

EMPLOYMENT COMMITTEE
16 MARCH 2016
8.45 PM



Present:

Councillors McLean (Chairman), Allen (Vice-Chairman), Mrs Birch, Leake, Mrs Temperton, Virgo and Worrall

Also Present:

Councillor Heydon, Non-voting Co-optee

Apologies for absence were received from:

Councillors Mrs Angell and Ms Miller

50. Declarations of Interest

There were no declarations of interest.

51. Minutes from previous meeting

RESOLVED that the minutes of the meeting held on 10 February 2016 be approved as a correct record and signed by the Chairman.

Arising from minute 47, the Chief Officer Human Resources reported that a paper showing the recalculation of redundancy payments due on the closure of Heathlands Residential Care Home would be circulated to Committee Members shortly, based on the revised closing date for the Care Home of 30 April 2016.

52. Urgent Items of Business

There were no items of urgent business.

53. Employees Code of Conduct Amendment

The Committee considered a report of the Director of Corporate Services seeking the approval of an amendment to the Employees Code of Conduct. The amendment would introduce a requirement for all Council employees to declare the existence of charges brought by the Police, convictions in a court of law or the issue of a caution on any matter, and to report it immediately to the Chief Officer of their service.

This followed a decision by Corporate Management Team to review and amend the practice of carrying out three yearly Disclosure and Barring Service (DBS) rechecks to posts where there is no statutory duty to do so. During the time the Council had performed regular re-checks, there was no recorded case of an employee whose employment had been terminated due to new offences being detected by this service. A budgetary saving had resulted from not undertaking the re-checks which had been included in the 2016/17 budget. The imposition of a requirement on employees to disclose new convictions was expected to mitigate any risks which might arise.

The report set out the suggested wording to be included to Employee's Code relating to the proposed new imposition on employees to report. To underpin this approach, it was intended to make an addition to the list of Serious Misconduct outlined in the Council's Disciplinary Procedure specifying "the failure to disclose to the Chief Officer any charge, caution or conviction (not including fixed penalty notices) which affects or is likely to affect the employee's suitability for the position in which they are employed".

A number of reservations were expressed by Members about the proposed addition to the Code of Conduct:

- The requirement to disclose charges, which may subsequently be dropped, could be seen as too severe.
- Was it appropriate to include instances involving a caution?
- Should the requirement to report be applied equally to all types of charge or conviction e.g. sexual offences or those involving children or vulnerable adults may be viewed more seriously than offences such as fraud.
- As the requirement to report was to the relevant Chief Officer (of whom there were approximately 15 across the Council) would there be a sufficiently consistent approach to dealing with such reports?
- In view of this issue, was it appropriate for the Committee to undertake a general review of the Employees Code of Conduct?

After further discussion it was

RESOLVED that the report be referred back for re-working, taking account of the views of members expressed at the meeting (as referred to above),(some of which were ameliorated during the course of discussions) in addition to setting out in more detail the risks to the Council raised by this issue, the steps that can be taken to mitigate the risks, and due consideration to introducing a clear reporting process that would assure a consistency of approach across the Council.

54. **Minutes of Sub Groups**

The Committee received the minutes of the meeting of the Local Joint Committee held on 10 February 2016, noting that the meeting had been chaired by the trade unions rather than Councillor Leake.

A suggestion was made that in future the agenda for the Employment Committee should include an item to allow for immediate feedback, if any, from the Local Joint Committee held prior to the meeting of the Committee.

55. **Exclusion of Public and Press**

RESOLVED that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to any individual (Minute 56).

56. Environment, Culture & Communities - Reorganisation in Environmental Services

The Committee considered a report seeking approval to an organisational restructuring of the Environmental Services team that may result in two potential redundancies.

The proposals stemmed from the changing business demands on the Council. The primary focus needed to be on recycling more waste and reducing waste overall to reach EU targets in 2020 and 2030. The new structure would bring together the responsibilities for both the day to day operational needs in respect of waste and recycling collections and waste disposal working with re3. In addition there was an operational need for more support for the street cleansing aspect of the public realm contracts following the externalisation of grounds maintenance.

The report detailed the changes to the structure, which would lead to the deletion of two posts, the creation of a new Waste and Recycling Manager post, together with two new full-time Recycling Assistants and a new part-time Street Cleansing Assistant. The cost of the proposed redundancies arising from the deleted posts (as set out in Appendix 3 and 4 to the report) would be met from the Structural Changes Fund. The cost of the new structure was £590 per annum less than the current structure and could therefore be met from within the ECC devolved staffing budget. However, it was recognised that the real pay back to the Council would be secured through increased recycling and reduced waste going to landfill (avoiding landfill tax and gate fees) with a potential saving of circa £600k to £1m a year. The Committee noted the redundancy payment calculations which showed the effect of the Council policy to enhance statutory redundancy pay in cases where the employee did not have immediate access to Local Government Pension Scheme Benefits.

RESOLVED that:

- (1) the restructure shown in Appendix 2 to the report be approved with effect from 1 May 2016;
- (2) subject to redeployment opportunities being offered to those affected, the two postholders be declared redundant in accordance with the terms set out in Appendices 3 and 4, with the costs being met from the Structural Changes Reserve.
- (3) the Chairman would discuss the Council policy on redundancy entitlements with the Chief Officer: Human Resources, according to whether or not the officer involved had access to Local Government Pension Scheme benefits.

57. Date of Next Meeting

Special Employment Committee: 10 May 2016

CHAIRMAN