

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

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Monday 8 May 2017

## Notice of Meeting

Dear Member

### Personnel Committee

The **Personnel Committee** will meet in the **Leadership Meeting Room - 1st Floor, Civic Centre 3, Huddersfield, HD1 2TG** at **5.00 pm** on **Tuesday 16 May 2017**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Personnel Committee members are:-**

### **Member**

Councillor David Sheard (Chair)

Councillor Shabir Pandor

Councillor Martyn Bolt

Councillor David Hall

Councillor Terry Lyons

Councillor Nigel Patrick

Councillor Nicola Turner

Councillor Peter McBride

Councillor Graham Turner

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

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**2: Minutes of Previous Meeting**

1 - 6

To approve the Minutes of the meeting of the Committee held on Tuesday 4 April 2017.

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**3: Interests**

7 - 8

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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**4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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**5: Member Question Time**

To consider questions from Councillors.

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## **6: Deputation/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public.

A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

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## **7: Exclusion of the Public**

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

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## **8: Update on Human Resources and Industrial Relations and Trade Union Relationships in the New Council**

To receive an update on developments in the period since the Personnel Committee on 4 April 2017.

Contact: Rosemary Gibson 01484 221000

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## **9: Succession planning and managing change**

To receive an update on developments in the period since the Personnel Committee on 4 April 2017.

Contact: Jacqui Gedman 01484 221000

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Contact Officer: Steve Copley

**KIRKLEES COUNCIL**  
**PERSONNEL COMMITTEE**

**Tuesday 4th April 2017**

Present: Councillor David Sheard (Chair)  
Councillor Shabir Pandor  
Councillor Martyn Bolt  
Councillor Terry Lyons  
Councillor Peter McBride  
Councillor Graham Turner  
Councillor Bill Armer  
Councillor John Taylor

Apologies: Councillor David Hall  
Councillor Nigel Patrick

**1 Membership of the Committee**

Apologies for absence were noted on behalf of Councillors David Hall and Nigel Patrick.

Councillors Bill Armer and John Taylor substituted for them.

**2 Minutes of Previous Meeting**

The minutes of the Personnel Committee meeting held on 25 January 2017 were approved.

**3 Interests**

Cllr Terry Lyons submitted a declaration of interest form regarding an interest in a property.

However, the interest did not relate to any of the items that were being considered in today's meeting.

The Governance Team will follow up on the recording of the interest.

**4 Admission of the Public**

Members resolved to consider items 10 and in private session, as they contain exempt information. The details and reasons are set out at the start of each item.

**5 Public Question Time**

No questions were received.

**6 Member Question Time**

No questions were received.

**7 Deputation/Petitions**

No deputations or petitions were received.

**8 Crow Lane Primary and Foundation Stage School and Paddock Junior Infant and Nursery School - Designation of support staff and their participation in the Local Government Pension Scheme**

The Committee considered a report by Martin Wilby, Acting Deputy Assistant Director (Local authority statutory duties) which explained that the governing bodies of Crow Lane Primary and Foundation Stage School and Paddock Junior, Infant and Nursery School are proposing to change the category of their schools from Community Schools to Foundation Schools and acquire a Foundation – “The Aspire Co-operative Learning Trust” on 24 April 2017.

Subject to a final decision on this proposal, the Council will cease to be the employer of staff at the school from the implementation date and staff will transfer to the employment of the schools’ governing bodies. The designation of support staff is sought in order that they can continue in or join the Local Government Pension Scheme (LGPS).

**RESOLVED -**

Members of the Personnel Committee approved the recommendations in this report, which are that:

- (1) Note the Governing Body proposals to change the category of Crow Lane Primary and Foundation Stage School and Paddock Junior Infant and Nursery Schools to a “Trust School” (a Foundation school with a charitable foundation) and the role of the Council when a school changes status from being a Community school to a Trust school.
- (2) Note that the Council will cease to be the employer of staff at the school from the implementation date of 24 April 2017 when the school will convert to Foundation status and the transfer of staff will occur under Education law and TUPE Regulations 2006. All staff will be covered by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. The Regulations provide all rights, powers, duties and liabilities to transfer

## Personnel Committee - 4 April 2017

from the Council to the Governing Body, which will continue to recognise the same Trade Unions. The staff will transfer to the new Trust school and be employed by the Governing Body (not "The Aspire Co-operative Learning Trust"). Terms and conditions of service will remain the same for both teaching and non-teaching staff.

- (3) Subject to final decisions by the Governing Bodies of Crow Lane Primary and Foundation Stage School and Paddock Junior Infant and Nursery School, approve that under Regulation 8 of the Local Government Pension (Administration) Regulations 2008, Kirklees Council with consent of the governing body of Crow Lane Primary and Foundation Stage School and Paddock Junior Infant and Nursery School, designates all current and future non-teaching employees of the school as being eligible for membership of the Local Government Pension Scheme, subject to the school Governing Body as employer entering into a legal agreement. This legal agreement will provide amongst other things:

1. *The school Governing Body as employer discretions must mirror those of the council and not be more generous regards ill health and/or early retirement provisions;*
2. *Employee and employer contributions will be paid to West Yorkshire Pension Fund (WYPF) who monitor this happens;*
3. *The school will be responsible for employer contributions set up by WYPF Actuary from time to time;*
4. *The school will indemnify ( i.e. reimburse) the council any costs arising out of default by the school in paying to the council or WYPF sums payable (or payable by a different payroll provider ) on the schools behalf in respect of school support staff .*

- (4) Note that an agreement is needed because although the council is deemed employer under Regulation 8 for pension purposes and therefore retains some residual risk, it is not the actual employer for other purposes. The agreement is intended to mitigate these risks so far as practicable.

## 9 Exclusion of the Public

### RESOLVED –

That acting under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act, as specifically stated in the under mentioned minutes.

## 10 Update on Human Resources and Industrial Relations and Trade Union Relationships in the New Council

## Personnel Committee - 4 April 2017

*(Exempt information relating to consultations or negotiations, or contemplated consultations and negotiations, in connection with a labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. The need to maintain confidentiality around negotiations with the trade unions outweighs the public interest in disclosing the information)*

Further to the Personnel Committee on 25 January 2017, the Committee received a verbal update from Jacqui Gedman and Rosemary Gibson on the progress being made in the discussions with the trade unions to try to develop the working arrangements between the management and trade unions.

The report focused, in summary, on:

- The implementation of the new Trade Union Act on 1 March 2017, which has changed the rules for trade unions on organising ballots for industrial action and also raised the threshold in terms of the support that they will need in order to then go on to call industrial action, particularly in “Important public services”. Further advice is awaited to help define “Important public services”
- Progress, at a local level in Kirklees, to review our IR framework, including the roles of the Joint Secretaries in 2017/18.
- Progress with the changes introduced on 1 April 2017, that the total number of trade union representatives for UNISON, GMB and UNITE, plus the formal time off that is allocated to them and recorded for their trade union duties, is based on some new ratios based on 1:1000 for the total number of members that they have working in Kirklees.
- Progress the work being undertaken with managers and staff to improve the recording of any “green time”, and any other ad hoc and informal time off for other trade union duties in 2017/18.
- The issue of a new HR1 notice on behalf of Kirklees Council (Advanced notification of redundancies under the trade union and labour relations consolidation act 1992). This reflects the information on staffing reductions that re contained in the budget book that was presented to the Budget Council meeting in February 2017. The trade unions have access to this budget information which is public.
- Eleanor Brazil, Commissioner for Children’s Services, and her private conversation with the trade unions about her draft report and recommendations on children’s services in Kirklees, news of which appears to have already been released in a trade union bulletin.

### **RESOLVED -**

Members of the Personnel Committee agreed to:

- (1) Receive this progress report



## Personnel Committee - 4 April 2017

- (2) Ask officers to progress the work with managers, staff and the trade unions to manage and record any “green time” and any other ad hoc and informal time off for other trade union duties in 2017/18
- (3) Provide members of the Committee with advice on what type of activities and what amounts of time are appropriate in terms of dealing with requests from trade union representatives for time off in 2017/18
- (4) Ask officers to review how time off for managers and staff to undertake any other official or voluntary duties and roles e.g. local magistrates, will also be managed and recorded in 2017/18.
- (5) Ask officers to inform all councillors, in advance, when plans are being made for the issue of any subsequent HR1 notices
- (6) Ask officers to provide a report for the next Personnel Committee in June 2017, on the HR implications associated with the changes, reviews and savings that are required from 2017/18 onwards.
- (7) Ask Jacqui Gedman and Cllr Graham Turner to follow up on the outcome of the private conversation between Eleanor Brazil and the trade unions, and to issue any follow up communications to councillors, managers and staff, as appropriate

## 11 Succession planning and managing change

*(Exempt information relating to particular employees. The public interest in maintaining the exemption, which would protect the rights of the individual under the Data Protection Act 1988, outweighs the public interest in disclosing the information and providing greater openness in the council's decision making)*

Following a report at the Personnel Committee on 25 January 2017, Jacqui Gedman provided a report on progress with the process and timetable to complete the review of the senior management structure.

The report focused on:-

- Progress with the posts of Strategic Director, Service Director and heads of service
- The appointment of a recruitment partner to help fill some of the key vacancies in the new structures
- Plans for a fuller update at the next Personnel Committee in June 2017

### **RESOLVED -**

Members of the Personnel Committee agreed to:

### **Personnel Committee - 4 April 2017**

- (1) Receive the progress report on the appointments to the roles of Strategic Directors and Service Directors to-date, plus plans to fill the Head of Service posts
- (2) Ask officers to provide a fuller report for the next Personnel Committee in June 2017
- (3) Ask officers to provide details in the next report on how the management structures in Kirklees compare in size to those of neighbouring or similar sized local authorities and what steps need to be taken to provide permanency to the current senior management team.

<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
Personnel Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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