

Contact Officer: Steve Copley

KIRKLEES COUNCIL

PERSONNEL COMMITTEE

Wednesday 25th January 2017

Present: Councillor David Sheard (Chair)
Councillor Martyn Bolt
Councillor David Hall
Councillor Nigel Patrick
Councillor Nicola Turner
Councillor Peter McBride
Councillor Graham Turner

Apologies: Councillor Shabir Pandor
Councillor Terry Lyons

1 Membership of the Committee

Apologies for absence were noted on behalf of Councillors Terry Lyons and Shabir Pandor.

2 Minutes of Previous Meeting

The minutes of the Personnel Committee meeting on 17 November 2016 were approved.

3 Interests

No interests were declared.

4 Admission of the Public

Members resolved to consider items 10, 11, 12 and 13 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 deputations or petitions were received.

7 Deputation/Petitions

No questions were received.

8 Returning Officer and Responsibilities for National Elections and Referenda

Adrian Lythgo introduced a report containing a recommendation to correct the existing contractual approach of consolidating the (Acting) (Local) Returning Officer fees relating to national elections and referenda into the Chief Executives salary, in order to treat them in future as separate payments.

Adrian Lythgo answered questions on the background and history to the current arrangements, and the reasons for the recommendations in the report.

RESOLVED: - That the Personnel committee approves the recommendations in this report, which are that:

(1). In future the Chief Executive/Acting Chief Executive will receive separate election fees to their Council salary for all national elections and/or referendums.

(2). A proportion (46.5%) of which will be paid back into the election staffing budget or as a direct payment to the Deputy Returning Officer (with full delegated powers) as detailed in 2.5 of the report.

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

(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)

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Further to the Personnel Committee on 17 November 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.

The report focused, in summary, on the progress being made with:-

- The progress made in the discussions between the management and trade union sides to-date
- The progress made in the discussions to-date about the proposal to introduce changes by 1 April 2017 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 and recorded 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.
- Plans for subsequent work on the recording of any "green time", and any other ad hoc and informal time off for other trade union duties in 2017/18.
- The recent ballot for industrial action in Children's Services, which was scheduled to begin on 27 January 2017, and which has been averted *for the time being* following a request for the trade unions to clarify matters and their decision to refer these items to the joint secretaries for further consideration.
- Other service areas where the likelihood of further ballots and calls for industrial action are likely to occur in 2017/18

RESOLVED: - Members of the Committee agreed to:-

- (1). Receive this progress report
- (2). Unanimously commit to support the introduction of the changes by 1 April 2017 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 and recorded 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.
- (3). Ask officers to progress further 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
- (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.

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(5). Ask officers to provide members of the committee with the current list of issues in Children's Services which the trade unions have raised for attention in January 2017, and following the discussions with CNT and the Employee Relations Sub Committee in April 2014.

(6). Ask management to issue some communications to councillors, managers and staff to help raise awareness of these issues and the actions that are being taken to address them.

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 17 November 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:-

- A recommendation to seek formal approval for the remuneration for an interim Director for Children's Services,
- A recommendation to seek formal approval for the remuneration of the Acting Chief Executive, and
- Clarification of the approach to developing heads of service and senior managers roles and their recruitment

Adrian Lythgo and Jacqui Gedman answered members questions on the report and its recommendations focusing, in particular, on the:-

- Plans to cover the role of Director for Children's Services in the period up to 31 March 2017, and then the next steps from April 2017 onwards. This will be the subject of a report for the next Personnel Committee.
- The reasons to vary the recruitment process for the following Service Director posts, to encourage applications from internal and external candidates at the same time
 - Early help and learning
 - Quality, assurance, standards and safeguarding
 - Service solutions

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Following on from the above, Adrian Lythgo went on to hold a private conversation with members of the committee regarding the recommendation on the grade of the Acting Chief Executive in 2017/18.

RESOLVED: - That the Committee approves the recommendations in this report, which are:-

- (1). To receive the progress report on the appointments to the roles of Strategic Directors and Service Director Directors to-date
- (2). To approve the variation proposed for recruitment to the vacant Service Director roles because of the particular nature of these roles, so as to bring in greater capacity and stability at the earliest point, and approve the internal and external advertising of the posts at the same time.
- (3). To note that Kim Brear, Assistant Director, will vary her personal arrangements to support the transition to new council
- (4). Formally approve the remuneration of Gill Ellis as interim Director of Children's Services, based on the figures set out in paragraph 3 of the report
- (5). To note the approach to the heads of service review in a number of stages
- (6). To formally approve the remuneration of Jacqui Gedman as Acting Chief Executive, based on the proposal as set in in Annexe B to the report, but on a revised starting point of SCP 79.

12 Arrangements for interim capacity in senior management

(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)

The Committee considered a joint report from Jacqui Gedman, Rosemary Gibson and Adrian Lythgo which sought members approval to make a temporary (interim) appointment to cover the post of Strategic Director – Economy and Infrastructure.

Jacqui Gedman agreed to provide members of the committee with further information on the curriculum vitae of the proposed candidate, and an opportunity for Councillors David Hall and Nicola Turner to meet with him ASAP.

RESOLVED: - Members of the Committee went on to:-

- (1). Approve, in principle, the recommendation in this report, to appoint Mr Naz Parkar, on an interim basis, to the role of Strategic Director for Economy and Infrastructure, to help ensure sufficient strategic capacity and support in the council
- (2). Ask Jacqui Gedman to provide members of the committee with further information about this candidate, plus an opportunity to meet with him in Jan 2017.

13. Health and social care arrangements – Options for the extension of current arrangement for the joint role of Strategic Director for Adults and Health at Kirklees Council and Chief Officer at North Kirklees Clinical Commissioning Group (CCG)

(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)

The Committee considered a report by Adrian Lythgo which sought members approval for an extension of the current arrangement for the joint role of Strategic Director for Adults and Health at Kirklees Council and Chief Officer at North Kirklees CCG.

Members of the committee raised some concerns and reservations about the continuation of the arrangements for an indefinite period of time, and the affect which this could have on the capacity and management of the council and its services in 2017/18.

Jacqui Gedman went on to acknowledge the concerns and risks, which she will continue to manage and review in her role as Acting Chief Executive in 2017, which is reflected in the decision made by the Personnel Committee, as set out below.

RESOLVED: - Members of the committee approve the recommendation in this report, and support option 2, but subject to the conditions that:-

- The arrangements are to continue but are to be reviewed, by Jacqui Gedman, on a 3 month basis up until 31 December 2017, and the CCG asked to clarify its direction of travel, dates and plans by Summer 2017.
- The current arrangements continue for a fixed term extension of 3 months, with an additional 3 month (rolling) notice period.
- David Hamilton will be asked to provide interim capacity in adult social care to provide whole time cover on adult social care statutory functions for the remaining period of the secondment.

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- Officers to issue communications to councillors, managers and staff to help clarify the roles and responsibilities of Richard Parry and David Hamilton in covering the duties and role of Strategic Director for Adults and Health in the period up to 31 December 2017.