

## EMPLOYMENT CONDITIONS COMMITTEE

24 NOVEMBER 2004

Present: County Councillor Berman (Chairman);  
County Councillors English, Neale, Percy, Salway,  
Sheppard and Stephens

Apology: County Councillor Walsh

### 6 : MINUTES

The minutes of the meeting held on 28 July 2004 were approved as a correct record and signed by the Chairperson. As a Member enquired about a matter relating to minute 5 (Senior Management Review) Steven Phillips, Corporate Director withdrew from the meeting.

### 7 : IMPLICATIONS OF THE 2004/5 PAY AWARD – NJC STAFF

The National Joint Council (NJC) for Local Government Services was the negotiating body for all employees who came under the provisions of the Single Status Agreement (formerly APT & C and Manual Employees). These employees represented the large majority of staff in Cardiff numbering approximately 11,000.

Negotiations for the 2004/5 Pay Award were completed on 14 July and the settlement secured a three-year deal on pay. On top of the pay award, agreement was reached on the following issues:

- a new approach to local pay reviews: local authorities to reach local agreement to formulate comprehensive proposals for modernised pay and rewards policies by 31 March 2007;
- a National Joint Review of conditions of service within Part 2 of the National Agreement;
- replacing prescriptive premium rates (eg. for shifts, evening, overtime and weekend working) in the National Agreement, with a set of principles as recommended by the 2003 Pay Commission report;

- Local Workforce Development Plans;
- a new agreement on shared principles for modernisation and improvement.

Implementing the Agreement would have significant implications for the Council, both in terms of resources required to negotiate and introduce the changes, and the cost of job evaluation and a revised pay structure.

A three-year pay award had been agreed as follows:

2004/5 – 2.75%

2005/6 – 2.95%

2006/7 – 2.95% (or the rate of the RPI at October 2005, whichever is the greater)

The cost of the pay award in 2004/5 was £4.3m which exceeded the amount provided in the Council's budget by £0.4m which could be met from within existing service area budgets.

The Committee was advised of the historical background to the Single Status Agreement. In 1998, this Council had agreed in principle to introduce job evaluation for its "single status" staff, but did not commit to a particular scheme. The Council had taken the view that the exercise had to be completed on a cost-neutral basis, but no real progress had been made on the issue. Developments in recent months had made the need to carry out job evaluation imperative. As a result, the NJC had included in the pay settlement a timetable for the completion of pay reviews. The Agreement committed Councils to enter into negotiations with Trade Unions with a view to reaching an agreement on new pay structures and systems for April 2006, and completing and implementing pay reviews by 31 March 2007. It was proposed that a Joint Steering Group of officers and Trade Union representatives be established at the earliest opportunity.

RESOLVED – That

- (1) a Joint Steering Group of officers and Trade Union representatives be established to start negotiations about undertaking a local pay review, including the introduction of job evaluation and local terms and conditions of employment;

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- (2) this Group report back to the Employment Conditions Committee in the near future with details of an implementation plan, estimate of costs and possible implications for the Council.

#### 8 : A REVIEW OF THE PROVISION OF CLASSROOM SUPPORT STAFF

Since 1998, schools in Cardiff had experienced an unprecedented amount of reform to raise standards of people performance. In order to meet the challenges presented, schools had chosen to employ increasing numbers of staff, to support the delivery of quality teaching and a modern curriculum. The Schools Service, supported by Human Resources (Schools) had been reviewing the provision of classroom support staff. Draft proposals were first presented and discussed with schools and Trade Unions in June 2002. It was now necessary to conclude this review and the report identified and addressed the issues in determining the effective use of classroom support staff. Guidance for schools had been drawn up and this guidance was commended to school governing bodies and, in particular, to the governing bodies of voluntary-aided schools as the employers of these staff.

The categories of staff covered by this review could be described as providing support to, and working under the direction of, teachers in primary, secondary and special schools. There were currently 1,063 classroom support staff employed within Cardiff schools. The report proposed fundamental changes to the terms and conditions of Adult Helpers, Learning Support Assistants, Bilingual Assistants and Teachers' Aides, and a regrading for Nursery Nurses.

RESOLVED – That with effect from 1 January 2005:

- (1) all staff covered by this review be redesignated as Teaching Assistants. The post title be expanded to give a better description of a specialist role e.g., Teaching Assistant – EAL, Teaching Assistant – Special Needs, Teaching Assistant – Hearing Impaired, etc;
- (2) the posts of Adult Helper be removed from the grading structure;

- (3) the four Teaching Assistant levels within two Teaching Assistant grades be implemented; these to be linked to identifiable levels of responsibility through job descriptions, person specifications and, where appropriate, specified qualifications. Each grade to have two levels with clear criteria for progression.
- Teaching Assistant – Grade 1, salary points 6-13 with a Bar at Point 9.
    - Level 1 to encompass a broad range of responsibilities in support of learning with no essential formal qualifications for Points 6-9. All existing staff on Teacher's Aide Grade will transfer to Point 9.
    - At Level 2 staff will need formal qualifications as stated in the person specification and have the ability to fulfil an enhanced role, subject to the availability of a post at that level.

There will be one additional salary point available for specific qualifications such as Braille, EAL and Signing, where stated as an additional requirement for the post.

- Teaching Assistant – Grade 2, salary points 14-23 with a Bar at point 19. This Grade has a broad range of responsibilities in support of learning and has a higher level of responsibility than Grade 1 with the necessary essential qualifications contained in the person specification and has the ability to fulfil an enhanced role.
  - At level 3 the salary range will be points 14-19.
  - Level 4 will have a range of 20-23 with progression subject to defined criteria and the availability of a post at that level.

There will be one additional salary point available for specific qualifications such as Braille, EAL and Signing, where stated as an additional requirement for the post.

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- (4) core job descriptions and person specifications for the proposed grades be commended to school governing bodies, with schools adding detail (within the reasonable bounds of the job) in accordance with the school's individual needs;
- (5) the standard full time working week for the proposed Teaching Assistant Grades be increased from 30 to 32.5 hours per week, thereby standardising the full time weekly hours of all Teaching Assistants;
- (6) all staff who will be assimilated into the proposed Teaching Assistant Grades be required to be available for work, as appropriate, for the five Inset days per annum, making the standard working year 195 days;
- (7) the Special Schools Allowance of £393 per annum for Teaching Assistant Grade 1 and £1017 per annum for Teaching Assistant Grade 2, be paid, with pro rata payments for part time staff;
- (8) the Special Schools Allowance for Teaching Assistant Grade 1 be increased each year by the same percentage as that of Teaching Assistant Grade 2, which is paid in accordance with NJC Conditions;
- (9) the age criteria currently used to determine appointment salaries be abolished;
- (10) Job Descriptions and Person Specifications be issued to staff when grades are confirmed.
- (11) updated Terms and Conditions be issued to staff when all of the proposed changes are introduced.

## 9 : OUTSTANDING SCRUTINY REPORT – SENIOR MANAGEMENT ARRANGEMENTS

The Chief Scrutiny Officer reported that the Policy Review & Performance Scrutiny Committee in March 2004 had scrutinised the report of this Committee on Senior Management Arrangements.

The Scrutiny Committee felt that the decisions taken by the Employment Conditions Committee were appropriate, but that the delay in communicating the decision was not acceptable. The Policy Review & Performance Scrutiny Committee recommended that:

- (1) the business transacted by the Employment Conditions Committee be made as open and transparent as possible subject to the provisions of Part VA and Schedule 12A of the Local Government Act 1972;
- (2) decisions taken by the Employment Conditions Committee be properly communicated to all Members;
- (3) recommendations 1 and 2 above be considered by the Constitution Committee in the light of the findings of the Corporate Governance Commission due to be published on 2 April 2004.

The Chair stated that it was the wish of this Committee to be open and transparent. He proposed that the decisions of the Employment Conditions Committee be published on a Decisions Register.

RESOLVED – That

- (1) the decisions of this Committee be published on the Decisions Register;
- (2) the minutes be approved as a correct record, or otherwise at the next meeting of the Committee.

#### 10 : EMPLOYEE RELATIONS FRAMEWORK – DECISION MAKING ARRANGEMENTS

Members were advised that the existing processes supporting the current Employee Relations Framework needed to be re-visted in the light of the new Administration's move from a Cabinet to an executive style of decision-making.

The Employment Relations Framework comprised:

- Employment Conditions Committee
- Works Council – Supported by Service Area Joint Committees
- Health & Safety Advisory Forum (supported by Service Area Health & Safety Committees)

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The Employment Conditions Committee had already been determined. The Committee noted that Council at its meeting on 18 November, 2004 had re-established the Works Council with membership comprising of two Liberal Democrat nominations, two Labour nominations and one Conservative nomination, all of whom would be current members of this Committee, and with the Chair being a member of the majority party. The Committee also noted that the Executive was being asked to consider proposals relating to the operation of the Health & Safety Advisory Forum.

RESOLVED – That the position be noted as indicated above.

#### 11 : AMENDMENTS TO GRIEVANCE POLICY AND PROCEDURE

(The Chief Executive declared an interest in this item and withdrew from the meeting during its consideration.)

The Committee was advised that under the provisions of the Employment Act 2002 all employees must have access to a statutory grievance procedure. The Council's existing procedure in general met the requirement of the Act, with the exception that it did not contain a procedure for the Chief Executive to raise a grievance.

It was proposed that should the Chief Executive wish to raise a grievance then the issue should be heard by a panel of Elected Members. If the Chief Executive was dissatisfied with the outcome of a grievance hearing then he should have the right to appeal to an alternative panel of Elected Members. The decision of the alternative panel would be final. The membership of the panel should consist of no more than five and no less than three Members, and would be selected in accordance with the procedure for selecting Disciplinary Appeals Panels.

RESOLVED – That

- (1) the Council's Grievance Policy and Procedure be amended in accordance with the details as submitted in Appendix A to the report;
- (2) the timescales relating to the new Appeals Panel to concur with those currently in use for other staff.

## 12 : EXCLUSION OF THE PUBLIC

RESOLVED – That the public be excluded from the meeting for the following item of business on the ground that, if members of the public were present during the discussions, because of the nature of the business to be transacted there would be disclosure to them of exempt information as defined in Section 100(I) of the Local Government Act 1972 and as described below:

“1. Information relating to a particular employee, former employee or applicant becoming an employee of, or a particular office-holder, former office-holder or applicant becoming an office-holder, under the Authority.”

## 13 : SENIOR MANAGEMENT ARRANGEMENTS AND RELATED ISSUES

This Committee on 28 July 2004 had requested the Chief Executive to report back on future arrangements for the Corporate Support and Economic Development functions. The Chief Executive stated that whereas further consideration would need to be given to changes in the light of the budget settlement 2005/06 and following full consultation with staff and the Trade Unions, he proposed that the post of Chief Corporate Support Officer be deleted. This would necessitate the functions of Corporate Support and Economic Development reporting directly to him through a Head of Function post. The future management of C2C would transfer to the Chief ICT officer and Strategic Estates to the Chief Financial Services Officer.

The Chief Executive reported that the Conference of Atlantic Arc Cities (CAAC) had indicated to the Council that it wished to strengthen its own links with Member city regions. The Council had been invited to second a senior officer to oversee its next phase of work on a secondment basis. Cardiff was the lead city for the CAAC on matters of regional policy development. One of the key issues for cities on the Western Arc of Europe would be future arrangements for the funding that they and their regions had received under structural funding arrangements. The Chief Corporate Support Officer currently played a lead role in its initiative and would be the ideal person for this secondment. The Chief Corporate Support Officer had expressed an interest in voluntary severance. He understood that his current post would be redundant on 1 April 2005; that



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this secondment opportunity had arisen which he accepted as a suitable offer of alternative employment; and that there was no guarantee that further suitable alternative employment with the Council would be available after the secondment to CAAC ended.

To facilitate this secondment, the Chief Corporate Support Officer would need to be appointed to a new temporary fixed term post tied into the secondment at his current salary, funded by the Council, which could then be seconded to CAAC for a fixed-term period of one year.

In relation to Economic Development, the Chief Executive assured Members that a review of the changes could be made in 2005.

RESOLVED – That

- (1) the creation of a temporary funded post in respect of the Conference of Atlantic Arc Cities be approved and the post be subsequently seconded to the Conference of the Atlantic Arc Cities;
- (2) the appointment of MD to this new temporary position on his existing terms and conditions but on a fixed term contract of one year be approved;
- (3) it be noted that as a result of the expiry of the contract, unless there is suitable alternative employment to offer MD at the time, his employment will be terminated on the grounds of redundancy on 1 April 2006;
- (4) the Chief Executive be authorised to proceed with the merging of the Corporate Support and Economic Development function as proposed in this report.