

KENT COUNTY COUNCIL

PERSONNEL COMMITTEE

MINUTES of a meeting of the Personnel Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 28 March 2011.

PRESENT: Mr P B Carter (Chairman), Mr R W Gough (Vice-Chairman), Mr A J King, MBE, Mr K G Lynes, Mr T Prater, Mr J D Simmonds, Mrs J Rook (Substitute for Mr D A Hirst) Mr G Cowan (Substitute for Mrs E Green).

IN ATTENDANCE: Mrs A Beer (Director of Personnel & Development), Mr G Wild (Director of Governance and Law) Mr G Mills (Democratic Services Manager (Executive)).

UNRESTRICTED ITEMS

7. Minutes of the meeting held on 25 January 2011 *(Item 4)*

The unrestricted minutes of the meeting held on 25 January 2011 were agreed as a true record and signed by the Chairman.

8. Interim Senior Manager Appointments *(Item 5– report by Mr Peter Sass, Head of Democratic Services)*

(1) This report invited the Committee to recommend the County Council to make an amendment to the paragraph 8 Personnel Management Rules so that there is a clear and unambiguous process for notifying Members of all senior manager appointments.

(2) Following discussion the Committee Resolved:

That the County Council at its meeting on 6 April 2011 be recommended to add the following to paragraph 8 of the Personnel Management Rules:

“Similarly, the Managing Director may, after consultation with the political group leaders, appoint an interim senior manager to undertake a specific role that does not currently exist in the Establishment and determine the rate of remuneration. These appointments shall not extend beyond six months without the approval of the Personnel Committee.”

9. Retirement Age *(Item 6 - report by Mrs Amanda Beer, Director of Personnel & Development) (Nicola Lodemore, Employment and Diversity Manager was present for this item)*

(1) This report invited the Committee to consider the issues for KCC raised as a result of the Government confirming its plan to abolish the national, default retirement

age (DRA) of 65 from October 2011. With the removal of the DRA, retirement will no longer be a potentially fair reason for dismissal within the Employment Rights Act 1996 and employers retaining a retirement age are likely to be challenged on the grounds of age discrimination.

(2) Following discussion the Committee Resolved to

- (i) endorse the proposal not to seek to justify a mandatory retirement age for KCC employees
- (ii) the County Council at its meeting on 6 April 2011 be recommended to confirm this proposal: and ,
- (iii) the policy be reviewed annually in the light of evolving organisational needs, workforce composition and developments in the labour market.

10. Change to Terms and Conditions of Employment

(Item 7 - report by Mr Roger Gough, Cabinet Member and Mrs Amanda Beer Director of Personnel and Development) (Mr Colin Miller was present for this item)

(1) Savings identified in the County Council's budget 2011/12 included £2.25m savings described as "Review of terms and conditions of employment", £0.7m for travel and £0.5m on Personnel & Development policies. The higher amount was to be found from the funding of the authority's new performance pay system. This report detailed the proposals to achieve the other £1.2m savings.

(2) During the course of discussion members asked a number of questions regarding the way these changes would affect staff such as social workers. In response it was said that the Council was working on a number of options aimed at ensuring front line staff such as Social Workers were not disadvantaged and had a pay and reward package appropriate to their jobs and associated work needs. It was agreed the way pay and reward matters were communicated to staff could be made clearer and steps would be undertaken to make sure this happened in future.

(3) The Committee Resolved:

- (i) that the action taken to provide 'no detriment' to some current essential users as a consequence of the decision to remove the essential user provision be acknowledged.
- (ii) the work being undertaken to identify alternative arrangements for lease car users be recognized and agreement be given to the principle of a buy-out payment.
- (iii) the suspension of the provision to sell annual leave be noted; and ,
- (iiii) the proposal to withdraw the Senior Officer Medical Insurance Scheme be endorsed and recommended for decision to a future meeting of the County Council for decision.

11. Total Contribution Pay Funding

(Item 8— report by Mr Roger Gough, Cabinet Member and Mrs Amanda Beer, Director of Personnel and Development) (parts of this item were declared urgent by the Chairman so that the Director of Law and Governance could provide the Committee with legal advice which it needed to have in order to give full consideration to this matter. That legal advice was further declared exempt under the provisions of Section 100A of the Local Government Act 1972 (as amended) on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 4 of part 1 of Schedule 12A of the Act. The following is an unrestricted minute of the main discussion with the legal advice being set out in the exempt minutes for this meeting)

(1) The 2011/12 Budget agreed by the County Council in February 2011 included £2.25m savings described as “Review of terms and conditions of employment” (Budget Book page 104). The suggestion is that this should be taken from the funding for the authority’s new performance pay system.

(2) The report proposed that the distribution of available money should be prioritised to lower paid staff whilst recognising the need to reward the contribution of as many people as possible. That was seen as being important if the Council was to deliver the key principles of performance management.

(3) Three options had been considered these being to half fund the TCP pot, to make no top of grade payment or to taper payments.

(4) Counsel’s opinion was sought and concluded that the options needed to be considered with knowledge of their magnitude, impact and grounds for dispute. However, although there were potential risks which varied depending on the options, the Authority should select the one which fitted its business needs best. The detail of the legal advice is set out in the exempt part of the minutes.

(5) During the course of discussion Mr Prater said he agreed that protection was needed for lower grade staff but believed the proposals before the Committee could leave the Council open to legal challenge. Mr Cowan said he also had concerns and that the Council should not proceed with this matter.

(6) Mr Carter said that with the Comprehensive Spending Review taking 10% out of the County Council’s budget he believed what was before the Committee was a compromise which was both pragmatic and affordable. The Council had sought external legal advice and this was he said the approach although he accepted there could be a challenge.

(7) Following discussion Mr Carter proposed and Mr Gough seconded that the recommendations set out in paragraph 5.1 of the report be adopted. On being put the vote there was 6 for with 2 against. Mr Prater and Mr Cowan requested that their names be recorded in the minutes as being against the proposal.

(8) The Committee Resolved that the proposal to pay the Total Contribution award in a way which favoured the lower paid staff and tapered the amount to nil at KR 14 as shown in appendix 2 of the Committee report be endorsed.

12. Exempt Minutes - 25 January 2011

(Item 9)

The exempt minutes of the meeting held on 25 January 2011 were agreed as a true record and signed by the Chairman.

13. Implementation of Change to Keep Succeeding

(Item 10- report by Mrs Amanda Beer, Director of Personnel & Development)

(The following is an unrestricted minute of a matter which was exempt under paragraphs 1.3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended))

As this item was not available at the time of the despatch of the main agenda the Chairman declared its consideration to be urgent on the grounds that it contained information which the Committee needed to consider at this meeting and therefore could not reasonably be delayed.

(1) This report provided an update on progress towards the implementation of the Change to Keep Succeeding operating framework. The report provided members with details of recent senior appointments made by Personnel Committee: Appointment Panels and also redundancies arrangements for two Directors who did not get appointed to the posts they had applied for. Further, the report provided details of both an existing member of staff and newly appointed staff who are working for the Council as interim directors.

(2) The Committee Resolved

(i) that the costs of to be made to redundant staff be noted;

(ii) to note that Mrs Rebecca Spore had been appointed to the post of Director of Property and Infrastructure; Dr Jocelyn Foster had been appointed to the post of Director of Business Strategy and Mr Paul Crick had been appointed to the post of Director of Planning and Environment

(iii) to note the interim appointments highlighted in the report.