

KENT COUNTY COUNCIL

PERSONNEL COMMITTEE

MINUTES of a meeting of the Personnel Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Tuesday, 19 March 2013.

PRESENT: Mr P B Carter (Chairman), Mr R W Gough (Vice-Chairman), Mr G Cowan, Mr M C Dance, Mr D A Hirst, Mr A J King, MBE, Mr T Prater and Mr J D Simmonds.

IN ATTENDANCE: Mrs A Beer (Corporate Director of Human Resources) and Mr G Mills (Democratic Services Manager).

UNRESTRICTED ITEMS

41. Minutes of the meeting held on 18 January 2013

(Item 3)

RESOLVED that the minutes of the meeting held on 18 January 2013 were agreed and signed by the Chairman as a correct record.

42. Terms and Conditions for Public Health Staff

(Item 4) (Karen Watson and Ian Allwright were present for this item)

Report by Mr Roger Gough, Cabinet Member for Business Strategy, Performance and Health Reform and Mrs Amanda Beer, Corporate Director Human Resources.

(1) This report made recommendations regarding the organisational position of the Public Health division and Conditions for new recruits to public Health Specialist and Professional posts.

(2) Responsibilities for Public Health functions and relevant staff would transfer to KCC from 1 April 2013. The exception would be the screening and immunisation team, which would transfer to Public Health England. The transfer of the Public Health workforce to KCC did not fall within the Transfer of Undertakings (Protection of Employment) Regulations 2006, generally referred to as TUPE, but would be covered by a statutory staff transfer scheme enacted under the Health and Social Care Act 2012.

(3) Organisationally from 1 April 2013 Public Health Staff would report to the Director of Public Health who in turn would report direct to the Head of Paid Service. The report proposed that KCC appointed Public Health Specialists and Professionals on 'Agenda for Change' and medical terms and conditions, as appropriate, for the first 2 years to align with the transfer scheme protections, although Blue Book terms and conditions could still be offered, as an alternative, for those appointed from other backgrounds. This would enable KCC to consider what the market was doing and then take a longer term view on terms and conditions for new starters.

(4) The statutory transfer scheme provided Public Health transferees continued access to the NHS Pension Scheme. . There would be no eligibility to join the Local

Government Pension Scheme unless voluntarily moving to a post outside of Public Health. It was proposed that KCC applied for a Directions Order to ensure that KCC vacancies for Public Health Specialist and professional posts were attractive to candidates who wanted to continue to be members of the NHS Pensions Scheme.

(5) Whilst the transfer of Public Health staff was not a TUPE transfer, the draft transfer scheme provided 'TUPE-like' protections for two years. The Advocate General (Court of European Justice) had recently delivered his opinion that staff transferring under TUPE had to have applied to them any changes made to their terms and conditions following transfer. This was known as the dynamic approach and its application was currently the subject of a review by the Court of Justice of the European Union. KCC legal advice was that the Council should be able to rely on the current view of the Advocate General and apply changes for the first two years after transfer. Therefore the report proposed KCC should apply future changes for a two year period as this would provide parity with new recruits to Public Health on NHS Terms and Conditions.

(6) During the course of discussion members asked a number of questions of detail to which officers responded accordingly. As part of this it was agreed that a report should be submitted to the next Meeting providing information on the salary and terms of payment and progression for senior public health consultants in comparison to senior KCC staff. It was also agreed that a general progress report should be submitted to the Committee in 12 months time.

(7) RESOLVED that;

- a) the arrangements for the transfer of staff as detailed in the Committee report be noted,
- b) the reporting line for the Director Public Health be agreed,
- c) Public Health Specialists and professionals can be appointed to KCC on NHS terms and conditions, this to be reviewed for new recruits beyond 31 March 2015,
- d) to agree that KCC applies for an open directions order for the NHS Pension Scheme,
- e) it be agreed that KCC applies future changes that are made to NHS terms and conditions to the Public Health transferees until 31 March 2015,
- f) a report is submitted to the next Meeting of the Personnel providing information on the salary and terms of payment and progression for senior public health consultants in comparison to senior KCC staff a progress report is submitted to the Committee in 12 months time.