

## NOTICE OF MEETING

MEETING	<b>EMPLOYMENT COMMITTEE</b>
DATE:	<b>THURSDAY 15 SEPTEMBER 2011</b>
TIME:	<b>3.00 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOMS - TOWN HALL</b>
CONTACT:	Gemma George, Senior Governance Officer <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>7 September 2011</i>

### AGENDA

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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**Minutes of a meeting of the Employment Committee  
held at the Town Hall, Peterborough on 28 July 2011**

**Members Present:** Councillors Benton (Chairman), Lamb (Vice Chairman), Fitzgerald, Holdich, Seaton

**Officers Present:** Mike Kealey, Acting Head of HR  
Amy Brown, Solicitor  
Lisa Trowbridge, Senior HR Advisor Policy Development  
Karen Dunleavy, Governance Officer  
Rona Hendry, Branch Secretary UNISON

**1. Apologies for Absence**

Apologies were received from Councillor Miners.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting held on 31 March 2011**

The minutes of the meeting held on 31 March 2011, were agreed as a true and accurate record.

Councillor Holdich commented on the policy which had been introduced for the Staff Car Parking Charges Scheme and requested that a review be conducted to establish if it had been allocated on a fair basis for all staff including care workers employed by service providers, council employees and teachers employed directly through the schools and whether the scheme was working towards meeting the saving objectives.

Councillor Fitzgerald also commented that there seemed to be some discrepancies and teething problems over who was being charged for car parking. Councillor Fitzgerald further commented that a review of non-city centre locations should be undertaken.

Members were advised that there had been three non city centre locations where the Council was experiencing some issues in terms of implementation and that in some cases staff were parking legally on the surrounding roads. Mike Kealey, Acting Head of HR, advised that the scheme was working well with the exception of those few areas.

It was agreed that the Car Parking Scheme would be reviewed to establish if a fair system had been implemented.

**4. Changes to Employee Policies and Procedures**

The Committee received a report and presentation from the Acting Head of Human Resources, Mike Kealey, on a number of employment policies following a referral from the Joint Consultative Forum, which had met on 27 June 2011.

The report sought the agreement of the Committee to implement changes to employee terms and conditions as appended to the report, thus ensuring that the Council maintained up to date and legal employment policies.

### **Disciplinary Policy and Procedure**

The following questions observations, comments were made by Members:

- Clarification was sought on the definition of what constituted serious misconduct, gross misconduct, acts of insubordination, less serious acts of insubordination and the abuse of working hours? *Members were advised that the wording applied to any incident depending on what the circumstances were at the time it had occurred and that it was hard to legislate against a manager's interpretation. Part of the support provided by Human Resources for the process would involve consistency checks which would include working alongside the Council's Legal Department.*
- A question was raised about how policies would be implemented for teachers currently employed directly by the schools and whether a fair and consistent approach inline with the Council would be taken to deal with disciplinary matters? *Members were advised that the Council's Human Resources team would share the policies with the Education Personnel Management which advised on Human Resources for schools and that the policies would eventually need to be signed of by the Joint Education Unions. The Trade Union representative further advised Members that the Voyager and Thomas Deacon schools had adopted the employment policies.*
- Clarification was sought over whether Human Resources would include some wording within the disciplinary policy to protect the Council's name being brought into disrepute by staff using social web sites? *Members were advised that the disciplinary policy did include wording to this effect.*
- Further clarification was sought on how the Council would manage comments made by staff whilst not on duty? *Members were advised that wording was included in the policy to protect the Council from any deliberate damage to or use of council property or name or conduct which was likely to discredit the Council even whilst a member of staff was not on duty.*
- Members commented that there should be a time limit set for the grievance and disciplinary process and that a checking mechanism should be introduced to ensure that action had taken place within a six month period. *Members were advised that the disciplinary policy did outline that all cases for disciplinary and grievances would be dealt with promptly. There were some circumstances where a case would involve a Police investigation, which would need to be completed before the internal investigation was dealt with.*
- A query was raised as to whether there were current arrangements for documenting grievance meetings and signing off this documentation? *Members were advised that although it was not normal practise to document these meetings it was advised that the aggrieved member of staff could arrange for a companion to take notes.*
- Clarification was sought regarding when the policies were updated last and whether they were only being updated as the legislation had

changed? *Members were advised that policies were changed as the employment law changed.*

Following comments and questions from Members, the Acting Head of Human Resources advised that going forward work would be undertaken to build in measures for the disciplinary policies to ensure a set timescale and reporting mechanism for the disciplinary and grievance process. Members were advised that notes would also be taken of all grievance, disciplinary and appeal meetings and the sign process for these notes would be addressed.

### **Redundancy Policy**

The following questions observations, comments were made by Members:

- Clarification was sought regarding the circumstances where it was proposed to re-hire a redundant member of staff within 12 months of their leaving date and why the money would need to be paid back and whether their employment rights would be reinstated? *Members were advised that for the first four weeks under the modification order the full redundancy payment would be repaid. However, for some benefits, such as the calculation of any future redundancy payment, the original continuous service date would be used. The policy change proposed took this a stage further for any employee who was permitted to return after 4 weeks but before the expiry of 12 months in that they, would be required to pay back the redundancy “enhancement” part of the settlement. They would not however be given the same benefit regarding continuous service for the calculation of certain employee benefits as the modification order provided. The aim was to introduce fair measures for staff returning to work with Peterborough City Council*
- It was commented that it might look like the Council had laid staff off for a short period to save money? *Members were advised that there had been cases where people were coming back into re-employment with Peterborough City Council and that a controlled procedure needed to be adopted for managing the return of redundant staff within the first 12 months.*

Following comments from Members, It was agreed that Human Resources would report back to the Employment Committee on a regular basis on staff that had returned to work with Peterborough City Council within the 12 month period of being made redundant.

### **Retirement Policy**

The following questions observations, comments were made by Members:

- Clarification was sought over whether the changes to the Retirement Policy were only statutory ones? *Members were advised that all changes were statutory.*

### **Cycling Policy**

The following questions observations, comments were made by Members:

- Clarification was sought over whether the cycle to work bike scheme also applied to Councillors and Vivacity employees? *The Acting Head of Human Resources advised that a scheme was already in place for Vivacity staff. Regrettably, Councillors were not eligible to participate under HMRC rules as they were not employees of the Council.*
- Members commented that the Council should ensure that its policies and procedures on employment should be included within the invitation to tender process for outsourced services and that any successful company should take on the policies and procedures as part of their internal practises.

Following comments and questions from Members, the Acting Head of Human Resources advised that in future reports to the Committee regarding changes in employee policies and procedures, it would be highlighted as to whether the change in the policy was being made for statutory reasons.

The Branch Secretary for UNISON relayed thanks to Staff and Councillors of Peterborough City Council for general support provided to the union.

**RESOLVED:**

The Employment Committee agreed:

- 1) to implement the following Employment Policies:
  - i) Disciplinary Policy and Procedure (Appendix A);
  - ii) Grievance Policy and Procedure (Appendix B);
  - iii) Appeals Policy and Procedure (Appendix C); and
  - iv) Redundancy Policy (Appendix D)
- 2) to the above Disciplinary, Grievance and Appeals Policy and Procedures being used to replace the procedures incorporated into Director and Head of Service contracts of employment (current template - Appendix E).
- 3) to the statutory changes to policy and procedures relating to:
  - 11.1 Retirement Policy (Appendix F);
  - 11.2 Childcare Voucher Scheme (Appendix G); and
  - 11.3 Work Life Balance Policy (Appendix H)
- 4) to approve the Cycle to Work Scheme (Appendix I)

**Reasons for the decision:**

The changes to the Employee Policies and Procedures would help to ensure that the Council was able to maintain up to date and legal employment policies.

Chairman  
3.00pm - 4.17pm

<b>EMPLOYMENT COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>15 SEPTEMBER 2011</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr Gr. Uff. Marco Cereste	
Contact Officer(s):	Helen Edwards, Solicitor to the Council	Tel. 452539

**APPOINTMENT OF INTERIM DIRECTOR OF CHILDREN'S SERVICES**

R E C O M M E N D A T I O N S	
<b>FROM : Chief Executive</b>	<b>Deadline date : N/A</b>
<p><b>That the Employment Committee:</b></p> <p>Endorses the action taken by the Chief Executive and approves the appointment of Adrian Loades, Director of Children's Services at Cambridgeshire County Council, as Interim Director of Children's Services for Peterborough City Council with effect from 5 September 2011.</p>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to Employment Committee from the Solicitor to the Council, following the resignation of John Richards, Director of Children's Services, with effect from 2<sup>nd</sup> September 2011.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 To enable the Council to fulfil its statutory obligation under s18 Children Act 2004 to appoint an officer as Director of Children's Services.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.3.1.1 'to appoint Directors and Heads of Service, and determine terms and conditions of employment'.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	
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**4. BACKGROUND TO THIS REQUEST**

- 4.1 Ofsted carried out an inspection of the Council's safeguarding services, publishing their final report on 6<sup>th</sup> September 2011.
- 4.2 The report was critical of Children's Services, pronouncing the safeguarding service as "inadequate". Immediately prior to publication of the report, the Director of Children's Services resigned, and left the council on 2<sup>nd</sup> September 2011.
- 4.3 The Council has a statutory duty to appoint an officer as its Director of Children's Services, under s18 Children Act 2004.
- 4.4 The Chief Executive and the lead members for Children's Services, Cllr Sheila Scott, and Cllr John Holdich, decided, in consultation with the Department for Education (DfE) and

Ofsted, that it was necessary to bring in external support to address the failings found in the Children's Services department. Crucially, external support at Director level is required.

- 4.5 The Chief Executive had to act urgently, in accordance with her delegated powers, to ensure that the Council was not without a Director following the resignation of John Richards, and therefore appointed Adrian Loades on secondment from Cambridgeshire County Council, with effect from 5<sup>th</sup> September 2011. Mr Loades has a wealth of expertise, and this appointment has the support of the DfE.
- 4.6 The appointment of Mr Loades did not need the prior approval of the Employment Committee, as it is a short term interim appointment, but given the importance of this appointment, the committee is asked to endorse the action taken, and approve his appointment.
- 4.7 Mr Loades' substantive role is at Cambridgeshire County Council, and his secondment is on a short term basis, intended to be for around 3 months, until someone with the appropriate skills to take up the post on a longer basis can be sourced and appointed. The Chief Executive is in discussions with an interim Director who is currently based in another authority. This Director specialises in turnaround of failing departments, and has the support of Ofsted and DfE as a suitable appointment for Peterborough. His current assignment does not end until November, and if the Chief Executive is able to secure his services a report will be brought back to a further Employment Committee.

## **5. CONSULTATION**

- 5.1 The Chief Executive has taken actions to date in consultation with Ofsted, the DfE, and the lead members for Children's Services.

## **6. ANTICIPATED OUTCOMES**

- 6.1 That the Council will fulfil its statutory responsibilities to appoint a Director of Children's Services and start to address the issues raised in the Ofsted report.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 The Council has a statutory responsibility to appoint an officer as Director of Children's Services.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The Council cannot be without a Director without being in breach of its statutory duties. It could have appointed internally, but this was considered inappropriate as a fresh approach is needed to lead a team to address the failings reported in the Ofsted report.

## **9. IMPLICATIONS**

### **9.1 Legal**

The legal implications are addressed in the body of the report.

### **9.2 Financial**

The council will reimburse Cambridgeshire County Council for the costs of employing Mr Loades during the time that he works for Peterborough City Council

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- 10.1 Ofsted report published 6<sup>th</sup> September 2011-09-06