

**MINUTES OF A MEETING OF THE
PERSONNEL BOARD
HELD ON 7 FEBRUARY 2022 FROM 6.45 PM TO 8.05 PM**

Committee Members Present

Councillors: John Halsall (Chairman), John Kaiser (Vice-Chairman), Pauline Helliars-Symons, Stephen Conway and Simon Weeks

Officers Present

Madeleine Shopland, Democratic and Electoral Services Specialist
Christine Bennett, Interim Assistant Director HR & OD
Andrew Moulton, Assistant Director Governance

17. APOLOGIES

There were no apologies for absence.

Councillor Jones participated virtually in the meeting and did not vote on the items.

18. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Board held on 10 November 2021 were confirmed as a correct record and signed by the Chairman.

19. DECLARATION OF INTEREST

There were no declarations of interest received.

20. PUBLIC QUESTION TIME

There were no public questions.

21. MEMBER QUESTION TIME

There were no Member questions.

22. RECRUITMENT AND APPOINTMENT OF DIRECTORS AND ASSISTANT DIRECTORS (PERMANENT AND INTERIM)

The Board received a report regarding the recruitment and appointment of Directors and Assistant Directors (Permanent and Interim).

During the discussion of this item the following points were made:

- Councillor Halsall commented that the changing employment market and specific projects meant a greater need for interims than in the past.
- The changes to the Constitution had also previously been considered by the Constitution Working Group.
- Councillor Conway queried the reference to the 'gig economy' within the background information and questioned if it was likely to have an impact on Director and Assistant Director level staff at interim level.
- Councillor Bishop-Firth agreed with Councillor Conway that the background information would benefit from being amended. She emphasised that the reason an interim Director or Assistant Director would be required was if their specialist skills were required for a limited period or a gap needed to be filled for a temporary period. It was agreed that the background information could be simplified.

- Councillor Bishop-Firth noted it was recommended that an interim appointment could currently be made for up to 12 months and that it was proposed that this could be extended subject to the agreement of either the Chief Executive or Director in consultation with various specific Members. She questioned whether this should be longer, for example 18 months, and referred to handover periods and instances where staff may wish to take maternity leave, and 12 months was less appropriate.
- Councillor Kaiser commented that some interims were on high wages and that he would not be confident extending an initial appointment beyond 12 months before a review was implemented.
- Councillor Bishop Firth questioned whether there should be greater flexibility so that an interim could be appointed for 18 months but there be a review period built in after 12 months, to enable better planning. Councillor Weeks indicated that there was an opportunity to review after 12 months within the proposed amendments to the Constitution, so he felt that this was not necessary.
- The Assistant Director Governance informed Members that the Constitution Review Working Group had recommended that should the appointment be extended after 12 months, there be a further review period after another 6 months.
- Councillor Conway referred to the changes to the Constitution. He felt that the Member involvement in the process was quite narrow and pointed out that the Leader of the Council and the Chairman of the Personnel Board were currently the same person. Councillor Halsall commented that there were no guarantees that the Leader and Chairman would be the same person going forwards. He emphasised that the Chief Executive in the case of interim Directors and the Directors, in the case of Interim Assistant Directors, would be consulting the specific Members and were ultimately the decision makers, as opposed to the Members.
- The makeup of Members being consulted in the appointment process was discussed in detail. Councillor Weeks suggested that it be added that should the Leader of the Council and the Chairman of the Personnel Board be the same person, the Vice Chairman of the Personnel Board would also be consulted, so as to ensure scrutiny of the process by three Members as opposed to two.
- Councillor Hellier Symons stated that working practices were changing and the appointment of interims was becoming more necessary. With regards to the makeup of Members consulted in the appointment process she suggested that the Leader and two members of Personnel Board be consulted.
- Councillor Halsall emphasised that the process should not be too onerous on the Chief Executive or the Directors and needed to enable them to act quickly.
- In response to a question from Councillor Helliard-Symons, the Assistant Director Governance explained that there were separate arrangements for the appointment of the Monitoring Officer, the Head of Paid Service, and the Section 151 Officer, which were ultimately Council appointments. With regards to the involvement of Members in the appointment process he added that the Corporate Leadership Team had felt that the proposal detailed in the report struck the appropriate balance between achieving sufficient oversight and authority and not unduly delaying the process. There was currently no Member involvement in the Interim appointment process.
- Councillor Jones questioned what the Chief Executive's views were on the changes to the appointment process. The Assistant Director Governance confirmed that the proposals had been considered by the Corporate Leadership Team who were satisfied with them.
- The involvement of the relevant Executive Member in the process was clarified. Councillor Halsall commented that the relevant Executive Member was particularly

key in the interim Assistant Director appointment process as they worked closely with them.

- Councillor Kaiser felt that the change to the appointment process would help to support the Chief Executive and Directors. He felt that the views of the Corporate Leadership Team should be sought on any changes to the proposals detailed in the report before the Board considered them.
- Councillor Conway suggested that the Chairman and Vice Chairman of the Personnel Board and the Leader of the Opposition be consulted. He felt that this would ensure that the process was not political.
- Councillor Halsall felt that a simple appointment process was necessary to expedite the process.
- Following further discussion, Councillor Conway proposed that the relevant Executive Member, the Chairman of the Personnel Board, and the Leader of the Opposition be consulted in the interim appointment process. This proposal was seconded by Councillor Helliard-Symons. Following a vote this proposal was lost. It was agreed that the paper be withdrawn and CLT be consulted on the proposed amendments put forwards by Councillor Conway to those Members who were being consulted in the interim appointment process. It was further agreed that the views of CLT and the report be brought back to the next meeting of the Personnel Board for consideration.

RESOLVED: That

- 1) CLT be consulted on the proposal that the relevant Executive Member, Chairman of Personnel Board and the Leader of the Opposition be consulted prior to the extension of the contract of an Interim Director or Assistant Director following an initial 12 month appointment;
- 2) The views of CLT and the report be brought back to the next Personnel Board meeting for consideration.

23. HR UPDATE REPORT - PUBLICATION OF HR ACTIVITY ON COUNCIL'S WEBSITE

The Board received the HR Update report.

During the discussion of this item, the following points were made:

- The Interim Assistant Director HR & OD advised that the Council was required to produce a Gender Pay Gap report and a report setting out the Council's involvement in the Government's apprenticeship scheme.
- Councillor Bishop-Firth noted that it had not been possible to maximise the benefit of the entire apprenticeship levy. She questioned how much it had not been possible to use, approximately how many apprenticeship places this equated to, and what alternatives had been considered. She went on to ask whether more IT apprentices could be taken on by the Council. The Interim Assistant Director HR & OD stated that the levy was a pot which accumulated over time, and after a number of years, this money was lost. At the moment, the pot, which the Council was trying to use, was quite high. The scheme had been modified a number of times by the Government, so it was no longer so age limited. There had to be a development portion within the role. It was noted that there were detailed requirements for support within the scheme. so sometimes there was not sufficient time to support individuals going through the scheme, particularly in schools.

- Members were advised that it was Apprenticeship Week next week. There would be a push and promotion across the Council so that consideration be given to whether any vacancies could be converted into apprenticeship posts. It was quite a slow process, but there was a dedicated resource in HR working on the apprenticeship scheme. Work was being undertaken to ensure that areas in the Council such as IT had apprentices where possible.
- Councillor Bishop-Firth suggested that the Personnel Board would be interested in monitoring how the Council was maximising the levy.
- Councillor Helliard-Symons praised the presentation of the report. She referred to some of the challenges with the existing apprenticeship pathway, specifically the fact that there was a level 3 Teaching Assistant and Level 6 Teacher apprenticeship but nothing in-between to bridge the gap and allow Teaching Assistants to progress. She questioned whether this was the result of legislation or Council policy and was informed that it down to how the scheme had been set up by the Government. Some Councils were feeding back to the Government around some of the challenges around the scheme, particularly around the shortage of Teaching Assistants.
- Councillor Weeks questioned how many of the 73 apprentices worked for the Council and how many worked for maintained schools. The Interim Assistant Director HR & OD agreed to feed back to Members. The majority worked for the Council.
- Councillor Kaiser asked whether in the event the Council took on a major contract, if it was possible to include that the Council would like the partner to take on some apprentices. The Interim Assistant Director HR & OD agreed to ascertain this and feed back to the Board. It was unlikely to be legal that the Council insisted that the partners took on apprentices, but it was probable that they could ask that this be considered. Councillor Weeks indicated that often when it came to planning applications for larger projects, it was a requirement that apprentices be taken on.

RESOLVED: That

- 1) the Gender, Pay Gap report that will be published before 30 March 2022 be noted.
- 2) the report setting out the Council's involvement in the Government's apprenticeship scheme be noted.

24. COVID 19 VACCINATION POLICY

The Board received the Covid 19 Vaccination Policy.

During the discussion of this item, the following points were made:

- Last year the Government had passed legislation that anyone working in a CQC registered care setting had to be fully vaccinated. Whilst it was still law it was likely to be repealed in the future. The Government were consulting on the repeal arrangements.
- Some staff had been previously told prior to Christmas that if they were not fully vaccinated, they may be redeployed or dismissed. The Interim Assistant Director HR & OD indicated that she would be speaking with Directors, whilst this requirement was still law, about redeploying impacted staff or putting them on restrictive duties, as opposed to dismissing them. There were already difficulties in recruiting in the care sector.

- Councillor Halsall questioned when clarification was likely and was informed that there was a 12 week consultation so by the end of the year was likely. The Council was required to have a policy whilst the requirement for care sectors workers to be fully vaccinated remained law.
- Members agreed that dismissal should be a last resort measure.
- Councillor Kaiser expressed concern that the Council would need to pay additional agency costs to cover staff to undertake the duties of unvaccinated staff who were being deployed elsewhere or put on restrictive duties. The Interim Assistant Director HR & OD explained that only between 6-10 members of staff were impacted. All staff were encouraged to be fully vaccinated.

RESOLVED: That the Covid 19 Vaccination Policy be approved.

25. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.

26. AGENCY REPORT

The Board received the Agency report.

RESOLVED: That the recommendations set out in Part 2 of the report be agreed.