

Time began: 10.32am
Time ended: 11.22am

Personnel Committee 20 December 2019

Present Councillors Potter (Chair), Cllr Carr (Vice Chair)
 Councillors Holmes, Testro, Eldret

Officers present Liz Moore – Head of Human Resources
 Ann Webster – Lead on Equality and Diversity
 Dean Horton – Local Taxation Manager
 Paul McMahon – Principal Lawyer
 John Massey – Head of Revenues, Benefits & Exchequer
 Services

24/19 Apologies

Apologies were received from Cllr Pegg and Paul Simpson

25/19 Late Items to be Introduced by the Chair

There were no late items.

26/19 Declarations of Interest

There were no declarations of interest

27/19 Minutes of the Meeting held on 20 November 2019

The minutes of the meeting held on 20 November 2019 were agreed as an accurate record.

28/19 Bullying and Harassment and Victimisation Policy

The Chair agreed for Item 07 - Bullying and Harassment and Victimisation Policy, to be moved to Item 05 on the agenda.

It was reported that the new Tackling Bullying, Harassment and Victimisation Policy formed part of the Council's suite of Policies around equality and diversity which also included the Equality, Dignity and Respect Policy, Accessible Information Protocol and Tackling Hate Crime Together Protocol.

The Committee noted that bullying, harassment and victimisation could have a devastating effect on colleagues and their families lives and that the Council needed to do all it could to prevent this from happening. It was noted that

having a robust policy in place would help to get the Council's zero tolerance approach embedded more thoroughly into colleagues' working practices.

It was reported that the Council's last Bullying, Harassment and Victimisation Policy Statement dated back to 2007 and was therefore well overdue for a refresh. It was noted that the new policy included the International Holocaust Remembrance Alliance working definition of antisemitism. The Committee noted that this definition had been adopted by Full Council on 27 September 2018.

It was noted that the Council's 2018/19 employment statistics showed that the Council received seven grievances about bullying and harassment and that the year before this figure was six. It was reported that Human Resources (HR) were looking at amending the grievance form to improve HR's access to information on protected characteristics. It was reported that grievance figures about bullying and harassment were low, but that there were possibly more colleagues who hadn't reported this type of behaviour against them. It was noted that the Council hoped the new policy, proposed publicity campaign and appropriate training, would encourage more colleagues to come forward about their experiences.

It was noted that the Council's Colleague Soapbox Survey did not have a specific question around bullying and harassment in 2019, which made this difficult to measure. It was noted that colleagues were asked a couple of questions around equality:

- "I feel the Council takes diversity and inclusion seriously and I am able to report any issues that are of concern to me" – 72% agreed with the statement, 7.5% disagreed and the rest were neutral.
- "When I need support there is someone at the Council who cares about me" – 67.5% agreed with this statement, 11.4% disagreed and the rest were neutral.

It was reported that that many bullying and harassment complaints were dealt with informally and therefore weren't recorded anywhere centrally. It was noted that the Council needed to find a system so that these complaints were recorded and monitored somehow. It was noted that the new Policy included the Council's values of Bold, Strong, Great People Working as One Team and We Care. It was reported that the draft Policy had been circulated to the Council's three Employee Networks and also the external Race Equality Hub. It was noted that their comments had been incorporated into the Strategy along with those of the Policy Group.

The Committee noted that the council had a responsibility for the health and safety of its colleagues under the Health and Safety at Work Act 1974, the Equality Act 2010 and the Protection from Harassment Act 1997. It was noted that there were also a number of possible legal actions that could be taken in bullying and harassment cases including but not limited to:

- Failure by an employer to deal with stress and bullying-related issues may result in a breach of an employee's contract.
- Where bullying involved an element of unlawful discrimination related to protected characteristics, the colleague may bring a complaint under the Equality Act 2010.
- Colleagues may also bring civil claims under the Public Order Act and the Protection from Harassment Act.

The Committee noted that under the new policy, all colleagues had the right to challenge behaviour that was causing them concern or offence without the fear of reprisal. It was also noted that in the new policy colleagues also had a right for the Council to investigate complaints promptly, thoroughly, transparently, sensitively and in confidence on a need to know basis, unless there were safeguarding issues.

The Committee noted that at point 8.6 of the new policy 'bullying and harassment' had been changed to 'unacceptable behaviour' and that point 8.10 had been changed, with input from the Principal Lawyer. It was noted that point 8.10 now clarified that different people could perceive different things to be bullying or harassment. The Lead on Equality and Diversity stated that further guidelines on this would also be produced to compliment the new policy.

The Lead on Equality and Diversity informed the Committee that the new policy stated that as an employer, Derby City Council had a responsibility for the health and safety of its colleagues. It was noted that the new policy stated that the Council had a number of different legal duties under the Health and Safety at Work Act 1974, the Equality Act 2010 and the Protection from Harassment Act 1997.

A Councillor highlighted that sex was a protected characteristic in its own right under equality legislation.

The Committee resolved to approve the recommendations detailed below.

- 1. To approve the new Tackling Bullying, Harassment and Victimisation Policy.**
- 2. To agree that a question on bullying and harassment is included in the next colleague survey we do.**

29/19 Performance Capability Policy and Procedure

The Committee noted that the Performance Capability Policy and Procedure had been updated to reflect the change from the Council's Managing Individual Performance (MiP) process, to the Great Performance Conversation (GPC) approach which had been successfully launched earlier that year.

The Committee noted that the Performance Capability Policy and Procedure provided a framework for managing performance which fell below the expected performance standards of the job role, and the desired improvement had not been achieved through the Great Performance Conversations.

The Committee noted that the policy was also compliant with the guidance outlined in the ACAS Capability Procedures, with the requirement to follow a procedure based on encouraging the colleague to improve their performance, if areas for improvement had been identified.

It was reported that the proposed changes to the Performance Capability Policy and Procedure were:

- Update title from Managing Individual Capability to Performance Capability.
- Remove the Probation Procedure from the policy, which is now a separate procedure.
- Update the references to Managing Individual Performance (MiP) process to Great Performance Conversations (GPC) process.
- Update the monitoring period duration of the Performance Development Plan (PDP) to 4-6 weeks.
- Reduce the period for a First Written Warning from 12 months to 6 months, and reduce the period for a Final Written Warning from 18 months to 9 months.

The Committee noted that consultation had also taken place with Trade Union colleagues through the Policy Working Group. The Chair questioned where warnings given to colleagues would be stored, and was informed that colleagues received a copy in writing and that a copy would also be stored on their Personnel Record in line with GDPR. The Head of Human Resources informed the Committee that once a warning had expired it would be removed from a colleague's record and would not appear on job references.

A Councillor questioned whether the Committee had seen the Probation Procedure that had been removed from this Policy and was informed that the Committee had indeed seen this.

The Committee resolved to approve the recommendations detailed below.

- 1. To approve the revised policy.**
- 2. To note that the revised policy will be publicised to Council colleagues**

30/19 Redeployment Policy

The Committee noted that the Redeployment Policy had been amended to bring it in line with current employment legislation timescales and statutory redundancy regulations. It was noted that the policy clearly defined for managers and colleagues the purpose and principles of the Council's approach to redeployment.

It was noted that the Redeployment Policy was in place as the Council recognised the importance of job security for colleagues and the benefits of continuity for effective service provision. It was reported that the Council was committed to retaining the valuable skills, knowledge and experience of existing staff through redeployment, where this was practicable.

The Committee noted that the proposed changes to the Redeployment Policy were to:

- Increase the requirement for colleagues to have a minimum of two years continuous service, with some limited exceptions, to access the redeployment register.
- Amend the trial period for colleagues who have successfully gained a post through redeployment to four weeks. This is in line with statutory redundancy legislation.
- The order of priority considerations for access to vacancies on the redeployment register has changed, and is now based upon the essential criteria for vacancies.

It was reported that the statutory continuous service entitlement to claim ordinary unfair dismissal, receive redundancy payments and access suitable alternative employment had increased from one year to two years. The Committee noted that the proposed change in the policy for two years' continuous service from one year ensured the Council practice was in line with current employment legislation. It was noted that disabled colleagues, protected by the Equality Act 2010, would be given access to the redeployment register without the requisite two years' service.

It was reported that Colleagues who accepted a post via redeployment as an alternative to redundancy were entitled to a maximum four week trial period. The Committee noted that this change brought the Council into line with current employment legislative timescales. It was noted that changing the access to vacancies on the redeployment register based on the essential criteria enabled colleagues who were eligible for redeployment to have equal access to the vacancies.

The Committee noted that consultation had also taken place with Trade Union colleagues through the Policy Working Group. The Chair questioned whether there was a safety net and was informed that the Protection of Earnings Policy ensured that in certain circumstances no redeployment would lead to a loss of earnings.

The Committee resolved to approve the recommendations detailed below.

- 1. To approve the revised policy.**
- 2. To note that the revised policy will be publicised to Council colleagues.**

31/19 Restructuring part of the Revenues, Benefits and Exchequer Services

It was reported that the Council had a statutory duty to bill and collect Council Tax and Business Rates and that the Council also charged for a number of services through the raising of sundry debtor accounts. It was noted that the amount of Council Tax, Business Rates and Sundry Debts that were billed each year were very significant and that in 2019/20 the figure was estimated at around £275 million.

The Committee noted that over recent years the way in which the Council received its funding had changed considerably. The Committee noted that traditional methods of funding, such as grants from Central Government, had reduced and the reliance on locally raised funding including Council Tax and Business Rates had increased. It was noted that Central Government intended to move to a 75% and ultimately a 100% Business Rates Retention scheme for Local government. It was reported that there was a clear move from Central Government funding to locally generated funds, especially Business Rates and Council Tax. It was reported that the Council needed to ensure it had the right capacity, skills and processes to maximise the income it collected each year.

The Committee noted that the Council had a clear commitment to modernise how it conducted business with its customers through its digital programme. It was noted that the current structure of Revenues, Benefits and Exchequer Services (RBES) did not include sufficient capacity or skills to make the most of the opportunities afforded by the digital agenda. It was reported that there were significant opportunities for increased digital interaction with customers and for improvements in efficiency and effectiveness from promoting the digital agenda. It was noted that this restructure addressed this issue by proposing increased capacity, particularly within Council Tax.

It was noted that the Council could choose not to increase capacity within the Council Tax, Business Rates and Accounts Receivable teams. It was reported that doing this would severely constrain the services ability to:

- Increase the amount of direct and pro-active debt recovery work across the service
- Maximise the opportunities that will become available through the digital agenda
- Increase the resilience across the service, whilst minimising single points of failure,
- Challenge Business Rates avoidance schemes

It was reported that the total increase in establishment cost of the proposed restructure of the Council Tax team was £145,000. The Committee noted that funding for two additional apprentice posts and 0.3 FTE of the Local Taxation Visiting Officer post were funded externally. It was noted that this therefore reduced the increase to be funded by the Council to £116,000. It was reported that this fixed term funding had been secured through the service adopting a commercial approach in a recent tender asking prospective suppliers whether they would fund certain posts for the duration of the contract they were bidding for. It was noted that as these posts were directly linked to external funding, they would be fixed term and aligned to the length of the suppliers' contract. The Committee noted that the balance of the funding (£116,000) would be met from within existing non-staffing budget efficiencies within the service and therefore did not require additional Council funding.

It was reported that, subject to approval by Personnel Committee, the proposed restructure would be consulted upon with colleagues and trade unions as part of an Achieving Change process. It was noted that any recruitment resulting from the proposed restructure would be carried out in line with the Council's recruitment processes. The Chair stated that it was very positive that the prospective suppliers would be funding two apprentices.

The Committee resolved to approve the recommendations detailed below.

- 1. To approve the proposed restructure due to the value of the proposal.**
- 2. To note that subject to the approval of Personnel Committee, the proposal will be consulted on in line with the Council's Consultation, Restructuring and Redundancy Policy.**
- 3. To delegate authority to make any required minor variations to the establishment, post consultation, to the Director of Financial Services.**

32/19 Exclusion of Press and Public

Resolved that under Section 100A of the Local Government Act 1972 the public be excluded from the meeting during discussion of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 4 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

33/19 Proposed Structure

The Committee received exempt information in relation to Item 08 - Restructuring part of the Revenues, Benefits and Exchequer Services.

MINUTES END.