

HEREFORD CITY COUNCIL

GOVERNANCE AND PROCEDURES COMMITTEE 27th November 2018

MINUTES OF MEETING

Present The Right worshipful the Mayor Councillor Sue Boulter, and Councillors Lloyd-Hayes, Stevens, Hey, Michael, Bushkes, Wilcox and Tawn

Attending Steve Kerry Town Clerk

At the start of the meeting the Chair reminded all present of the fire evacuation procedure and confirmed that the meeting was being recorded.

GP2018/19.57 APOLOGIES FOR ABSENCE

Apologies were noted from Councillor Chappell, and for early departure from the Mayor and Councillor Wilcox.

GP2018/19.58 SUBSTITUTIONS

There were none.

GP2018/19.59 DECLARATIONS OF INTEREST

None were made.

GP2018/19.60 MINUTES OF PREVIOUS MEETING

The minutes were corrected to show Councillor Stevens as attending. After this correction it was proposed by Councillor Lloyd-Hayes, seconded by Councillor Michael and

RESOLVED That the minutes of the meeting of 30th October as amended be accepted as a true record and signed accordingly by the Chair.

GP2018/19.61 DISCIPLINARY PROCEDURE

The Chair proposed to take this item next and the meeting gave its assent.

The Clerk introduced the report explaining that this was a separate document from a disciplinary policy or code of behaviour. This was the process by which a case would be dealt with, setting out who would do what, the order of business etc. He acknowledged the assistance of Dave Stevens of Unison in responding to a draft and suggesting amendments, all of which were set out before the Committee having been reviewed and recommended by the two members, Councillor Hey and Michael, appointed by the Committee to a working group with Mr Stevens and the Town Clerk.

It was acknowledged that some of amendments were corrections for consistency of presentation throughout the text and these were accepted without further discussion.

Regarding the suggestion that staff should be offered the opportunity to arrange representation when involved as witnesses in an investigation I was acknowledged that the person who's actions had given rise to a complaint or was being

investigated should be offered this, but that people simply giving statements of fact about what they had seen or heard did not need this. The text of the policy would be amended accordingly.

Regarding the suggestion that the panel members should be named in the letter informing a staff member that a disciplinary panel was being convened, this was accepted. However members also discussed having a statement that the selection of panel members was not a matter for negotiation, that a Councillor who had previously had a dispute or difficulty with the staff member would be expected to stand down from any panel and that the staff member should be allowed to raise a concern with the panel, which would be the body to determine any questions of membership. It was agreed that this change be incorporated into the text.

Regarding the suggestion that the Chair of the disciplinary panel should attend any subsequent appeal, this was felt to be entirely reasonable and would be incorporated into the revised text.

It was also suggested that at the early stage of the process when a case first comes to light, in addition to the Chair of the Committee being informed about an investigation there should also be the option of them deciding with the Investigator that the facts are known or not disputed, and no formal investigation is necessary. This was also agreed and would be incorporated into the revised text. In addition, members wished the text to make it clear that the Chair did not, by making these decisions that there was a need for an investigation or to form a panel following an investigation, prejudge the case and would not therefore be prevented from being on the hearing panel or an appeal panel (but not both).

It was then proposed by Councillor Michael, seconded by Councillor Wilcox and unanimously

RESOLVED

That the Committee endorses the policy as amended and instructs the Clerk to provide each member staff with a copy and to retain the original in the policy file.

That the Committee records its thanks to Dave Stevens of Unison for his work in compiling this document.

That the policy is reviewed every four years unless a change to employment law makes an earlier review necessary.

GP2018/19.62 INFORMATION AND DATA PROTECTION POLICY

The Clerk introduced the draft policy explaining that it was a key stage in the Council's journey towards full compliance with the General Data Protection Regulations. He had developed the text from a draft from the Information Commissioner's Office advisory notes and from examples from other similar sized parish councils

It was noted that the draft had originally been intended for Committee on 18th December, the implementation date would be changed to today's date if the Committee adopted the policy at this meeting.

It was confirmed in answer to a question that in data protection regulations the operative age for special protection measures around children is 13 years of age as stated. It was also confirmed that the parent/guardian of the Junior Mayor is asked to sign a consent for photographs of the Junior Mayor undertaking their civic engagements may be published as standard practice.

It was then proposed by Councillor Stevens, seconded by Councillor Michael and unanimously

RESOLVED That the Information and Data Protection Policy be endorsed with effect from the date of this Committee and that a copy be retained on the policy file.

GP2018/19.63 STAFFING AND GRADING STRUCTURE

The Town Clerk introduced the report explaining that it's purpose was to address the need for staff to develop flexible multiple skills and that they should be appropriately remunerated for this as their skills develop. The transition from Administration, Information and Finance Officer to Mayor's Secretary was possible and the merging of these two functions into a shared, broad, job description, and the need for the skills required to manage the Council's financial transactions to be appropriately recognised reinforced the case for a linked grade. In order to protect against grade drift, the phenomenon where someone on a link grade simply reaches the top of the range through the effluxion of time there were specific criteria listed for progression to the intermediate and higher levels of the structure. The two staff most directly affected had already been consulted and were in favour of this scheme and if it was approved all staff would be formally consulted for their responses.

After discussion of the current distribution of work among staff, it was noted that the scheme would be applied through a system of annual appraisal and half yearly interviews. At these meetings members of staff would be asked about their personal development and training and the clerk would come to a judgement about whether people appeared to have the criteria of the progression beyond one of the bars in the structure. Any recommendation from the Clerk for progression would be confirmed or rejected by the Committee. Likewise, any member of staff who felt they ought to progress and had not secured the Clerk's support could make an application to the Committee for a review of their placement within the grading structure.

The Committee would not, when reviewing proposals for progression have pre-determined how long a task must be trained for, or carried out, before it was recognised and would treat each case on its merits, noting that a capacity to cover a role in the absence of the regular member of staff deployed to that task was a benefit and should be recognised.

It was noted that the Clerk should now proceed to carry out staff appraisals and not wait for his own before doing so.

In answer to a question it was stated that if a member of staff simply cannot achieve the higher levels of performance and responsibility required for progression they would remain at their grade level. If a member of staff wished to withdraw from a

more demanding area of work for a personal reason this might be allowed if it would not be to the overall detriment of the Council's service and in such a case the employee's grade would be reduced to reflect a reduced level of complexity of work.

Wherever possible training would be during normal working hours using the buddy system, although in some areas, notably finance, external training from the DCK accountants would be used, again within the normal working hours of the employee concerned.

Finally, it was noted that scope of the link grade is staff currently described as Mayor's Secretary and Administration Finance and Information officer. It does not apply to the remaining office staff.

After further recommendations were suggested for the resolution to give effect to the Committee's wishes, it was proposed by Councillor Michael, seconded by Councillor Bushkes and unanimously

RESOLVED

That the Committee endorses the proposals for a link grade structure outlined above and authorises the Clerk to hold formal consultation with staff about the implementation of this arrangement.

That the Clerk reports the outcome of the consultations as soon as practicable with a view to resolving the grading structure and link grade arrangements in time to be implemented in the new budget.

That progression and decisions by the Clerk to refuse progression be reported to the Committee for final decision.

That staff appraisals take place in September, with the six monthly review in March and with the Clerk's appraisal to take place after the September appraisals.

GP2018/19.65 FLEXIBLE WORKING POLICY AND PROCEDURE

It was proposed by Councillor Lloyd-Hayes, seconded by Councillor Bushkes and

The Clerk introduced the report and asked members to bear in mind that the policy was intended to regularise the position regarding normal working hours, work beyond those hours and the taking of time off in lieu. For part-time staff the option existed of paying additional hours, otherwise their TOIL the following week might generate a need for a colleague to work additional hours and therefore generate another TOIL issue the following week. Both additional hours and TOIL were earned at plain time rate, ie there is no time and a half or other enhancement for evening or weekend working.

RESOLVED That the press and public be excluded under the Public Bodies (Admission to Meetings) Act 1960 s1(2) as the continued discussion of this item would require the disclosure of information about individual members of staff

After confidential discussion it was proposed by Councillor Bushkes, seconded by the Mayor and by majority

RESOLVED

That the Council endorses this policy in principle and authorises the Clerk to release it to all staff for consultation and responses to be considered at the next meeting of the Committee on 18th December where final decisions will be made.

That additional hours required to be worked by part time staff would be remunerated in additional pay and not through TOIL in order to avoid an ongoing issue with staff availability.

GP2018/19.66 STAFF APPOINTMENTS AND TEMPORARY ARRANGEMENTS

It was noted that this was a confidential item as written and therefore it was proposed by Councillor Lloyd-Hayes, seconded by the Mayor and

RESOLVED That the press and public be excluded under the terms of the Public Bodies (Admission to Meetings) Act 1960 s 1(2) to enable consideration of personal information about employees.

The meeting remained in confidential session for the duration of this item and its resolutions are therefore recorded in the confidential minutes.

GP2018/19.67 ITEMS FOR FUTURE MEETINGS

It was proposed by Councillor Bushkes, seconded by Councillor Stevens and

RESOLVED That confidential items having been concluded the press and public now be readmitted.

At this point the Mayor left the meeting. followed shortly afterwards by Councillor Wilcox.

Feedback from the appraisal process (18th December)

Disciplinary code and rules of staff conduct (18th December via Unison)

Assimilation of the 2018 to 2019 spinal column structure

There being no further business the meeting was closed at 7-55 pm

Signed

Date