

PUBLIC

MINUTES of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on 7 February 2020 at County Hall, Matlock

PRESENT

Councillor B Lewis (in the Chair)

Councillors R Ashton, K Buttery, A Foster, T Kemp, S Marshall-Clarke, P Smith and M Wall

Officers in attendance – E Alexander, P Buckley, E Crapper, L Gregory, P Handford, J Lakin, J Skila and L Wild

Declarations of Interest

There were no declarations of interest.

1/20 **MINUTES RESOLVED** that the minutes of the meeting held on 8 November 2019 be confirmed as a correct record and signed by the Chairman.

2/20 **PARENTAL BEREAVEMENT LEAVE** Following the Parental Bereavement (Leave and Pay) Act 2018, a new type of leave and pay was due to be introduced with effect from 1 April 2020. This was a new, statutory entitlement and provided for ‘bereaved parents’ of a child to be absent from work with pay for up to two weeks. ‘Bereaved parents’ included anyone classed as the primary carer for a deceased child under the age of 18.

The entitlement also included parents who had suffered a still birth 24 weeks or more into pregnancy. The entitlement to leave was a day one right, which meant employees would not require a minimum period of service. There were statutory requirements that an employee had 26 weeks service and met the lower earnings limit to benefit from statutory pay during such an absence. However, due to the nature of this absence, it was proposed that employees continued to receive their basic pay, rather than statutory pay only and for this to be a day one right for all employees who experienced such a bereavement regardless of their service and earnings.

Further detailed guidance on the parental bereavement (leave and pay) regulations from the Government was still awaited. Once this was available, amendments would be made to the policy clarifying any requirement for written declarations or other amendments that the guidance may identify.

A draft of the policy wording that would be appended to the Leave Schemes and Flexible Working Policy was attached at appendix 1 to the report.

RESOLVED to agree to implement the Parental Bereavement Leave and Pay scheme as per the policy wording at Appendix 1 to the report, with effect from 1 April 2020.

3/20 **MARKET SUPPLEMENT POLICY** In light of the increased application of temporary market supplement payments, a Market Supplement Policy had been developed to ensure a robust and consistent process was adopted by the Council in the application of market supplement payments. The policy set out the guiding principles to be adopted when considering the payment of a market supplement to ensure legal compliance and minimise the risk of creating an equal pay liability. The roles, responsibilities and payment terms were highlighted.

Since the introduction of market supplement payments for Social Workers in Child Protection Teams and Night Care Assistants in Children's Residential Homes it had been necessary to agree in advance of the policy how market supplements would be paid in relation to the following payment types which were set out within the policy:

- part time employees working additional hours up to 37 per week
- relief employees working up to 37 hours per week
- maternity, adoption, parental, foster carer leave
- authorised absences
- accrued leave and bank holidays

The total annual market supplement payment agreed at ACOS was based on a full time employee (paid for 37 hours per week and for 52 weeks per year) and must not be exceeded. Therefore, part time and relief employees would only attract market supplement payments for hours worked up to 37 hours per week. For all employees, hours treated as overtime (above 37 hours per week) would not attract market supplement payments. Where work was undertaken and paid at enhanced rates, market supplement payments would only apply to the plain time element of worked time, up to the maximum of 37 hours within a week.

RESOLVED to agree the draft Market Supplement Policy

4/20 **MENTAL HEALTH POLICY** Members received the draft Mental Health Policy which had been drafted with consultation and feedback from various groups including the Wellbeing Strategy Working Group, Mental Health Group and Trade Union representatives. The Policy sought to facilitate a working environment which promoted a culture of positive mental wellbeing through awareness, support, training and risk assessment. The aims of the policy were highlighted.

Support for positive mental health in the workplace would include:

- Wellness Action Plans – to support employees and managers manage mental health impacts in the workplace.
- Work life balance- employees and managers recognising the need not to work excessive hours.
- Training and Development – providing a range of mental health development opportunities.
- Workplace risk assessment – use of the Health and Safety Executive Management Standards in respect of Mental Health.
- Occupational Health Service – Cognitive Behaviour Therapy support and suggested adjustments to working practices for consideration.
- Mental Health First Aiders – a network of trained mental health first aiders to provide signposting to other support.
- Access to Work – accessing the Department of Work and Pensions Access to Works scheme which provides support for workplace adjustments

The draft Policy set out the Council's positive approach to mental health wellbeing in the workplace to facilitate a culture of positive mental wellbeing and reducing sickness absence in the workplace due to mental health reasons.

Members welcomed the report and encouraged the training of managers and employees which would provide a network of support throughout the Authority. The policy should be embedded within the Council and be a living document that would evolve in time. It was agreed that a refresh report be brought back to this Committee in 12 months' time to measure and adapt the policy if necessary.

RESOLVED to approve the Mental Health Policy and an update report be brought back to this Committee in 12 months' time.

5/20 DISCIPLINARY POLICY AND EMPLOYEE LEAVE SCHEME FOR CENTRALLY EMPLOYED TEACHERS In October 2016, a Local Agreement was reached with the representatives of teachers and headteachers employed by the Local Authority that the negotiation mechanism for policies and agreements developed specifically for teachers employed by the Local Authority and not attached to schools would be undertaken by Derbyshire County Council Schools' Joint Consultative Committee (SJCC). This report was the first opportunity to bring to ACOS the Disciplinary Policy and Employee Leave Scheme following negotiation at SJCC.

A summary of the proposals for each policy was provided. Although there had been considerable co-operative development of both documents at SJCC, it was reported that the NASUWT had withheld agreement to the Disciplinary Policy. Both the NASUWT and the NEU had signalled that they would challenge

the instigation of an allegation of misconduct which referred to a failure to adhere to a Code of Conduct or to any other policy that these Associations had not agreed through SJCC.

The NASUWT and NEU had withheld agreement to the Employee Leave Scheme and Flexible Working Policy on the grounds that they determined that the guidance provided on the Discretionary Leave of Absence amounted to an unreasonable deterioration in terms of conditions of employment compared to a previous document which applied to schools.

RESOLVED to approve (1) the adoption of a Disciplinary Policy for Teachers employed by the Local Authority and not attached to schools; and

(2) the adoption of an Employee Leave Scheme and Flexible Working Policy for Teachers employed by the Local Authority and not attached to Schools.

6/20 UPDATED APPRAISAL POLICY AND COMPETENCE PROCEDURES FOR CENTRALLY EMPLOYED TEACHERS It was proposed to update the Appraisal Policy and the Competence Procedures for teachers employed by the Local Authority and not attached to Schools as follows:

Appraisal Policy

- as the policy had not been updated since 2014 general updating had been undertaken to update terminology and formatting where required.
- procedures for making and scrutinising pay progression decisions based on performance appraisal had been amended to reflect the revised delegations outlined in the new Constitution.
- changes had been made to reflect the revised responsibilities of individuals who had a role in the pay progression process including their role in the decision making and scrutiny and in the management and operation of the appeals process. This was to reflect the revised delegations as outlined in the new Constitution.

Competence Procedures

- as the policy had not been updated since 2017 general updating had been undertaken to update terminology and formatting where required.
- changes had been made to reflect the revised responsibilities of individuals who had a role in the competence procedures. This included responsibilities at the decision making meeting and the appeals process. This was to reflect the revised delegations as outlined in the new Constitution.

RESOLVED to approve (1) the adoption of the revised Appraisal Policy for Teachers Employed by the Local Authority and not attached to Schools. This policy included the methodology and scrutiny of managing pay progression for

teachers based on their annual performance review as required by the STPCD; and

(2) the adoption of the revised Competence Procedures for Teachers Employed by the Local Authority and not attached to Schools. The procedure included the process to be followed should action to dismiss a teacher on the grounds of lack of competence be necessary.

7/20 **EXCLUSION OF THE PUBLIC RESOLVED** that the public be excluded from the meeting during the Committee's consideration of the remaining items on the agenda to avoid the disclosure of the kind of information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 8 November 2019 (contains exempt information)
2. To consider the joint exempt report of the Executive Director Children's Services and Director of Organisation and Development on application to extend a Market Supplement Payment to Night Care Assistants (contains information which is likely to reveal the identity of an individual)
3. To consider the report of the Executive Director Commissioning, Communities and Policy on request to support the Dismissal of an Assistant Director by means of Voluntary Redundancy resulting from the ICT Management Team Restructure (contains information which is likely to reveal the identity of an individual)