

Contact Officer: Steve Copley

KIRKLEES COUNCIL
PERSONNEL COMMITTEE

Thursday 17th November 2016

Present: Councillor David Sheard (Chair)
Councillor Shabir Pandor
Councillor Terry Lyons
Councillor Nicola Turner
Councillor Peter McBride
Councillor Graham Turner
Councillor Bill Armer

Apologies: Councillor David Hall
Councillor Nigel Patrick

In attendance:

Observers: Councillor Julie Stewart-Turner
Councillor John Taylor

1 Membership of the Committee

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

Councillors Bill Armer and John Taylor substituted for Councillors David Hall and Nigel Patrick.

Members of the Committee also agreed that Councillor Julie Stewart Turner should be involved in today's meeting because of her involvement in the interviews for the Strategic Directors and Service Directors (*See item 10 below*). The Chair of the Overview and Scrutiny has been invited to "observe" the interviews.

2 Minutes of Previous Meeting

The minutes of the Personnel Committee meeting on 19 September 2016 were approved.

3 Interests

No interests were declared.

4 Admission of the Public

Personnel Committee - 17 November 2016

Members resolved to consider items 9 and 10 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 Update on Human Resources and Industrial Relations and Trade Union Relationships in the New Council

(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 19 September 2016, 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 in 2016/17.

The report highlighted:-

- The progress made in the discussions between the management and trade union sides to-date

- The trade unions and their agreement to adopt and use e-mail in their communications with the management side from 21 November 2016 onwards, following a recent pilot period, and subject to some guiding principles and parameters. Progress to be checked and shared with the Personnel Committee in due course.

- The progress made in the discussions to-date about the proposal to introduce some changes by 1 April 2017, as proposed and supported at the Personnel Committee (14 July), which will see the total number of trade union representatives for UNISON, GMB and UNITE, plus the formal time off that is allocated to them for their trade union duties, being based on some new ratios based on 1:1000 for the total number of members that they have working in Kirklees in 2016/17. Further details on the development and implementation of this proposal – or a slightly revised proposal – will be shared with the Personnel Committee in due course.

Personnel Committee - 17 November 2016

- Questions raised by the trade unions about the appeal process, and the removal of the former process which allowed appeals to be escalated to a member appeal panel for determination. It was noted that representatives from the management and trade union will review these issues in an attempt to find a way forward.

RESOLVED: - That the Committee agrees to receive this progress report, and ask for a further progress at the next meeting.

9 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 19 September 2016, Adrian Lythgo provided a report on progress with the process and timetable to complete the review of the senior management structure. The report focused on:-

- The appointment, following member interviews, of the following Strategic Directors from 1 April 2017

- Sarah Callaghan – Strategic Director for Children and Families
- Richard Parry – Strategic Director for Adults and Health
- Jacqui Gedman – Strategic Director for Economy and infrastructure
- Jacqui Gedman - Deputy Chief Executive – Effective from 9 November 2016 onwards

- The Strategic Director posts which will not come in to being until the planned and full implementation of the structure in April 2017. Cllr Sheard also asked the Committee to note that the member interview panel had highlighted differential and specific development needs in each case reflecting the change in nature of the Strategic Director roles from those required by the candidates for their existing roles.

- The feedback and questions raised in the consultation exercise with the Assistant Directors about the creation of the new Service Director posts

- The proposed process and timescales to fill the Service Director posts from December 2016 onwards

- The need in the future to consider the roles of senior managers in completing the design of the overall management structure of the council.

- The specific costs associated with the secondment for one Director, as agreed by the Chief Executive in accordance with the delegation from the Personnel Committee, to implement the senior management review.

Adrian Lythgo answered questions on the content of the report, along with its appendices. This provided more information on:-

- The proposed senior management structure of the council

Personnel Committee - 17 November 2016

- Information of the role profiles of the Service Director posts
- A summary of the feedback from the consultation with the current Assistant Directors about the proposed structure and the roles and responsibilities of the new Service Directors.

The Committee also received a deputation consisting of Paul Holmes, UNISON, and Lyle Singleton, UNITE, and also received a copy of a letter and report from Paul Holmes, which explained the reasons why, following the adoption of the collective agreement by the management and trade union sides, Paul Holmes believed that the trade unions should have been invited to nominate a “trade union observer” to observe the member panels for the interviews for the Strategic Directors and Service Directors. The question had arisen prior to the recent interviews for the posts of Strategic Director and had been determined by the member interview panel on 9 November 2016.

Adrian Lythgo explained that he had asked for the matter to be brought direct to the Personnel Committee for consideration, as an exception to using the process of the Central Negotiating Team and/or Employee Relations Sub Committee, because UNISON felt that those who would normally deal with these issues were involved in the decisions that had been taken to date. Adrian Lythgo also made it clear that the management side did not necessarily agree with this view.

Adrian Lythgo clarified that the Personnel Committee was being asked to consider the deputation due to the specific and unique circumstances of the points raised.

Jacqui Gedman, on behalf of the management side, responded to these issues raised in the deputation.

Members of the Committee discussed the issues with Paul Holmes, Jacqui Gedman and Adrian Lythgo, before asking everyone to leave the meeting in order that the committee could make a decision in private.

Following on from all of the above, Adrian Lythgo also reported on his plans to leave Kirklees Council in February 2017, and his recommendation on how the post and role of Chief Executive should be filled.

The Personnel Committee considered the information available from the recent interviews for the posts of Strategic Directors and Deputy Chief Executive as part of their decision in determining the Council’s response.

RESOLVED – That the Personnel Committee unanimously agreed to approve and support the following recommendations:-

(1). That the appointment of the Strategic Directors from 1 April 2017 be noted, recognising the differential development needs for the roles, plus the appointment of Jacqui Gedman to the position of Deputy Chief Executive from 9 November 2016.

(2). That, having considered the feedback from the consultation process with the current Assistant Directors, the Service Director role descriptions be agreed as a basis for conducting interviews to those posts. Members of the Personnel Committee also acknowledged the feedback surrounding the posts of Service Director for Quality and Performance and Service Director for Customer Transformation and Public Affairs, but agreed that both of these posts should be advertised and filled as planned. The Committee agreed the need to maintain capacity at a Service Director level.

Personnel Committee - 17 November 2016

- (3). That the approach to recruiting to vacant Service Director posts is approved, namely, internal advertisements, followed by external advertisements for any posts that cannot be filled.
- (4). That the legal requirements under regulation 10 of the maternity legislation in relation to redundancy that are likely to be applicable to one of the candidates are noted.
- (5). That, in response to the deputation and representations made by UNISON at today's meeting, the Committee unanimously agreed that there should be no "trade union observers" at any member panel interviews for the posts of Chief Executive, Strategic Director or Service Director.
- (6). That, following on from (5) above, Jacqui Gedman and Rosemary Gibson be asked to provide a report for the next Personnel Committee on the procedures for dealing with disputes between representatives of the management and trade union sides in 2017/18.
- (7). That the plans of Adrian Lythgo, Chief Executive, to leave the service of Kirklees Council in February 2017, be noted
- (8). That the post of Chief Executive be offered to Jacqui Gedman, the current Deputy Chief Executive, on an acting up basis for a 12 month period following the departure of Adrian Lythgo.
- (9). That the Council be recommended to approve the appointment described in (8) above and this officer becoming the head of the paid service (including the roles of Electoral Registration Officer and Returning Officer)