

OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 10th October 2016

Present: Councillor A Lythgoe (Chair)
Councillors, Bromley, Essex (substituting for Lynda Barnes)
Kempson, Johnson, Proctor (substituting for McMahon), Roberts
and Robertson

Zieda Ali, Co-opted Member

In Attendance: Clare Law, HR Manager
Carolyn Sharples, Committee and Member Services Manager
Councillor Ashworth, Portfolio Holder for Customer Services and
Health
Councillor Marriott, Portfolio Holder for Resources and
Performance
Councillor Alyson Barnes, Leader of the Council
Glenda Ashton, Committee and Member Services Officer
Pat Couch, Scrutiny Support Officer

1 member of the public

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Lynda Barnes, Janet Eaton, Ann Kenyon and Annie McMahon.

2. MINUTES OF THE LAST MEETING

Resolved:

That the minutes of the meetings held on 5th September 2016 be agreed as a correct record signed by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

5. PUBLIC QUESTION TIME

The Chair agreed to deviate from the Procedure for Public Speaking and allow the members of the public to ask questions as the reports were discussed.

6. CHAIR'S UPDATE

The Chair informed the Committee that the Scrutiny Support Officer had circulated information on items requested at the last meeting.

7. HR POLICIES – REVIEW OF POLICIES AND PROCEDURES

The HR Manager presented a number of HR policies which had been revised as part of the Council's policy review cycle in line with best practice, following research with other Local Authorities, industry experts and professionals, professional bodies and organisations.

a) Drug and Alcohol Policy

The policy has been refreshed and updated. The following 3 sections of the above policy had been revised as follows:

Section 3.1 - highlights that the Council operates a zero tolerance approach to drug and alcohol.

Section 5.4 - has been added to include a drug and alcohol register.

Appendix 1 - the process has been reviewed and amended. The re-calibration regime of the breathalyser has been included.

The HR Manager indicated that the Council took a zero tolerance approach to drug and alcohol and already carried out random testing on those employees in safety critical roles eg driving council vehicles or using machinery. The JCC were keen to have the Policy rolled out to all employees. Further clarification on the policy was presented to the Committee and members raised a number of questions as follows.

- Did the policy apply to Councillors as 1.5 stated that it applied to all Council employees or other person under the Council's control in connection with any Council related activity? Members discussed this and agreed that further discussions would be held within their groups.
- Clarity on what was meant by random testing and procedures need to be included in the policy and more detail was required to ensure the procedures were applied fairly across all staff
- The percentage of staff that would be tested.
- Would staff be supported if they had a drug or alcohol problem? The HR Manager explained the process to the committee.

Members expressed concern about the lack of EIAs in relation to all the policies and the HR Manager agreed to send these out the following day.

RESOLVED:

1. That the HR Manager to make the changes to the policy as suggested by members and present this to the next meeting in November.
2. That the EIAs relating to all policies presented the the meeting would be emailed to Members the following day.

b) Training and Development Policy

The policy had been refreshed and updated. The policy now included a change to the training agreement, namely the training cost payback from employees that left the Council following completion of a training course. This applied when the cost of the training to the Council was over £1,000, as agreed in the Employee Training Agreement. The costs were highlighted in Section 11.1 of the Training and Development Policy.

The Chief Executive would have discretion to over-ride this agreement if the training course related to an essential requirement for the employee to perform a specific duty or role for the Council.

Further to the above repayment fees being updated, the following sections of the policy were also updated:

Section 13: Skills for Life

Section 14: National Vocational Qualifications

Appendix B: Employee Training Agreement

Appendix C: Claim form for training expenses

Appendix D: Training and Development flow chart

The members asked the following questions:

- How were the appraisal's quality assured. The HR Manager advised that the manager's manager would also review appraisal documents.
- Did the Policy link in with a reward strategy? It was noted that rewards were not given as the budget was made up of tax payers money.

RESOLVED:

1. That the Training and Development Policy was noted.
2. That the HR Manager to circulate the Equality Impact Assessment to all members as soon as possible.

c) Pay and Grading Policy

The policy had been drafted via the consolidating of existing policies and local practices to form one overarching policy. It was last reviewed in October 2007.

The policy included the introduction of Job Family Competency Profiles and revised pay protection for 6 months. The job evaluation and appeals process had been refreshed to create a more streamline efficient process.

The Committee were presented with a summary of the 14 key amendments to the Policy.

The HR Manager explained the Job Family Competency Profiles in more detail.

Members asked the following questions:

- Had the Policy been seen by North West Employers. The meeting was advised that they had seen the updated Policy.
- What impact would this have on certain groups e.g. those with disabilities? The HR Manager advised that consideration had been given and an Equality Impact Assessment had been completed.

RESOLVED:

1. The Pay and Grading Policy was noted.
2. HR Manager to circulate the Equality Impact Assessment to all members as soon as possible.

d) Whistleblowing Policy

The policy had refined the process to support a transparent, robust and efficient process that supported the whistleblower, protected the Council and included the introduction of a Whistleblowing Register.

There had been some minor wording amendments throughout the Policy for such things as change of name, contact details and the appointment of an Investigating Officer to be the single point of contact throughout the process.

A further 7 amendments/additions to the Policy were presented to the Committee.

Since the Policy had been drafted, new legislation had been introduced requiring Councils to have a named Financial Champion for financial whistleblowing cases.

Members asked the following questions:

- How would members be notified of any financial whistleblowing cases? It was agreed that whistleblowing cases would be reported to the Audit and Accounts committee in the same way that Standards complaints were presented.

- Who would notify the Financial Champion of any whistleblowing cases? A response from the HR Manager indicated that this would be the Monitoring Officer.
- 10 days seemed a long time to progress a whistleblowing case. The HR Manager said the wording needed updating on this.
- How were people being encouraged to report whistleblowing? The HR Manager outlined the ways in which staff were being encouraged to report cases.

In relation to Members raising concerns, the Leader indicated that these should be reported to their group leader.

RESOLVED:

1. The HR Manager agreed to update the Policy and present to the next meeting in November 2016.
2. That the HR Manager would circulate the Equality Impact Assessment to all members as soon as possible.

e) The Statement of Policy for Employer's Discretion

This was a new Policy, as the Council was required to have a clear Employer's Discretion Policy in place to safeguard the Council from inadvertently making inconsistent decisions in relation to its pension provision which could help protect the Council from potential future discrimination claims.

The HR Manager indicated that unless there were exceptional circumstances, nobody would receive an uplift in their pension.

RESOLVED:

1. That the Statement of Policy for Employer's Discretion be noted.
2. That the Equality Impact Assessment to be circulated to all members as soon as possible.

8. SICKNESS ABSENCE UPDATE

The Chair explained the reasons for asking the HR Manager to attend an Overview and Scrutiny Committee. This follows concerns raised at a number of meetings when the Committee was presented with the Integrated Performance Report. Actions plans for continued below target sickness absence levels were written into the performance report but members felt that clarification was required on procedures/protocols used within the Council when people were off sick.

It was agreed that the HR Manager attend to explain the processes in more details.

The HR Manager indicated that there were no problems with short term absence. Triggers were in place to review absences and highlight any potential issues. Long term absence was a problem though and affected the figures. She outlined the procedures managers followed and advised that the Policy followed the ACAS Code of Practice.

The HR Manager agreed to provide statistics for both short term and long term absence to the next meeting.

The Scrutiny Support Officer indicated that perhaps for the future these figures could be included in the notes section of the Quarterly Integrated Performance Report.

RESOLVED:

That the information be noted.

9. COUNCIL'S FEEDBACK REVIEW AND LOCAL GOVERNMENT OMBUDSMAN LETTER

The Committee and Member Services Manager presented a report on the Council's feedback review and the Local Ombudsman Annual Letter for the period 1st April 2015 to 31st March 2016. These were administered by the Committee and Member Services Team. Compliments and complaints were a standing agenda item at Management Team meetings and reports were provided to each meeting to ensure managers were aware of any outstanding complaints that required action within their service area.

Members had already had sight of these complaints and compliments as they were included within the quarterly reports that come before the committee.

In 2015/16 the Council received 144 compliments, of which the highest compliments were about staff member/team which was 83, quality of service was 32, and action/response/communication was 23.

In relation to Formal Complaints, there had been 98 received by the Council. This was a decrease of 17 compared to the same period last year. The area of most complaints during 2015/16 was in relation to action/response/communication, advice/information given, bins/bin collection and quality of service.

Of the 98 complaints received, 75 cases were resolved at stage 1, with 23 stage 2 reviews. Out of these 23 cases, 3 were subsequently referred on to the Ombudsman by the complainant.

It was pleasing to note that in 2015/16, the average complaint response time was 9 working days, which was within the 10 working day target and was the same number of working days as last year.

The Local Government Ombudsman Letter provided an Annual Summary of complaints they had received against the Council this year.

The Committee and Member Services Manager indicated that during 2015/16 the Ombudsman received 9 complaints about the Council and they conducted detailed investigation into 1 of these. The Ombudsman categorised this complaint as 'not upheld'.

During 2015/16 the Ombudsman made decisions on 13 complaints: 3 not upheld, 2 upheld. One of the upheld complaints concerned Planning and Development, for which the Council issued an apology, but it was noted there was no injustice found. The other upheld complaint related to Environmental Services and Public Protection and Regulations, for which the Council agreed to investigate a specific aspect of the complaint. The Ombudsman found no injustice in relation to the complaint.

Members were informed of the process for how Ombudsman complaints were dealt with, and that the number of complaints received by the Ombudsman in relation to Rossendale had reduced by 50%.

A number of questions were raised which the Committee and Member Services Manager responded as follows:

- Managers would speak to members of staff if they felt that incorrect information was being given or was not handled in an appropriate way.
- Members of the public who did not speak English often approached a third party to act on their behalf. Alternatively if anyone struggled with the forms they could phone the office, but they would need to subsequently confirm the details of the complaint as an audit trail was required in case the complaint was escalated to the Ombudsman.
- The complaints procedure and form were on the website or an email could be sent if required.
- Corporate Support co-ordinated the complaints received and Ombudsman complaints were taken forward by the Committee and Members Services Team.

Further to a question raised about the Authority Monitoring Report, the Scrutiny Support Officer agreed to contact the Forward Planning Team to find out when the next report would be published.

RESOLVED:

That the Committee noted the different types of feedback received by the Council, in addition to the Local Government Ombudsman Annual Letter for the period 1st April 2015 to 31st March 2016.

10. FORWARD PLAN

The Committee noted the information within the Forward Plan and agreed that there were sufficient items on the agenda for the next meeting.

RESOLVED:

That the information be noted.

The meeting closed at 8pm

Signed

Date