

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

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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

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(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

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- (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:

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- (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.