members:

For more information about this meeting, including access arrangements please contact

Councillor Josh Schumann (Chairman) Councillor David Ambrose Smith Councillor Barbara Ashwood Councillor Nichola Harrison Councillor Peter Hudson Councillor Bill Hunt Councillor Linda Jones Councillor Mac McGuire

Clerk Name:	Michelle Rowe
Clerk Telephone:	01223 699180
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STAFFING AND APPEALS COMMITTEE - MINUTES

Date: Tuesday, 18th February 2020

Time: 10.00a.m. – 11.15a.m.

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors Ambrose-Smith, Ashwood, Harrison, Hudson, Jones, McGuire, and Schumann

75. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies received from Councillor Hunt. There were no declarations of interest.

76. MINUTES – 28TH NOVEMBER 2019

The minutes of the meeting held on 28th November 2019 were confirmed as a correct record and signed by the Chairman. Councillor McGuire reported that he had failed to give his apologies for the last meeting following an eye operation. The Chairman reminded the Committee that research relating to the pros and cons of flexible and agile working had been circulated to the Committee.

77. DRAFT PAY POLICY STATEMENT 2020-21 AND GENDER PAY GAP REPORTING

The Committee received a report reviewing the data due to be published on senior employee remuneration and the gender pay gap to ensure compliance with The Local Government Transparency Code 2015, Chapter 8 of the Localism Act 2011, and the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017. As the report would need to be approved by full Council, the Chairman proposed, with the agreement of the Committee, an amendment to refer the documentation to full Council.

Attention was drawn to the Chief Officer Pay Policy Statement, it was noted that it was not proposed to make any major changes to this document. Members were advised that there had been a slight increase in the number of officers earning £50,000 or above. It was noted that this was primarily due to inflationary increases in salary rather than an increase in establishment. The Council's mean gender pay gap had shown a significant improvement on the previous year. Although this reflected actions to address the gender pay gap, it was primarily due to the closure of the Council's Catering and Cleaning Service.

In discussing the report individual Members raised the following:

- the need to include the Chief Executive in the senior manager pay data.
- the need to clarify why the Deputy Chief Executive and Chief Finance Officer (CFO) was receiving a salary in excess of the pay grade. The HR Director (LGSS) reported that this was to reflect the additional role of Deputy that Council agreed was an additional responsibility to the main CFO role. He acknowledged the need to explain the position in the same way used for the Chief Executive of the Greater Cambridge Partnership (GCP).

- queried why the GCP was included in the Council's senior manager pay data. It was noted that the County Council was the host authority for the GCP whose officers were included on the Council's payroll.
- queried why there was a Joint Executive Director, Place and Economy and Executive Director both within the same pay grade. It was noted that this was following a restructure, which was still in the process of being implemented and would remove this to one Executive Director role. It was noted that the same officer was also currently covering the other Service Director post which had not yet been recruited to.
- queried whether Government was proposing to review the £50,000 threshold as it was distorted by existing officers receiving performance payments and inflationary increases. The HR Director (LGSS) reported that it had been raised with Government in 2018 who had confirmed that it was just a benchmark. He acknowledged that the level should be inflated so that it provided a realistic picture. However, the Council therefore needed to make clear when presenting the data that it was not employing new managers.
- the need to circulate comparisons against comparator local authorities in relation to the gender pay gap. The Chairman explained that this could be misleading as those local authorities which had outsourced services could have a negative gender pay gap. In response, it was suggested that it would be useful to investigate the actual comparators in detail. Another Member added that it was important to benchmark whether other authorities had outsourced their services and by how much. The HR Director (LGSS) explained that the Council should compare itself to similar authorities. He reminded the Committee that the main reason for the Council's change was because it had divested itself of a service.
- welcomed the actions set out on page 22 of the report but highlighted the need for timescales. It was noted that there were timescales on the document published on the Council's website. The Chairman asked for a link to the full action plan to be included in the report to Council or actions to be added.
- suggested that it would be useful in relation to page 23 of the report to look at the impact of career breaks on returning workers. One Member highlighted her experience of another organisation where there had been an impact on subsequent development. The HR Director (LGSS) acknowledged this request and agreed to investigate.
- queried whether there was any gender discrimination in relation to pay bands. The HR Director (LGSS) reported that the Council's pay structure was equal pay proof and based on sound principles. The Chairman added that the early stage of the recruitment process was also gender blind.
- queried why in relation to shared Director posts the whole salary was shown rather than just the part paid by the County Council. The HR Director (LGSS) reported that the transparency requirements made it necessary for the Council as an employer to reflect the whole salary. However, he added that it was possible to add an explanation in the notes. The Chairman reported that splitting pay data for joint posts would distort the pay data for officers working for one authority only.

- queried whether the Council employed people on zero hours contracts. The HR Director (LGSS) reported that there could be some casual workers on such contracts but the Council had a policy to prevent such contracts being used as an employment device to reduce employment rights.
- stressed that the figures relating to the gender pay gap should reflect rate of pay with a note to make this clear. If it was about cost then it would be a different situation. The HR Director (LGSS) explained that the Government wanted to monitor senior pay so that the Chief Executive's salary was not disproportionate from the workforce.

The Chairman thanked officers for a very good report. He acknowledged the reasons for the improvement in the gender pay gap but reminded the Committee that the Council was also taking positive action. He also reminded Members that the ratio reflected the highest and lowest paid, and that the main salary increase of 2.6% had applied only to lower paid members of staff.

It was resolved unanimously to:

approve and refer the Chief Officer Pay Policy Statement 2020/21 (Appendix 1) and the Gender Pay Gap Report 2020 (Appendix 3) to full Council.

78. COST OF LIVING INCREASES 2020-21

The Committee considered an update on the national cost of living negotiations. The cost of living uplift for across the Professional and Management (P&M) and Corporate Leadership Team (CLT) grades was determined locally unlike the other grades which were subject to national negotiations. The Council's Joint Management Team had recommended a 2% uplift for P&M scales and was seeking the Committee's endorsement. The Committee was also being asked to approve an option of a 1% or 2% uplift for CLT grades. It was noted that this level of uplift for both grades had been assumed and budgeted for in the Council's mid-term financial planning. The HR Director (LGSS) reported that this rate was competitive and the Council had not seen many Managers leave with the exception of turnover in market sensitive areas, like social care.

The Chairman reminded the Committee that the uplift for P&M grades was set by JMT. One Member asked whether the Council would pay P&M and CLT grades above the 2% uplift if the Unions managed to secure a larger increase for 1-SO2 grades. The HR Director (LGSS) reported that there would not be an increase in year instead the national position was one of the considerations for the following year. It was noted that the Medium Term Financial Plan included provision for 2%.

One Member queried the position with regard to increments. It was noted that pay increments were not automatic and were only awarded based on performance as part of the appraisal process. Members were informed that approximately a quarter of staff received an increment. Another Member reported that a number of organisations had moved from increments to performance awards. The HR Director (LGSS) reported that the Council had taken into account the culture of the organisation when proposing the current system. The Chairman requested a report on performance related pay data to the next meeting.

Another Member questioned the need to differentiate between higher and lower paid staff as a 2% uplift was a significant increase for senior managers. The HR Director (LGSS) reported that there was no market or retention reason to differentiate pay.

In considering the options for P&M and CLT pay scales, the Chairman queried whether a 2% uplift at the top of the pay banding for people who were paid considerably more sent out the right public message. On the other hand, he highlighted the message it would send to senior staff if the Committee did not agree a 2% uplift. He was of the view that the Committee should support the proposal from JMT to provide P&M pay grades with a 2% uplift, and that the same rate should be agreed for CLT pay scales to recognise and thank them for their hard work.

It was resolved to:

- a) endorse the 2% uplift to the Professional and Management pay grades;
and
- b) agree a 2% uplift to the Corporate and Leadership pay scale.

79. DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS

The Committee received a report detailing an overview of the disciplinary procedure that would apply to statutory officers. Members were informed that the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 required local authorities to have such a procedure. Attention was drawn to the procedure which was based on the model procedure provided by the Joint Negotiating Committee and complied with the relevant legislative requirements. It was noted that Staffing and Appeals Committee would act as the Investigating and Disciplinary Committee and full Council would make the final decision which would be final. Members were informed that most local authorities had reflected the guidance from the Local Government Association.

In welcoming this good practice, the Committee drew attention to Section 5 of the procedure – Timescales. It was acknowledged that there was a need to proceed expeditiously which had not always been the case. It was suggested that a timetable should be placed against the early investigation process. The HR Director (LGSS) proposed that this process should normally take place within two weeks.

Members acknowledged that there had previously been big payments to remove senior officers in other authorities. They therefore welcomed the introduction of a procedure which would address this issue and enable the Council to deal with conduct and performance issues properly.

It was noted that the Chairman of Staffing and Appeals Committee had the authority to suspend in exceptional circumstances. The HR Director (LGSS) explained that this would be needed if the statutory officer was unable to do his/her job or if continuing in post would affect an investigation. Members discussed the role of the Independent Panel comprising two independent persons. It was noted that as statutory officers did not have a trade union to represent them, it was important that some element of independence was included within the process.

It was resolved:

to agree the adoption of this procedure and the amendments to the Staffing and Appeals Committee terms of reference within the Constitution.

Chairman

