

## PROCEEDINGS OF THE LOCAL JOINT FORUM - 2 FEBRUARY 2015

### Present:

Councillors Gavin, Lovelock, Page and Steele	
Ms J Boyd	National Union of Teachers (NUT)
Mr K Magee (Chair)	Unite
Mr W King	Interim HR/Payroll Services Manager
Mr M Popham	Committee Services

As the meeting was inquorate on the Union side, it was agreed that each item on the agenda would be discussed and noted by the Local Joint Forum.

### 1. PROCEEDINGS OF THE LOCAL JOINT FORUM MEETING HELD ON 19 NOVEMBER 2015

The Proceedings of the Local Joint Forum meeting held on 19 November 2015 were confirmed as a correct record.

### 2. PAY POLICY 2016/17

Warren King, Interim HR/Payroll Services Manager, submitted a report informing the Forum of the development of the 2016/17 pay policy, which had been amended in light of operational demands, in preparation for submission to Personnel Committee and full Council in March 2016. A copy of the Pay Policy Statement 2016/17 was appended to the report.

The report explained that local authorities were required under section 38(1) of the Localism Act 2011 to prepare a Pay Policy Statement. The Statement had to articulate the Council's policy towards the pay of the workforce, particularly senior staff and the lowest paid employees. The Council had published its first Pay Policy Statement in April 2012; subsequently the Statement had been amended in a number of respects. The report summarised the changes that would be made to the document, which had been published in 2015/16 as follows:

- Pay values arising from the NJC 2015 pay award;
- Up-dating of salary band information;
- Changes to references where appropriate;
- The inclusion of current pay scale tables for NJC and Senior Managers up to and including Director level;
- Some additional discretion and flexibility afforded to Corporate Directors over pay issues; and
- Items highlighted in the draft Statement for 2016/17 as being in need of updating before publication.

The report explained that each local authority was an individual employer in its own right and had the autonomy to make decisions on pay that were appropriate to local circumstances and which delivered value for money for local taxpayers. The provisions of the Localism Act did not seek to change this or to determine what decisions on pay should be taken but they did require individual employing

authorities to be more open in their own policies in relation to pay and how decisions were made in this regard. Section 40 of the Act required authorities, in developing their Pay Policy Statement, to have regard to any guidance that had been published by the Secretary of State. This included Communities and Local Government guidance on Openness and Accountability in Local Pay and the Code of Recommended Practice for Local Authorities on Data Transparency (as amended).

The Government had taken steps to increase transparency on the pay and reward of public sector employees and the Code of Recommended Practice for Local Authorities on Data Transparency had asked Councils to consider the way they released data on senior salaries. In addition, in March 2011 the Hutton Review of Fair Pay had been published which made several recommendations for promoting pay fairness in the public sector by tackling disparities between the lowest and highest paid.

The report explained that the provisions contained in the Act had brought together the need for increasing accountability, transparency and fairness in the setting of pay which had culminated in the formation of the Council's Pay Statement, which outlined the pay and reward of the most senior employees set within the context of the pay of the wider workforce. The Act set out the specific elements which the Pay Policy Statement had to include as a minimum and required that in addition to the determination of senior salaries authorities had to make clear what approach was taken to awarding other elements of pay. The Act required that authorities included in their Pay Policy Statements their approach to the publication of and access to information relating to the remuneration of Chief Officers. The Act required that the Pay Policy Statement was produced annually and was considered in full by the Council and that the Council's approach to pay, as set out in the Statement, was accessible for Council Tax payers for them to take an informed view of whether local decisions on all aspects of remuneration were fair.

Finally, the report stated that the Hutton Report and The Code of Recommended Practice for Local Authorities on Data Transparency also suggested that the organisation's pay multiple was published.

**AGREED:** That the Pay Policy Statement 2016/17 and its subsequent submission to Personnel Committee on 3 March 2016 for onward recommendation to Council on 22 March 2016 be noted.

### **3. ENGLISH LANGUAGE REQUIREMENT FOR PUBLIC SECTOR WORKERS**

Warren King, Interim HR/Payroll Services Manager, reported on new legislation to make fluent English a requirement for all public sector staff working in customer-facing roles. It would be the responsibility of public sector organisations to ensure staff could communicate effectively with the public.

The Cabinet Office had consulted on a draft Code of Practice to provide guidance on the new requirements, which were expected to be enacted as part of the Immigration Bill. The Council would be required to have a complaints procedure in

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place for use when a member of the public considered the required standard of English had not been met, as well as the action to be taken if a worker fell below the required standard. The definition of workers included employees, apprentices, self-employed contractors, agency temporary workers and casuals.

The report explained that the required level of English for the role would need to be set out in the advert and Job Description, and proportionate, objective tests/assessments would be required during the selection process for the recruitment of new staff. Existing members of staff would not need to be tested in this way. However, some form of assessment through supervision and appraisal would need to take place to identify any workers falling below the standard of English required for their role.

The Forum noted that accent, dialect, manner or tone, origin or nationality, and disabilities/speech impediments fell outside of this duty, and would not be a legitimate cause for a complaint by a member of the public. However, there was concern that it would not be easy to differentiate between legitimate complaints and those that may be made on the basis of a client's discriminatory prejudice. It was therefore requested that the number of complaints received in the first six months should be monitored and reviewed to see if there was any evidence that the new legislation, once enacted, was being used inappropriately.

The process for implementing the new requirements was set out in the report. In addition, a representative from HR would be sitting on the South East Employers' working group, which had been set up to provide advice and guidance on the new arrangements to local authorities.

**AGREED:** That the pending requirements in the Immigration Bill to make fluent English a requirement for all public sector staff working in customer-facing roles be noted and it be requested that the number of complaints received in the first six months of the new legislation be monitored to determine whether the complaint provisions within the legislation were being used appropriately.

#### 4. WORK EXPERIENCE - DEPARTMENT FOR WORK AND PENSIONS

Kieran Magee, Chair, raised the issue of 'trainees' that were being supplied by the Department of Work and Pensions to gain work experience in various roles at the Council. The 'volunteers' were placed in unpaid roles for twenty-five hours per week for eight weeks at a time. The referrals were made through the Job Centre and New Directions. There were currently two people who had been placed at the Council, one was employed in Housing Needs and the other had been placed in the Early Years and Play Service. As part of the induction process, the 'volunteers' were given information about data protection and the need to maintain confidentiality during their time at the Council, although they were not expected to be party to sensitive and confidential data. It was confirmed that, if necessary, they would have received the appropriate DBS clearance before taking up their appointment.

The Forum was keen that the placements should provide meaningful employment and should not be used to 'fill a gap' in a service, which should be provided by a

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paid position. There was also a desire to be confident that the 'trainees' were fully aware of their data protection and confidentiality responsibilities as the current cohort of two had been placed in areas where they could be exposed to potentially sensitive personal information.

**AGREED:** That the position be noted.

(The meeting opened at 5.00 pm and closed at 5.25 pm).