

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

PERSONNEL COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 17 SEPTEMBER 2018

Councillors Present: Pamela Bale (Chairman), Richard Crumly (Vice-Chairman) and Mollie Lock (Substitute) (In place of Jeff Brooks)

Also Present: Robert O'Reilly (Head of Human Resources) and Moira Fraser (Democratic and Electoral Services Manager)

Apologies for inability to attend the meeting: Councillor Dennis Benneyworth and Councillor Jeff Brooks

Councillor Absent: Councillor Carol Jackson-Doerge

PART I

3. Minutes

The Minutes of the meetings held on 07 March 2018 and 08 May 2018 were approved as a true and correct record and signed by the Chairman. Councillor Lock was not present at the 08 May meeting and therefore did not vote on approval of those minutes.

Matters Arising

Robert O'Reilly confirmed that he had circulated the cost of external legal representation at the specified employment tribunal to the Committee on the 08 March 2018.

4. Declarations of Interest

There were no declarations of interest received.

5. Transgender Policy

The Committee considered a report (Agenda Item 4) concerning a new policy which set out the Council's approach and commitment to ensuring that transgender people were treated with dignity and were not unlawfully discriminated against or disadvantaged in the workplace. The policy was an important aspect of the Council's commitment to equal opportunities in employment and was designed to be read in conjunction with the Council's existing Equality in Employment Policy.

Robert O'Reilly explained that it had been deemed appropriate to produce a separate policy as transgender equality was a complex and sensitive area. The policy was designed to assist managers albeit that they would be supported by HR. It also set out what the employee could expect of the Council.

Councillor Mollie Lock noted that the Equality Impact Assessment (on page 13) stated, in the outcomes section, that 'Managers and staff understand how to support colleagues who are transitioning'. She queried if any training had been provided to staff. Robert O'Reilly explained that this was the aim of the policy and it could only be implemented once the policy had been approved. He explained that managers would be alerted to the existence of the policy and they could refer to it should the need arise. Gender reassignment was one of the nine protected characteristics covered by equality legislation and was already included in the Council's existing training programme.

PERSONNEL COMMITTEE - 17 SEPTEMBER 2018 - MINUTES

Councillor Richard Crumly queried if it was necessary to have a specific policy in place when this issue was already covered by legislation. Robert O'Reilly explained that most local authorities and other large organisations would have a policy in place and that it was felt appropriate for West Berkshire Council to have one too. This was a sensitive issue and it was important for employees to feel supported by their employer. Managers also found these policies and procedures very useful.

Councillor Crumly was concerned that if there was a policy in place and the Council had not adhered to it an employment tribunal might not look favourably on the Council. Robert O'Reilly explained that not having a policy might be more of an issue and that if managers applied the policy then the Council would not be open to challenge.

Councillor Crumly queried what costs the Council had incurred in producing the policy. Robert O'Reilly explained that the only costs incurred were the time taken by Officers to produce the document. In response to a query he explained that in formulating the document the Council would look at a number of sources including Local Government Association (LGA) model policies, other local authorities, ACAS policies, government policies etc. before producing its own policy.

Councillor Crumly noted that the report referred to support for employees that were transioning and he queried what this support referred to. Robert O'Reilly explained that this was a reference to the organisation being supportive of the individual and did not imply any financial support.

Councillor Crumly queried if 'banter' (page 25) should be included in examples of harassment against transgender people. Robert O'Reilly explained that this term was recognised in case law and therefore it was felt appropriate to cite it as an example. The Committee therefore agreed that reference to 'banter' should be retained in the policy.

Councillor Pamela Bale commented that this was a sensitive issue and that advice should be offered to the wider team and not just the manager.

Councillor Crumly noted that a failure to comply with the Council's Transgender Policy could result in the withdrawal of access to relevant services and he queried what was envisaged by this. Robert O'Reilly explained that this could include access to parking, driving or to a particular office for example.

Councillor Crumly requested that line 19.1 of the policy be amended as follows: 'This policy will be reviewed to respond to any changes in law or policy and in any event at least every 3 years.

RESOLVED that the policy be approved subject to the inclusion of the amendment to paragraph 19.1 as set out above.

(Councillor Richard Crumly abstained from voting on this item)

6. Implementing the 2019 Pay Award

The Committee considered a report (Agenda Item 6) which provided an explanation of the changes to the National Joint Committee (NJC) pay spine which would take effect on 1st April 2019 and how this would affect the Council. The report also recommended changes to the current pay policy of the Council to facilitate the implementation of the 2019 pay award on the new pay spine.

There were two options available to local authorities in implementing the pay award on the new spine:

PERSONNEL COMMITTEE - 17 SEPTEMBER 2018 - MINUTES

- Option A was to allow employees who were not already at the top of their grade to move up (“increment”) one point on the ‘old’ spinal point column and then to assimilate them to the new spinal point column.
- Option B was to assimilate employees to the new spinal point column and then allow employees who were not already at the top of their grade on the new spine to move up (“increment”) one point on the new spinal point column.

The NJC guidance stated that each local authority had to decide which option to take. Finance had modelled the two options and recommended Option B as the least expensive way to implement the 2019 pay award for corporate employees. If Option B was approved by the Personnel Committee it would also be applied to support staff in all maintained schools. Councillor Mollie Lock was concerned about the impact that this could have on schools budgets

The report also took the opportunity to look at the West Berkshire Living Wage Supplement. This was a non-contractual discretionary payment to top up the hourly rate of the lowest spinal column points. The 2018 and 2019 pay awards had addressed the same issue and it was therefore recommended that the West Berkshire Living Wage Supplement should be frozen at its current rate from 1st October 2018. This was to avoid unplanned changes to wage differentials in future and risks around unequal pay.

The Council ‘shadowed’ the NJC pay award for all its employees (except teachers) with the exception of the Chief Executive which shadowed the national pay award for Chief Executives. It was recommended that this anomaly was ended and from 1st April 2019 all employees, including the Chief Executive, should receive the same pay award which shadowed the NJC pay award.

RESOLVED that:

- 1. Option B be adopted by the Council.**
- 2. From 1st April 2009 all employees, including the Chief Executive, to receive the same pay award which shadowed the NJC pay award.**
- 3. The ‘West Berkshire Living Wage Supplement’ be frozen at its current rate from 1st October 2018 to avoid unplanned changes to wage differentials in future; and to recognise that schools have not signed up to the “West Berkshire Living Wage Supplement” which has created an equal pay risk.**

(The meeting commenced at 11.00 am and closed at 12.01 pm)

CHAIRMAN

Date of Signature