

Agenda

Employment panel

Date: **Tuesday 24 October 2017**

Time: **2.00 pm**

Place: **Committee Room 1 - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call John Coleman, Democratic services manager on 01432 260382 or e-mail John.Coleman@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Employment panel

Membership

Chairman **Councillor AW Johnson**
Vice-Chairman

Councillor H Bramer
Councillor RI Matthews
Councillor AJW Powers

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any member nominated to attend the meeting in place of a member of the panel.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by members in respect of items on this agenda.	
4. MINUTES To approve and sign the minutes of the meeting held on 13 July 2017.	7 - 10
5. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive any written questions from members of the public. Details of the scheme and related guidance are available here: https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved Please submit questions to councillorservices@herefordshire.gov.uk The deadline for the receipt of questions is Thursday 19 October at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.	
6. QUESTIONS FROM COUNCILLORS To receive any written questions from councillors. Please submit questions to councillorservices@herefordshire.gov.uk The deadline for the receipt of questions is Thursday 19 October at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.	
7. TEACHERS PAY AWARD 2017/18 To comment on proposed arrangements for an increased pay award for teachers.	11 - 18

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- Attend all council, cabinet, committee and sub-committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the council and all committees and sub-committees and written statements of decisions taken by the cabinet or individual cabinet members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all councillors with details of the membership of cabinet and of all committees and sub-committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the council, cabinet, committees and sub-committees.
- Have access to a list specifying those powers on which the council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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The chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Minutes of the meeting of Employment panel held at Committee Room 1, Shire Hall, St. Peter's Square, Hereford on Thursday 13 July 2017 at 2.00 pm

Present: Councillor AW Johnson (Chairman)
Councillor PM Morgan (Vice-chairman)

Councillors: H Bramer, RI Matthews and AJW Powers

Officers: B Baugh, A Neill and M Samuels

1. APOLOGIES FOR ABSENCE

All members of the panel were present. An apology for absence had been received from T Sampson, head of human resources and organisational development.

2. NAMED SUBSTITUTES (IF ANY)

None.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The minutes of the last meeting were received and approved.

RESOLVED: That the minutes of the meeting held on Friday 20 January 2017 be approved as a correct record.

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

None.

6. QUESTIONS FROM COUNCILLORS

None.

7. RECRUITMENT TO THE POST OF DIRECTOR FOR CHILDREN'S WELLBEING

The chief executive reminded the panel of the interim arrangements that had been made ([minute 6 of 2016/17](#) refers) and sought approval to extend these arrangements whilst undertaking the recruitment for a substantive director for children's wellbeing. Attention was drawn to the role profile at [Appendix 1](#) to the report and to the proposed outline timetable for managing the recruitment and selection process.

In response to questions from the panel, the chief executive made the following points:

- a. the start date for the substantive director would depend on the relevant notice period required;
- b. the suggestion that reference be made to working 'collaboratively with other officers *and the cabinet member* to develop corporate strategy and direction based around an integrated approach to service delivery', in paragraph 2 of 'responsibilities and behaviours', was welcomed;
- c. potential scenarios relating to the interim arrangements were explored briefly;
- d. the panel could have a good level of confidence about the potential response to the recruitment given improvements to overall performance and the rising reputation of the service regionally;
- e. improvements to service areas and educational attainment were very encouraging but the forthcoming Ofsted inspection would determine its own areas of focus; and
- f. a peer review had taken place in June, with another scheduled for September 2017, to obtain objective feedback and strengthen the overall approach.

A member of the panel commented on the corporate plan priority 'keep children and young people safe and give them a great start in life' and considered the appointment of a substantive director essential.

The panel discussed Ofsted inspection arrangements, including possible timings and approach. A member of the panel suggested that the materials should make specific reference to the inspection and commented that previous strategies could provide a template to measure progress against.

RESOLVED: That

- (a) the role profile at appendix 1 for the post of director for children's wellbeing be agreed and all other terms and conditions associated with the post remain the same;**
- (b) recruitment for a substantive director for children's wellbeing be initiated; and**
- (c) the assistant director for education and commissioning continues to act up into the director for children's wellbeing role until a substantive appointment is made.**

8. RECRUITMENT TO THE POST OF DIRECTOR OF PUBLIC HEALTH

The chief executive presented the report which sought approval for the recruitment process for the director of public health.

The chief executive drew attention to the following points:

- i. the appointment of the post of director of public health arose out of the Health and Social Care Act 2012;
- ii. there were complications associated with integrating public health teams into local government environments but significant progress had been made;
- iii. the current shared arrangement with Shropshire Council would come to an end in October 2017;

- iv. this was an important strategic role and resources had to be applied for the maximum benefit for the residents of Herefordshire;
- v. depending on the circumstances, some form of shared arrangement could be considered;
- vi. the outline timetable for managing the recruitment and selection process was similar to that for the director of children's wellbeing, although the Department of Health's guidance specified the composition of the appointments committee; and
- vii. the role required both technical expertise and managerial leadership.

In response to questions and comments from the panel, the chief executive advised:

- it had been the intention to review the current arrangement at this point and it was considered there was a need for focus on local priorities and outcomes;
- the vice-chairman's suggestion that, as this was a senior council post, a further member of the employment panel be included on the sub-committee was welcomed;
- specific reference could be made in the materials to the poor health of children in the county, including dental health;
- the director for adults and wellbeing would coordinate the sub-committee and the relevant parties;
- it was acknowledged that the role was critical to the preventative agenda, with wider implications for achieving efficiencies in other services;
- an amendment to the draft role profile at [Appendix 1](#) was agreed as follows: 'Hours: As this is a full-time role, however, applications will be welcome from individuals seeking to work a minimum of three days a week';
- a further amendment was agreed to include group leaders in the list of 'key relationships'; and
- options for shared roles could be explored with individual candidates by the sub-committee.

The director for adults and wellbeing reported that the role profile would be reviewed with the faculty of public health and reformatted to reflect the council's standard job description layout.

A panel member drew attention to 'context' section of the role profile and suggested that the first bullet should include reference to the environment, as follows 'Understands the link between economic success, *the environment* and good health and takes a long term approach to strategic improvement in both'. The merits of this inclusion were debated and other references to the environment and environmental health in the role profile were noted. A vote was taken on this amendment and it was lost.

Further to the suggestion that another member of the panel be included on the sub-committee, the vice-chairman proposed that this should be the chairman of the panel (or nominee).

RESOLVED: That

- (a) recruitment for a substantive director of public health be initiated;
- (b) authority to agree the role profile with the faculty of public health be delegated to the director for adults and wellbeing;
- (c) a sub-committee of the employment panel be established to undertake the functions of recruitment and selection of the director of public health for Herefordshire to consist of one elected cabinet member with the following additional members co-opted:
 - the chairman of the employment panel (or nominee)
 - the chief executive (or nominee)
 - the Public Health England (PHE) regional director (or nominee)
 - an external professional assessor agreed by PHE
 - a senior NHS representative agreed by PHE

9. SCHEDULED MEETINGS

It was noted that the next scheduled meeting was Monday, 2 October 2017 at 2.00 pm.

The meeting ended at 3.10 pm

Chairman



Meeting:	Employment panel
Meeting date:	Tuesday 24th October 2017
Title of report:	Teachers pay award 2017/18
Report by:	Head of Learning and Achievement, Children's Wellbeing

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To seek comments on proposed arrangements for an increased pay award for teachers. The proposals aim to ensure that all teachers are treated equally and receive a cost of living increase. The national pay award only applies to the minima and maxima of each pay range and not the pay reference points in-between; therefore if the national award was applied, the majority of teachers would not receive a cost of living increase.

Recommendation(s)

That the panel provide comments on proposals to approve:

- (a) a 2% increase for teachers on the main pay range point M1 from 1 September 2017;**
- (b) a 1% increase for teachers on all other scale points from 1 September 2017;**
- (c) a 1% increase for all allowances paid to teachers from 1 September 2017.**

Alternative options

Further information on the subject of this report is available from
 Lisa Fraser, Tel: 01432 383043, email: Lisa.Fraser@herefordshire.gov.uk

1. Implement the minimum national pay award only; this would result in the majority of teachers not receiving a cost of living increase. This is not recommended as it is unequitable depending on the teachers current pay grade.

Key considerations

2. The working party (comprising of headteachers, union representatives and local council officers) considered that it was unfair not to give all teachers a cost of living increase. The working party is a sub-committee of the Children's Wellbeing union meeting, where unions are consulted on issues affecting teachers, such as policy review and pay awards. The functions of the sub-committee relate to the consideration of any issue that might impact on the work undertaken by any member of staff on school teachers' pay and conditions. The Children's Wellbeing union meetings are held on a termly basis with the Director for Children's Wellbeing or nominated representative as Chair.
3. The working party felt that the minimum requirements of the national pay award was divisive as only a small number of teachers would receive a cost of living increase and this was only dependent upon their actual pay reference point.
4. The working party considered it essential to keep considerations around teachers' performance-related pay and cost of living increases separate. Support members of staff (National Joint Council terms and conditions) in schools all receive a cost of living increase and also automatic pay increments within their scale irrespective of performance, because the scales are generally based on time served and are not performance related pay. If a teacher does not meet their performance targets, then they would not receive a performance-related pay increase. This is a term of their terms and conditions.
5. The working party considered that an additional 1% increase on top of the national agreement, increasing to 2% increase across all pay points on the main pay range (M1 to M6 as proposed by national teaching unions) was not affordable and therefore not recommended.
6. Current information from other local councils in the West Midlands indicates that no organisation is implementing the minimum national pay award. Most are implementing the pay award proposed in this paper. In the last three years, teachers in Herefordshire and other local council areas have received a 1% increase across all pay points and allowances (teaching and learning responsibilities and special educational needs allowances), as defined in the Statutory Schools Teachers Pay and Conditions Document. Trends in pay have followed the national pay award and in line with the public sector, increases have been capped at one percent.
7. Numbers of teachers per pay grade is:

Pay Grade	Number of teachers
Leadership	177
UPR (Upper Pay Range) 1	108
UPR2	104
UPR3	183

M6	113
M5	44
M4	32
M3	45
M2	38
M1	37
Unqualified	5

Community impact

8. The implementation of the minimum national pay award may potentially impact upon recruitment and retention of teachers in Herefordshire. Failure to recruit and retain teachers in Herefordshire, when other councils are implementing a higher than national pay award, may impact on the council's corporate plan priority to keep children and young people safe and give them a great start in life.
9. As academy schools have the flexibility to implement differing pay awards from local council schools, this may potentially cause recruitment and retention issues for local council maintained schools.
10. The minimum national pay award only offers a cost of living increase to staff who are on the minima and maxima pay points. In this instance the majority of teachers will not receive any cost of living increase. This will lead to inequalities amongst staff and potential tensions.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
12. A workforce equality impact assessment has been completed and no negative impact has been identified.

Resource implications

13. Schools were advised to budget for a 1% increase across all pay points and allowances in line with previous pay awards. There are only 37 teachers (out of 886) across 23 local council schools on reference pay point M1, who in line with the national pay award will be required to receive 2%. Schools (23) will meet this total unbudgeted increase of £7911 on an individual basis, which on average will be £344 per school. Schools hold contingency funding in the form of reserves and unallocated funding, typically 5 – 10% of their budget, to meet unexpected/unplanned costs, such as this increase.
14. The council receives funding for schools via the designated schools grant. This does not therefore impact on the council's retained budget.

Legal implications

15. In accordance with the national teachers' pay and conditions the national agreement on the pay increase for a 2% or 1% increase to specified grades effective from 1 September 2017 will automatically apply.
16. The decision for the chief executive for which employment panel is consulted, is whether to apply the increase to all grades and not just those specified in the national agreement.
17. The national agreement is reached between staff and employer side representatives.
18. Applying the same increase does ensure that all teachers are treated the same, but treating staff the same can still cause inequality and therefore the council has to ensure that there is a material factor as to why the council would apply a percentage increase where the national agreement has decided not to. Justifiable reasons include recruitment and retention problems if there is evidence to support this. Historical pay arrangements can be tainted with discrimination so should not be relied upon for a reason.

Risk management

19. If we do not implement the recommendations as set out in this report, it is possible that the teaching trade unions will ballot members to potentially take industrial action. This will be mitigated if the recommendation is approved. The proposed pay award is for 1% across all pay grades which, on average, is no higher than other public sector worker pay awards and the average pay award for National Joint Council (NJC) staff.

Consultees

20. We have consulted with the teacher trade unions and they were supportive of the recommendations as detailed above.
21. In addition, we have consulted with headteachers from academies, maintained and voluntary aided schools who again were supportive of the recommendations.

Appendices

Appendix 1 – Workforce Equality Impact Assessment

Background papers

None

Workforce Equality Impact Assessment

Title of the policy, activity or service change	Teachers' Pay Award – September 2017	
Description of the policy, activity or service change		
To implement an above statutory pay award for all teaching staff		
Does this affect all or part of the workforce?	Yes	
If part, please summarise the staffing group that will be affected by the proposal:		
Centrally employed teachers		
All teaching staff in local authority schools (community and voluntary controlled)		
Categories	Is there a disproportionate negative impact on any of the categories? (Y/N)	If yes, describe the impact
Age	N	
Disability	N	
Gender Reassignment	N	
Marriage and Civil partnership	N	
Pregnancy and maternity	N	
Race	N	
Religion or Belief	N	
Gender	N	
Sexual Orientation	N	
Permanent / interim staff	N	
Full time or part time	N	
Name of person completing the Workforce EIA	Julie Davies, HR Services Manager	
Head of Service responsible for the policy, activity or service	Chris Baird	

Date (that the EIA was completed)	21 st September 2017
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Guidance Notes on completing this form

By completing this Workforce Equality Impact Assessment we aim to place equality at the centre of decision-making, policy and practice.

It's a process that helps you assess the impact (actual or likely) of a significant service or functional change, or policy has on different sections of our workforce.

1. What is meant by a negative “disproportionate Impact”?

This is an impact that could significantly disadvantage one or more of the categories listed. This disadvantage may be differential, where the negative impact on one particular group of individuals or equality group is likely to be greater than on another group. This is similar to the principle of indirect discrimination. The EIA provides an opportunity to assess this.

2. When should a Workforce Equality Impact Assessment be carried out?

A workforce EIA should be carried out when:

- a. Reviewing existing policies, activity or a service that impacts our workforce.
- b. Developing a new policy, activity or a service that impacts our workforce.

A workforce EIA may be triggered by changes to either external or internal policies, activities or services

3. At what stage should a Workforce Equality Impact assessment be completed?

This will depend on whether the proposed changes to policies, activity or services are external (i.e. affecting the residents of Herefordshire) or internal:

- a. **External** - A workforce EIA should be completed after the proposed policy or service changes have been identified and the service area has completed their EIA of the proposed changes. If those changes impact our workforce then a workforce EIA is completed prior to implementation of the new policy, activity or service.
- b. **Internal** – A workforce EIA should be completed after the proposed policy, activity or service changes have been identified and prior to implementation of the new or revised activity, policy or services.

4. Does a negative impact on our workforce mean that we can't implement policy, activity or service changes that disproportionately impact our workforce?

This is not the purpose of Workforce EIA. It helps you take action to reduce or remove inequalities and unlawful discrimination and promote equality better. Where there is a disproportionate impact it enables us to:

- a. Amend a proposed policy that would discriminate unlawfully, whether directly or indirectly, against particular equality groups.
- b. Enable us to fulfill our duties under the Equality Act 2010 to make reasonable adjustments for members of staff.
- c. To identify and assess risk

5. Who should carry out the Workforce Equality Impact Assessment?

An EIA should be completed by more than one person in order to broaden the range of perspectives and knowledge to be brought to the process. In general, the team should involve a member of the HR team plus the Head of Service responsible for the policy or activity. The Head of Service may also be a member of the HR team, if the policy change relates to an HR policy. The EIA will develop service actions that will form part of the Service Plan and, therefore requires Head of Service involvement.

6. **How do I complete the Equality Impact Assessment?**

You should be **documenting your key findings (particularly negative impacts - actual or potential)** or gaps in knowledge about the likely impact. It should be a *relatively short process* which makes use of previous consultation results, personal knowledge & experience, research and reports, internet searches, internal and external specialist advice and staff with previous experience of similar policies or activities etc as appropriate.

