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Agenda Item 3

TERMS OF REFERENCE

Submitted by: **Head of Central Services**

Portfolio: **Communications Transformations and Partnerships**

Purpose of the Report

To inform the Committee of its Terms of Reference as agreed by Full Council at its meeting held on 11 July 2012.

Recommendation

That the report be received.

Terms of Reference of the Staffing Committee

To be responsible for the Council's functions as an employer including the Local Government Pension Scheme which are not delegated to Officers or referred to Full Council or constrained by the law. For the avoidance of doubt the following functions are included:

- (1) The adoption and amendment of all employment policies including the following to the extent they relate to staffing matters:

- Adoption leave policy
- Agency staff procedure
- Alcohol, drugs, substance misuse policy
- Attendance management policy
- Bullying and harassment policy
- Capability procedure
- Officers' Code of Conduct
- Compensatory leave policy
- Computer, telephone and clear desk policy
- Equal opportunities and diversity in employment
- Disciplinary procedure
- Discretionary powers
- Driving at work
- Early retirement
- Employee recognition policy
- Employees' handbook
- Flexible retirement
- Flexible working hours
- Grievance procedure
- Health and safety
- Home working
- Information policies – internet, email
- Job evaluation
- Job sharing
- Local Government Pension Scheme
- Maternity and paternity
- National agreement on pay and conditions of service
- Smoking
- Recruitment
- Redundancy

Restructuring
Remote working
Staff communications and consultation
Stress at work
Time off for trade union duties
Working time.

- (2) To make representations to the Local Government Association and/or the Government or other organisations about any matter relating to employees of the Council.
- (3) To make arrangements for members of the Committee to determine appeals of employees in accordance with the appropriate policies.

Agenda Item 4

TRAINING

Submitted by: **Head of Central Services**

Portfolio: **Communications Transformations and Partnerships**

Purpose of the Report

To inform the Committee of arrangements for training.

Recommendation

That the report be received.

The objectives of the Council's adopted Member Development Policy are as follows:

- To establish a culture whereby elected Member development is seen as a key component in the success of the organisation;
- To equip elected Members with the skills and knowledge necessary to enable the Council to deliver high quality services that are valued by their customers; and
- To ensure that all elected Members are trained to a level appropriate to their roles and responsibilities.

These objectives will be achieved by:

- Ensuring that the training strategy derives from and contributes to the Council's Corporate Priorities;
- Providing training opportunities in response to organisational, individual and statutory needs that will be assessed on an annual basis through the use of Personal Development Plans (PDPs);
- Monitoring and evaluating all training and development activities to ensure that value for money is obtained and that the benefits to individuals and the Council are measurable; and
- By making all training equally available to all elected Members.

Training

All members of the Staffing Committee will be expected to take part in related training, and refresher training will be made available at regular intervals.

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PAY PROTECTION

Submitted by: Executive Management Team

Portfolio: Finance and Budget Management

Ward(s) affected: Not Applicable

Purpose of the Report

To enable the Committee to consider the current arrangements for protecting the pay of those employees whose pay grades are reduced as a result of restructuring.

Recommendation

That the current arrangements for pay protection for employees who are redeployed to lower graded posts as a result of restructuring contained in the council's Restructuring Policy and Procedure remain unchanged:

- **6 months at existing salary;**
- **6 months at half the difference between new and previous salary; and**
- **No annual pay increases, overtime payments allowances or other payments included.**

Reasons

It is considered that the current arrangements are fair, equitable and reasonable, taking into account the relevant factors, including mitigation of the loss of income of affected employees and the potential cost to the authority.

1. Background

1.1 Section 15 of the council's approved Restructuring and Redundancy Policy and Procedure provides for employees who are redeployed to lower graded posts to receive pay protection on the following basis:

- 6 months at existing salary;
- 6 months at half the difference between new and previous salary;
- No annual pay increases, overtime payments, allowances or other payments included.

1.2 Where annual leave entitlement is reduced as a result of redeployment to a lower grade, this is protected pro rata for the duration of the pay protection period.

1.3 The Employees Consultative Committee has recommended that pay protection be on the following basis:

- A maximum of 3 years on a sliding scale as follows:

Year 1	100% flat rate
Year 2	Months 1 – 6 80%
	Months 7 – 12 60%

Year 3	Months 1 – 6	40%
	Months 7 – 12	20%

- No annual increases, overtime payments, allowances or other payments to be included.

2. **Issues**

2.1 There is no specific legislation regarding the length of pay protection. However, the following factors should be noted:

- mitigation of loss of income to the redeployed employee;
- cost of paying protection offset against potential savings;
- perceived use of the authority's resources by external parties;
- views of other employees occupying generic posts;
- increased risk of equal pay challenges, the longer the pay protection period;
- survey of other authorities indicated generally sliding scales over an average of 1.96 years, with no allowances etc protected.

3. **Options Considered**

3.1 Initially, it was proposed that employees redeployed to a lower graded post should receive a 3 month salary protection in their redeployed post. However, this was revised to the current 12 month arrangement following referral to the Employees Consultative Committee.

3.2 An analysis of protection arrangements in place at 16 other authorities in June 2011 indicated an average period of protection of 1.96 years, with most incorporating a sliding scale for payments and payments other than basic salary not being protected, with there also being no annual pay award increases.

4. **Proposal**

4.1 That the arrangements currently in place be confirmed.

5. **Reasons for Preferred Solution**

5.1 It is considered that the current protection arrangements are fair and reasonable based on the factors listed at section 2 (above).

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

No applicable

7. **Legal and Statutory Implications**

There is no specific legislation regarding the length of pay protection. However, there is an increased risk of challenges, the longer any pay protection period.

8. **Equality Impact Assessment**

8.1 The pay protection arrangements apply equally to all employees.

9. **Financial and Resource Implications**

9.1 There are three employees currently receiving pay protection who would be affected in the event that the Employees' Consultative Committee's recommendation was to be implemented. The cost of implementation, including on-costs, would be £14,240.

10. **Major Risks**

10.1 There is an increased risk of equal pay challenges being made, the longer the period of protection.

11. **Sustainability and Climate Change Implications**

Not applicable.

12. **Key Decision Information**

No applicable.

13. **Earlier Cabinet/Committee Resolutions**

Not applicable.

14. **List of Appendices**

Not applicable.

15. **Background Papers**

Not applicable.

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ARRANGEMENTS FOR EMPLOYEES ASSISTING WITH CIVIL EMERGENCY RESPONSE

Submitted by: Executive Management Team

Portfolio: Finance and Budget Management

Ward(s) affected: Not Applicable

Purpose of the Report

To obtain approval for a set of terms and conditions to apply to employees undertaking alternative roles during civil emergency situations and to facilitate the training of appropriate staff.

Recommendations

- (a) That the terms and conditions as proposed at Appendix A be adopted.
- (b) That officers be authorised to roll out relevant training to appropriate staff in order to meet the needs of the Council during civil emergency situations.

Reasons

The proposed arrangements will assist the council to meet its obligation in the provision of civil emergency response to the public and the council's partner organisations. The proposals also ensure that employees who are assigned to specific roles are suitably trained and are treated fairly, consistently and without detriment and that the staffing costs associated with civil emergency response provision are reasonable and justifiable.

1. Background

- 1.1 In exceptional circumstances, employees may be asked to undertake duties that are different from their usual roles in order to assist the council to meet its obligations in the provision of civil emergency response to the public and the council's partner organisations.
- 1.2 An Emergency Control Centre may have to be set up to accommodate the council's 'gold' and 'silver' response teams and it may also become necessary for rest centres to be set up and staffed to deal with members of the public who have been affected by the emergency.
- 1.3 Some training has recently been provided by the Staffordshire Civil Contingencies Unit in relation to this which prompted requests for clarification for the arrangements that would apply in such circumstances, in particular the terms and conditions that would apply to employees assisting. Resolving this matter will facilitate the roll out of further training to appropriate staff.
- 1.4 The terms and conditions proposed are attached at Appendix A.

2. Issues

- 2.1 The proposals were discussed at the Employees Consultative Committee (ECC) meeting on 17 October 2012.
- 2.2 The committee recommended that the wording at Section 9:

'In the event that employees are required to work additional hours to their contracted hours, the usual arrangement regarding overtime payments will apply, based on the evaluated grade of the temporary position and in accordance with the relevant parts of Section 4 of the 2005 (Single Status) Collective Agreement (Overtime Working).'

be replaced with:

'In the event that employees are required to work additional hours to their contracted hours, the usual arrangements regarding overtime will apply.'

- 2.3 If the ECC recommendation was to be adopted, this would mean, for example, that in an emergency scenario where an employee whose substantive post is say Grade 10, works hours in addition to their normal contracted hours but in a temporary, alternative role of say a Grade 7 Forward Control Officer, they would be entitled to receive an enhanced overtime payment rate based on Grade 10 rather than Grade 7.

3. **Options Considered**

- 3.1 The proposed arrangements will only apply on rare occasions and in exceptional circumstances where employees may be asked to undertake specific emergency response duties that are different from their usual roles. They have been designed to ensure that those employees who carry out specific, identified roles in connection with a civil emergency that are different from their usual jobs, would do so on a basis that will in no way be detrimental to them in terms of pay and conditions of service.

4. **Proposal**

- 4.1 That the proposed terms and conditions at Appendix A be adopted.

5. **Reasons for Preferred Solution**

- 5.1 The proposed arrangements will assist the council to meet its obligation in the provision of civil emergency response to the public and the council's partner organisations. The proposals also ensure that employees who are assigned to specific roles are treated fairly, consistently and without detriment and that the staffing costs associated with civil emergency response provision are reasonable and justifiable. Additionally the proposals will enable necessary training to be targeted appropriately.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

Not applicable

7. **Legal and Statutory Implications**

- 7.1 The Council has a statutory responsibility for the provision of civil emergency response to the public and the council's partner organisations (Civil Contingencies Act 2004).
- 7.2 The proposals are in accordance with relevant employment legislation including the European Working Time Regulations.

8. **Equality Impact Assessment**

- 8.1 The arrangements will apply equally to all employees.

9. **Financial and Resource Implications**

9.1 The proposed arrangements are designed to ensure that as far as is practicably possible, the Council is able to meet its response obligations during a civil emergency situation while maintaining normal service provision to an acceptable level.

9.2 Depending on the nature and duration of a particular civil emergency, it may be the case that some overtime costs incurred by the council as a consequence of responding may be reclaimable via the Bellwin Scheme.

10. **Major Risks**

10.1 The Council may fail to meet its statutory response obligations if adequate arrangements have not been made to ensure appropriate numbers of trained staff are available in an emergency situation.

11. **Sustainability and Climate Change Implications**

Not applicable.

12. **Key Decision Information**

No applicable.

13. **Earlier Cabinet/Committee Resolutions**

None.

14. **List of Appendices**

Appendix A – Proposed Terms and Conditions Applying to Employees Assisting with Civil Emergency Response.

15. **Background Papers**

Not applicable.

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Newcastle-under-Lyme Borough Council

**Terms and Conditions applying to employees assisting with
Civil Emergency Response**

1. Where necessary, in exceptional circumstances, employees may be asked to undertake duties that are different from their usual roles, in order to assist the council to meet its obligations in the provision of civil emergency response to the public and the council's partner organisations.
2. In doing this, however, employees will not be expected to compromise their own health and safety or that of others.
3. In addition to general awareness training, relevant training will be provided for those employees who may carry out particular roles e.g. Rest Centre Assistant, Rest Centre Manager, Loggist, Forward Control Officer, Emergency Control Centre (ECC) Support Assistant.
4. One of the council's obligations during a civil emergency situation can include the setting up and staffing of rest centres. The likelihood of this requirement is small and in the event that a rest centre is required, it is likely that the council will only be required to provide it for up to 48 hours. However, as there is a possibility of this, the council is required to identify appropriate facilities and to ensure adequate members of staff are trained to manage and operate a rest centre.
5. Heads of Service will be approached to identify volunteers from their service to assist the council in its civil emergency response. It is envisaged that this approach would provide sufficient numbers of employees to run the centre efficiently. However, in the event that an insufficient number of volunteers are identified, some employees may be required to provide assistance. In such exceptional circumstances, employees will not be required to carry out duties considered to be of a higher level than those reflected in the grade of their substantive post.
6. Both managers and employees are expected to take a flexible approach to both maintaining normal service provision to an acceptable level (Business Continuity) and assisting the council to meet its response obligations during a civil emergency situation. However, the general principle for this would be that any temporary changes in the duties carried out by employees would be on a 'no detriment' basis.
7. Specific roles have been identified and job evaluated as follows:

Forward Control Officer	-	Grade 7
Rest Centre Manager	-	Grade 6
Loggist	-	Grade 5
Rest Centre Assistant	-	Grade 4
ECC Support Assistant	-	Grade 5

Employees assigned to the above roles will be paid either:

their normal rate of pay, if the grade of their substantive post is either the same or higher than the evaluated grade of the position to which they are assigned;

or:

a rate of pay based on the evaluated grade of the position, if this is higher than the grade of their substantive post.

8. Employees assigned to temporary civil emergency roles will not normally be expected to work more than their normal contracted hours. However, some flexibility may be required regarding daily start/finish times. These would be agreed with individual employees depending on their particular circumstances/personal commitments.

Enhancements to basic pay for:

- Saturday/Sunday working
- Night work
- Payment for work on public and extra statutory holidays, discretionary days and conditional days

will be paid in accordance with the relevant paragraphs of Section 3 of the 2005 (Single Status) Collective Agreement (Enhancements to Basic Pay).

9. In the event that employees are required to work additional hours to their contracted hours, the usual arrangement regarding overtime payments will apply, based on the evaluated grade of the temporary position and in accordance with the relevant parts of Section 4 of the 2005 (Single Status) Collective Agreement (Overtime Working).
10. Employees who work during a night (i.e. between 11pm and 6am) will not be required to attend work in their substantive role during the day when night working has been completed.
11. All the relevant provisions of the European Working Time Regulations in relation to rest breaks/maximum number of hours worked etc will be adhered to at all times.

REVIEW OF MARKET SUPPLEMENTS

Submitted by: Executive Management Team

Portfolio: Finance and Budget Management

Ward(s) affected: Not Applicable

Purpose of the Report

To maintain the future continuity of service provision by ensuring the recruitment/retention of suitability qualified and experienced staff.

In pursuance of this, to confirm a future level of market supplement to a total of 4 posts.

Recommendation

That, taking into account the detailed information contained in the report at Part II of your agenda, Market Forces Supplement payments equivalent to 4 spinal column points be applied to the four posts where this has been identified as necessary by appropriate benchmarking exercises, for the period 1 December 2012 to 30 June 2015.

Reasons

The proposed number and future level of market supplements is fair and reasonable both in relation to the employees who will receive them and those who do not and should be sufficient to enable the retention and recruitment of suitably qualified and experienced staff.

1. **Background**

1.1 The Job Evaluation Scheme, establishing the grades for all National Joint Council (NJC) posts was implemented at the council in October 2005.

1.2 Where there are problems recruiting or retaining employees at job evaluated rates, it is justifiable to consider market supplement schemes provided:

- They are based on clear evidence of recruitment/retention problems;
- Clear, transparent and fair criteria are used for the application of market supplements;
- Market salary testing uses appropriate market comparators for particular posts;
- They apply to existing as well as newly recruited postholders in the relevant job;
- The 'job evaluated' grade and any additional market supplement are clearly identified, shown as a separate allowance to the pay/grade determined by job evaluation and understood by employees in receipt; and
- The contractual terms of future payments are sufficiently clear to enable payments to be withdrawn if the 'market' changes.

1.3 There are currently only four employees receiving market supplement payments.

2. **Issues**

2.1 The principal issue associated with establishing an appropriate level of future supplements is which comparator posts should be included within a benchmarking exercise.

2.2 Members will note that there is a detailed report in respect of this matter at Part II of your agenda which will assist members in understanding the specific proposals. That report contains information about the remuneration of specific staff members which is deemed as confidential within the provisions of Paragraph 2 in Part 1 of Schedule 12A of the Local Government Act 1972.

3. **Options Considered**

3.1 In respect of the benchmarking process, it is considered reasonable to include:

- Similar posts within any Council within Staffordshire
- Similar posts within any Council adjoining Staffordshire

4. **Proposal**

(a) That for the four posts covered by the benchmarking exercises, a market supplement of an additional 4 spinal column points be applied (this represents minus two SCPs in relation to the supplement currently applied to these posts);

(b) That Market Forces Supplements apply to the four posts from 1 December 2012 until 30 June 2015, to be reviewed in December 2014.

5. **Reasons for Preferred Solution**

5.1 The proposed future level of market supplements is fair and reasonable both in relation to the four employees who will receive them and those who do not and should be sufficient to enable the retention/recruitment of suitably qualified and experienced staff.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

Not applicable.

7. **Legal and Statutory Implications**

7.1 Under employment/equality legislation, it is justifiable to consider market supplement schemes where there are problems retaining or recruiting employees at job evaluated rates provided they are:

- Based on clear evidence of recruitment/retention problems;
- Clear, transparent and fair criteria are used for the application of the supplements;
- Market salary testing uses appropriate comparator posts;
- They are applied equally to all employees in the relevant job (existing/new).

8. **Equality Impact Assessment**

8.1 The proposal is that the future supplements will apply equally to all the relevant postholders.

8.2 Updated job evaluations have been conducted in relation to the posts to which it is proposed the market supplements will continue to apply to confirm the substantive grade for the posts in accordance with the council's approved scheme.

9. **Financial and Resource Implications**

- 9.1 The additional salary costs (including employer's on-costs) of continuing to pay market supplement payments at a level of 4 spinal column points over and above the job evaluated grades for the four posts amount to £17,606 per annum.
- 9.2 This would be a reduction on the current cost of market supplements for these posts of £26,246, for which provision has been made in the 2012/13 salaries budget.
10. **Major Risks**
- 10.1 Failure to retain/recruit suitably qualified and experienced staff would have a significantly detrimental effect on service delivery.
11. **Sustainability and Climate Change Implications**
- Not applicable.
12. **Key Decision Information**
- Not applicable.
13. **Earlier Cabinet/Committee Resolutions**
- Not applicable.
14. **List of Appendices**
- Not applicable.
15. **Background Papers**
- The detailed report contained at Part II of this agenda.

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