

Employment Committee

Minutes of the meeting held on Wednesday 20 March 2019 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Mrs Bunker (Chairman); Councillors Barrott, Doody, Mrs Evetts, Mrs Falp, Mobbs and Parkins.

32. **Apologies and Substitutes**

An apology for absence was received from Councillors Day, Noone and Phillips.

33. **Declarations of Interest**

There were no declarations of interest.

43. **People Strategy Update**

The Committee considered a report from Human Resources which updated Members on progress made on the People Strategy Action Plan as discussed at the People Strategy Steering group (PSSG) and policy updates.

The purpose of the People Strategy was to support the Council's Fit for the Future programme of work. Its aim was to ensure that the approaches to resourcing, learning and development, cultural change and organisational development were designed to deliver the workforce that the Council required. The People Strategy Action Plan underpinned the People Strategy and reported progress to SMT, CMT, People Strategy Steering Group and Employment Committee.

At Council on 23 January 2019, the new employee Code of Conduct was approved, but the Chief Executive recognised that Councillors wished to have further discussion on the following aspect of the code: *"This Code applies to all Council staff. This Code does not form part of your contract of employment with the Council, and the Council reserves the right to amend it at any time."* In summary the concerns were about the ability to change elements within the Code of Conduct without consultation and the overall effect on the contracts of employment which could put the Council at risk if it came to a dismissal or indeed a tribunal. As a result of this discussion, the agreed conclusions were that the Code of Conduct did sit outside that of the Contract of Employment. However, in each case, the employee was bound to the Code of Conduct and they accepted that when they were employed by Warwick District Council. As a result of that acceptance, they became directly linked and that should there be a breach of the Code of Conduct, then this would result in proceedings as a breach of contract as necessary.

It was accepted that some of the wording within the current contract issued needed to be improved to make it clearer, and this very minor amendment would be initiated by the time Employment Committee met in March 2019.

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In terms of the concerns about consultation for every minor change to the Code of Conduct, this was neither necessary nor practical. However, where there was a significant or compelling change to the Code of Conduct (such as hours, grades, pensions, significant terms and conditions), then normal consultations (with staff, unions etc.) would take place as was the norm. In the case of all changes, the expectation was that these would be overseen by the Employment Committee. The consultation process, when required, was in place and was robust.

There was no risk to neither WDC nor the employee and that the process was robust enough to provide protection to all parties involved.

This was also considered at the Members/Trades Unions Joint Consultation & Safety Panel on 8 March 2019 who endorsed this position, as set out in their minutes elsewhere on the agenda.

The Local Government Maternity Leave scheme included the provision to receive 12 weeks' Occupational Maternity Pay at half pay, subject to pledging to return to work for at least three months.

It was proposed that Warwick District Council waived the requirement to return to work to receive the additional 12 weeks half pay as it had little impact on retention and it could cause problems in relation to service planning and continuity of provision, should a member of staff elect to return to work for the 12 weeks only (the half pay was more than the statutory payment of £145.18 or 90% of your average weekly earnings, whichever was lower, for 33 weeks).

This amendment also supported the aim of the Council to support family friendly policies and as a benefit in its recruitment processes.

At Employment Committee in January 2015, it set out within the report that requests/costs for early or flexible requirement were not required to be approved, however there was no recommendation (and resultant decision) to confirm amend this policy. Therefore, the report sought to confirm the approach that was supported and ensure the amendment was duly recorded.

Councillor Barrott commended that Recommendation 2.2 in the report was not clear enough and proposed an amendment, to remove "unless returning to work for a minimum of three months".

Resolved that

- (1) the report be noted;
- (2) as part of the legislative update to the Maternity Policy, the requirement to pay back 12 weeks Occupational Maternity half pay be waived in future; and
- (3) the Employment Committee confirms its support to remove the requirement to determine applications for early retirement

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and recommends this change to the Constitution to Council.

(The Chairman had agreed to take this item as an urgent report because of the required decision regarding maternity pay which if delayed until the next meeting in June would impact those currently on Maternity Leave and due to return to work. They were also mindful that the report had been considered by the Members/Trades Unions Joint Consultation & Safety Panel who had supported the recommendations.)

(Councillor Mrs Falp left during the debate of the above item)