



NOTICE OF MEETING

Employment Committee

Monday 16 January 2017, 7.00 pm

Function Room, Fifth Floor, Easthampstead House, Town Square, Bracknell

To: Employment Committee

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

Non-Voting Co-optee

Councillor Heydon

cc: Substitute Members of the Committee

Councillors Brossard, Dudley and Mrs Hamilton

ALISON SANDERS
Director of Corporate Services

EMERGENCY EVACUATION INSTRUCTIONS

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Priya Patel
Telephone: 01344 352233
Email: priya.patel@bracknell-forest.gov.uk
Published: 5 January 2017



Employment Committee
Monday 16 January 2017, 7.00 pm
Function Room, Fifth Floor, Easthampstead House, Town
Square, Bracknell

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

AGENDA

Page No

1. Apologies

To receive apologies for absence and to note the attendance of any substitute members.

2. Declarations of Interest

Any Member with a Disclosable Pecuniary Interest or an Affected Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

3. Minutes from previous meeting

To approve as a correct record the minutes of the meeting of the Committee held on 14 December 2016.

5 - 8

4. Urgent Items of Business

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

Exclusion of the Press and Public

Agenda item 6 is supported by an annex containing exempt information as defined in Schedule 12A of the Local Government Act 1972. If the Committee wishes to discuss the content of this annex in detail, it may choose to move the following resolution:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 6 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) *Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

5. **Restructure of the School Improvement Service**

The Employment Committee is asked to note the restructure and to authorise the redundancy process associated with the restructure.

9 - 22

This page is intentionally left blank

**EMPLOYMENT COMMITTEE
14 DECEMBER 2016
7.30 - 9.10 PM**



Present:

Councillors McLean (Chairman), Allen (Vice-Chairman in the Chair), Angell, Mrs Temperton, Virgo, Worrall and Brossard (Substitute)

Apologies for Absence were received from:

Councillors Heydon, Leake and Ms Miller

17. Declarations of Interest

There were no declarations of interest.

18. Minutes from previous meeting

RESOLVED that the minutes of the meeting of the Committee held on 5 October 2016 be approved as a correct record and signed by the Chairman.

19. Urgent Items of Business

The Chairman reported that the Chief Officer; Information Services, Pat Keane had left the Council's employment on 30 November 2016. An Interim Consultant, Paul Day had been appointed to start on 12 December. The Interim Consultant would assist in shaping the ICT strategy and help facilitate the direction of travel for ICT services.

20. Update from the Chairman of the Local Joint Committee

The Chief Officer: Human Resources reported that as none of the trade union representatives had been present, the meeting had been cancelled. Members expressed disappointment that Members and officers had all taken the time to be present and none of the trade unions had been present or sent their apologies for the meeting.

The Committee agreed to continue with scheduled Local Joint Committee meetings, but only have meetings if they were requested by trade union representatives. This would entail an agenda being despatched to all involved but a meeting would only take place if having had sight of the agenda papers, trade union representatives requested a meeting.

21. Minutes of Sub Groups

The Committee noted the minutes of the Local Joint Committee's held on 6 July 2016 and 5 October 2016.

The Committee received the notes of the Health & Safety Panel held on 9 November 2016.

The Committee considered the tabled recommendation before them and it was:

RESOLVED that the Employment Committee agreed:

- i) that the Health & Safety Panel be disbanded and that trade union safety representatives be given the right to attend the Departmental Safety Groups and Teacher & Support Staff Association meetings to raise issues of concern in a timely manner.
- ii) to assume the function of consulting with recognised trade unions, through the Local Joint Committee, about any health and safety issues which are not resolved at departmental levels and that any health and safety issues arising from Local Joint Committee are referred to Employment Committee.
- iii) that the function set out above be recognised as part of the Committee's existing terms of reference under 'Employment Related Policies and Procedures'
- iv) that teaching/support staff trade union representatives be invited or co-opted to meetings of the Local Joint Committee where matters relating to teaching/support staff are to be discussed.

22. **Annual Update of the Council's Pay Policy Statement and Annual Review of the Bracknell Forest Supplement**

The Chief Officer: Human Resources reported that in accordance with the 2011 Localism Act the Council was required to publish a Pay Policy Statement. In addition, the report also addressed the third annual assessment of the Bracknell Forest Supplement which would take effect from 1 April 2017.

In response to the Committee's queries the following points were made:

- The Chief Officer: Human Resources reported that there had been some pressure put to bear on local authorities to adopt a Living Wage and that this had now become a common practice almost amongst local authorities nationally.
- The Committee noted that the Director of Public Health's salary was out of keeping with local authority pay scales. It was reported that NHS pay scales were more generous and these had been carried over.
- A number of Members expressed concern that the multiplier of 1.75 relating to payments on termination of employment was too generous and that in the current climate this should be considered further. Members felt that this generosity would not be offered in the commercial sector and nor should it be offered by local authorities. The Committee agreed that an informed decision should be made based on all the relevant information. The Committee asked that the Chief Officer: Human Resources bring a report to the Committee as soon as possible on the impact of reducing the multiplier by 0.25 or by 0.75.

RESOLVED that the Employment Committee:

- i) Recommended that Council agreed the Pay Policy Statement for 2017/18.

- ii) Agreed that the level of the Bracknell Forest Supplement from 1 April 2017 be aligned with the non-statutory "Living Wage" which was now £8.45ph.
- iii) that the Chief Officer: Human Resources bring a report to the Committee as soon as possible on the impact of reducing the multiplier for payments on termination of employment by 0.25 or by 0.75.

23. Amendment to Relocation Policy

The Chief Officer: Human Resources reported that following the Committee's request that some amendments be made to the Relocation Policy to ensure clarity, these amendments had now been made.

Some Members expressed concern that this policy was overgenerous and that these benefits would not be available to those in the commercial sector. The Chief Officer: Human Resources stated that the policy was only accessible to those posts that were difficult to recruit to and had not been used to a very limited extent in previous years. Further, the policy acknowledged the higher cost of living in the region and the relatively higher costs of property which may create a disincentive to prospective candidates.

RESOLVED that the changes to the Relocation Policy attached as Appendix A of the agenda papers, be agreed.

24. 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 (Minutes 25 and 26).

25. Environment, Culture & Communities Regulatory Services

The Chief Officer: Environment & Public Protection reported that the shared service for Regulatory services would move away from a service that was struggling to recruit and towards a service where staff had career opportunities. The shared service would also bring savings to the Council. The new service was due to commence on 9 January 2017.

Staff would continue to work as three teams however the management structure would be changed. There would be a Member led joint Committee which would be responsible for running the service.

In response to queries from the Committee the following points were made:

- The service was likely to evolve and expansion to other local authority areas may be pursued in the future, this would be a decision for the Joint Committee.
- The new service would follow an intelligence led approach, this differed from the approach taken at present.
- The Committee noted that the pest control service would no longer continue.
- All three councils involved would make savings as a result of this shared service.

- It was reported that there had been some anxiety amongst staff as a result of the changes but that this was inevitable with any large scale change. Majority of staff recognised that there could be career opportunities in the new service.
- Local knowledge would be brought to the service through officers and the Members on the Joint Committee.
- The Committee recognised that the cross fertilisation of practices could often be beneficial to all involved.
- All staff would be employed by West Berkshire Council, staff would be located within their local areas to begin with, but this could change.

RESOLVED that the Employment Committee:

- i) subject to any redeployment opportunities offered to those affected, agreed the three post holders be declared redundant in accordance with the dates and terms set out in Exempt Appendix 2 of the agenda papers.
- ii) Noted that the posts identified in Appendix 3 of the agenda papers would be transferred under TUPE provisions to West Berkshire from 9 January 2017.

26. **Legal Services**

The Borough Solicitor reported that this report was the result of a review within the Council's legal services team. The report proposes the deletion of one of the three existing Assistant Borough Solicitor posts.

The Committee expressed concern that it was important to ensure there was sufficient resource to support contracts and procurement work. The Borough Solicitor reported that he was confident that there remained sufficient resource to tackle these areas and it was confirmed that this proposal would not impact legal support provided to the Council's Planning process. Further, much contracts and procurement work was now being carried out by the Procurement team.

This proposal would lead to reducing management overheads and allow more resource at a less senior level, which was much needed.

RESOLVED that the Employment Committee approved the deletion of an Assistant Borough Solicitor post by reason of redundancy on the terms set out in exempt Annex 1 of the agenda papers.

CHAIRMAN

TO: EMPLOYMENT COMMITTEE

DATE: 16 JANUARY 2017

Restructure of the School Improvement Service Director Children, Young People & Learning

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is for the Employment Committee to note the restructure as agreed at the Children, Young People & Learning Departmental Management Team on the 15 November and the Corporate Management Team on 14 December 2016, and to authorise redundancy process associated with the restructure.

2 RECOMMENDATION

- 2.1 **That the Employment Committee agrees that subject to any redeployment opportunities offered to those affected, that the three postholders be declared redundant in accordance with the dates and terms set out in Exempt Appendix 1.**

3 REASONS FOR RECOMMENDATION

- 3.1 The consultations on the proposed new structures have now closed and the final decision on the new structure has been agreed by Corporate Management Team.
- 3.2 The LA has a range of statutory duties in order to promote high standards and fulfilment of children and young people's potential.
- 3.3 **The Education Act 2011** acknowledges that schools – Governors, Headteachers and teachers are responsible for their own school improvement and gives LAs a strategic role:
- As champions for parents, families and vulnerable pupils by promoting a good supply of strong schools.
 - In ensuring fair access for each child.
 - Supporting maintained schools performing below floor standards to improve quickly and to develop their own school improvement strategies.
 - Ensuring there is support for schools increasingly to collaborate.
 - Providing information and training to governors and make the instrument of government for all maintained schools.
- 3.4 **Section 13a of the Education Act 1996** gives LA the duty to:
- Promote high standards,
 - ensure fair access to opportunity for education and training, and promote the fulfilment of learning potential
- 3.5 LA's are also required to use statutory powers in accordance with the Schools Causing Concern document 2016 to ensure standards are high enough for all groups of pupils. Currently in Bracknell Forest these statutory powers have never been implemented.
- 3.6 The **Education Act 2006** includes the criteria that the LA will use to identify a school as a cause for concern and these are when:
- Standards of performance of pupils at the school are unacceptably low and are likely to remain so unless the authority exercises its powers under Part 4 of the 2006 Act.

Unrestricted

- There has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, such standards of performance.
- The safety of pupils at the school is threatened (whether by a breakdown of discipline or otherwise).

- 3.7 Despite an overall improvement in school performance re Ofsted outcomes over the last two years where the focus has been placed upon those schools requiring improvement, this has resulted in good schools now being in decline as capacity has not been available to actively support these schools. This has been evidenced by recent Ofsted inspections and outcomes in July 2016. The focus needs to be on all schools and ensure the expertise required to achieve this moving forwards exists. The School Improvement restructure needs to ensure that it is fit for purpose to meet the demands of the changing landscape of education policy and address under performance within all schools using statutory powers as required within a reduction in financial resources.
- 3.8 Performance in both primary and secondary schools is broadly average and should be better given the starting points of pupils. Performance within the EYFS, although above national average overall, the gap for disadvantaged pupils against non disadvantaged pupils is not narrowing and is 22.3% compared to 20.3% in 2015. Early reading skills are undeveloped and there is a 24% gap between disadvantaged pupils and non disadvantaged at the end of KS1 in reading. The national gap is 17%. Ensuring young children are prepared for entering school with the required language skills is a key focus for the LA. The gap for disadvantaged pupils across all sectors remains a huge concern and needs addressing.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To make no changes to the current structure of the School Improvement Service. This will undermine the ability of the service to address school improvement priorities as there is currently limited capacity in the key skills needed to raise standards through appropriate challenge for leaders and fulfil statutory duties as stated with the above Education Acts.
- 4.2 Alongside this, national policy changes to the role of LA's although as of the announcement in October 2016 this now remains unchanged, budget reductions in education grants, savings targets and the national academy programme together make a school improvement service within the LA unsustainable in the long term. Making a reduction in non-essential staff and strengthening the team will position the service to move into a more commercial model of delivery in 2017-18, in line with government policy and the financial objectives of the School Services Transformation Project.

5 SUPPORTING INFORMATION

Context

- 5.1 The current restructure paper was presented at the Departmental Management strategic day on the 15th November 2016 which also included members of the wider leadership team. Since the paper was originally reviewed Bracknell Forest primary schools are now at the bottom of the 'Watchstead' tables for the percentage of pupils in a good or better school. Currently 67.2% of pupils are in good or better school placing the LA 162 out of 162. Although secondary schools appear in a stronger position with 100% of pupils being in a good or better school there are currently two schools that are vulnerable based upon pupil outcomes in July 2016. In addition to this the gap for disadvantaged pupils not narrowing across all Key Stages places Bracknell Forest in a vulnerable position for an LA School Improvement Inspection from Ofsted.

- 5.2 The structure will support the savings target and will also increase the capacity of the School Improvement Team to deliver a quality service holding senior leaders including governance to account for pupil outcomes.

Background

- 5.3 Government policy through greater autonomy for schools over a number of years has been moving resources towards being able to deliver a school-driven school improvement system and Bracknell Forest's position of maintaining a relatively diverse school improvement team is becoming an anomaly. The LA needs to ensure that the resources being used are supporting high quality outcomes for the pupils in Bracknell Forest. Therefore evaluating their strengths and weaknesses in delivering the best pupil outcomes for children is a priority for the LA.
- 5.4 The council's budget position, reduction of education grants and the financial impact of schools becoming academies, all add weight to the policy rationale, supporting the case for working towards a new approach for the LA in delivering school improvement.
- 5.5 Currently, the School Improvement Service is funded through a multitude of income streams comprising council resources, including LA education related grants, a Service Level Agreement paid for by primary schools and other income generated from schools through training, consultancy, Newly Qualified Teacher induction etc. In addition, significant cost recharges are in place to the Dedicated Schools Grant, of which the scope to continue to use this funding source will be removed through the current school funding reforms, placing further financial pressure on the service. There is not a specific SLA for secondary schools to purchase.

The current structure

- 5.6 Priorities for the School Improvement Service are evidence based and include
- Improving Ofsted inspection outcomes through improved leadership.
 - Addressing underperformance across the primary and secondary phases in all subjects.
 - Raising standards for all groups of pupils and diminishing the difference for disadvantaged pupils within Bracknell Forest.
 - Ensuring schools are meeting statutory duties and reflecting best practice.
- 5.7 The current staffing structure cannot deliver on these priorities as not all staff have the range of skills required. The current structure includes staff with specialisms in PE/sports/PSHE, music/arts and Design and Technology. Whilst these specialisms undoubtedly have an educational value, in the current financial context there is no justification for maintaining these staff in post when the consequence is that support cannot be provided in core curriculum areas of maths or meet the needs of disadvantaged pupils. There is also a growing national pressure to develop more data collection, analysis and presentation capacity. At present there is no scope in the budget to do this.
- 5.8 The budget in this financial year is not sufficient to maintain the current staffing, purchase necessary specialist support from consultants that cannot be met from BFC staff and deliver paid for services to schools required to meet the budgeted income target. A budget deficit of around £0.035m is currently being forecast which will be covered in the short term through a compensating saving in the Governor Services Team. Also, moving forward, it is anticipated that the School Improvement budget is likely to reduce through the work of the School Services Transformation Project.

The relationship with the School Services Transformation Project

- 5.9 The School Services Transformation Project is one of a number of projects established to identify how the savings required by the Council over the medium term will be made. The project lead is reviewing all services which schools purchase through a Service Level Agreement and will make recommendations about which services are financially viable. Work is also being undertaken on new ways of delivering services outside of the council, such as through a company. This is particularly relevant to School Improvement services as the council will be unable to provide these services as they are currently funded post 2018. Other education related statutory and regulatory duties, which are currently notionally funded through the Education Services Grant that will end at September 2017 will also need to be included within the Transformation Projects.

The process so far

- 5.10 Initial agreement by CYPL DMT to a proposed restructure resulted in a first consultation process during May 2016 with the staff and unions. This included one to one meetings with staff.
- 5.11 During the consultation, the publication of proposed savings targets for the next financial year, notification of intended national reductions in education grants, the information available on school performance in Bracknell Forest (paragraph 5.1) in addition to savings being made through the Transformation projects, all had to be taken into consideration. As a consequence, a second proposed structure was consulted on.
- 5.12 The new structure included two additional posts an EYFS Standards and Effectiveness Partner and a Data Manager.

Implementing the new structure will:

- reflect the council's new narrative of prioritising service provision of statutory duties
 - ensure the LA is reflecting national educational policy and financial requirements better meet the needs of schools
 - encourage establishing more Teaching Schools who would be brokered to provide subject specific support through the Standards and Effectiveness Partners
 - provide the financial flexibility to respond to needs through the commissioning of additional services as and when required
 - reduce the risks to the organisation of maintaining permanent staff in post for whom there is insufficient work
 - ensure that if redundancy costs need to be met from existing budgets, there is sufficient funding available to achieve this.
- 5.13 The new structure will have sufficient capacity to ensure all current statutory duties can continue to be delivered as well as actively providing support to primary and secondary schools in key areas. Statutory duties with regard to monitoring secondary school performance will be conducted through a desk-top exercise as in previous years and where schools cause concern adviser support and challenge will be provided. It will also better position the school improvement service to make a transition into a more commercial delivery model which is currently being scoped through the School Services Transformation Project.

Risks

- 5.14 The key risks are reputational, financial and management capacity to successfully deliver the required changes.
- 5.15 To maintain a school improvement service which does not have the expertise to address underperformance and does not have the capacity to provide targeted support to schools is at high risk of failing and to ensure a trajectory of improvement.
- 5.16 The impact of more schools converting to forced academisation is likely to have a reduced need for LA School Improvement functions and also income generation opportunities, including through the current Primary SLA.

Financial Information

- 5.17 The anticipated financial implications for the current year and those anticipated includes a number of assumptions, in particular around income generation and the impact of academisation and the withdrawal of Schools Budget grant receipts through the current DfE school funding reform process.
- 5.18 For the current year, the School Improvement Service is forecast to over spend by £0.035m. This anticipates no changes in structures this financial year and that the underlying forecast saving in Governor Services is applied to finance the over spending currently being forecast.
- 5.19 Moving to the preferred staffing structure, a saving of around £0.14m is anticipated for 2017-18 and 2018-19 before a number of income streams are lost that reduce the forecast saving to £0.07m. These figures assume the new structure is implemented from April 2017 and that the on-going savings in Governor Services are transferred into School Improvement. The anticipated savings will be reported against the School Services Transformation Programme.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Human Resources

- 6.1 The consultation arrangements are being managed under the Council's protocol for organisational change. As required under this protocol there is a duty to consider reasonable alternative employment options before any dismissal through redundancy can take effect. There are three members of staff in place who will be at risk of redundancy who are currently working in school advisory roles – two of which work in subject specific positions of PE and music. They will be considered for the new posts in the structure however, it should be noted, they do not possess the requisite skill set to deliver the outcomes required for the service.
- 6.2 Although redeployment opportunities to schools will be pursued, this will be a challenge as the staff are on different salary scales, pension arrangements, terms and conditions to all teaching positions in schools. This will need to be considered as to whether any school based positions could be classified as a reasonable alternative post.
- 6.3 Alternative employment and redeployment opportunities will continue to be considered throughout the notice period. This will include liaison with schools. The cost of these redundancies would likely be around £40k with one also requiring some capitalised pension costs in addition.
- 6.4 Through the previous consultation arrangements there does appear to be opportunities to consider more school led arrangements, particularly through the PE and sport activities where future grant increases will present further funding to schools. This

Unrestricted

could lead to the further transition of services from the local authority to school led models. But, as stated at 6.2, the salary levels and different conditions of service could hinder these opportunities but they will continue to be pursued.

Borough Treasurer

- 6.5 The financial implications arising from this report are set out in Exempt Appendix 1, with the one-off costs being met from the Structural Changes Fund. There is an accrued pay back period of 5.5 months.

Borough Solicitor

- 6.6 The relevant legal issues are contained within the main body of the report.

7 CONSULTATION

7.1 Principal Groups Consulted

All staff in the School Improvement service and the relevant trade unions.

7.2 Method of Consultation

Group and one to one meetings with staff and union representatives.

Background Papers

None

Contact for further information

Rachel Morgan Interim Head of Standards and Effectiveness 01344 354037
rachel.morgan@bracknell-forest.gov.uk

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank