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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES COMMITTEE, HELD ON TUESDAY 29 SEPTEMBER 2015, AT 7.55PM IN THE COUNCIL CHAMBER, WEELEY**

**Present:** Councillors Chapman (Vice-Chairman (in the Chair)), Baker, Calver, Chittock, Everett, Ferguson, King, Massey, Newton, Pemberton, Scott and Stephenson

**Also Present:** Councillor Bennison

**In Attendance:** Corporate Director (Corporate Services) (Martyn Knappett), Human Resources and Business Manager (Anastasia Simpson), IT Manager (John Higgins), Human Resources Operations Manager (Katie Wilkins), Organisational Development Manager (Carol Magnus), Workplace Learning Manager (Debianne Messenger), Democratic Services Officer (Janey Nice) and Unison Branch Chairman (Keith Hurrell)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Callender (Chairman), Khan (with Councillor Newton substituting) and Porter (with Councillor Everett substituting).

**2. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 26 February 2015 were approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members at this time.

During consideration of Agenda Item No.5 (Safeguarding Policy – Minute No.5 below refers), Councillor Ferguson declared a non-pecuniary interest in relation to this matter, by virtue of the fact she was responsible for safeguarding within her own working environment within the supported housing sector.

**4. CORPORATE MONITORING POLICY**

There was submitted a report by the Corporate Director (Corporate Services), which sought the Committee's approval to adopt a new Corporate Monitoring Policy, which would apply to all employees of Tendring District Council and other authorised third parties.

Members were informed that, in order to ensure that the Council's procedures complied with most recent legislation and best practice, the Council had undertaken a review of relevant policies.

Members were reminded that, the previous intranet, internet and email use policies had already been reviewed and had been replaced by a single Information Security Policy, which had been adopted by the Committee at its meeting held on 28 February 2013 (Minute No. 23 to that meeting referred).

It was reported that the Monitoring Policy had now been subjected to review and was now submitted for approval and adoption. Members were advised that, as with other policies, the Monitoring Policy would apply to both full and part-time employees (including home workers), students and trainees, contracted third parties whilst working on Council business, using the Council's IT facilities or authorised remote access from a user's own IT equipment (including agency staff), staff who were seconded, consultants and other

staff on placements with the Council. The Policy would apply to all use of the Council's information, technology and telephony services.

The Committee was advised that the changes in the revised Policy included the following:

- Information held in a non-electronic form e.g. paper;
- Access to buildings and secure areas; and
- Provision of a clear process to follow when a need for monitoring was identified.

The Committee was also advised that consultation had taken place with the Council's recognised Trade Union, UNISON.

A Member asked who had access to the Internet and Intranet data being viewed and held on individual Officers and was informed that all of the Internet and Intranet data obtained from the monitoring of its use by Officers was held by a contracted-third party. Mr Higgins informed the Committee that as he could not access an individual's data, when he received a request from Human Resources on an individual's possible misuse of the Council's resources, he would contact the third party who would then look at the data and report back to him.

Following discussion, it was moved by Councillor Scott, seconded by Councillor Ferguson and **RESOLVED** that:

- (a) The revised Corporate Monitoring Policy, as detailed at Appendix A to the report, be adopted with immediate effect; and
- (b) The Corporate Director (Corporate Services), in consultation with the Asset Management and Corporate Services Portfolio Holder, be authorised to update the Policy with any future legislative and or best practice changes.

## **5. SAFEGUARDING POLICY**

There was submitted a report by the Corporate Director (Corporate Services), which sought the Committee's approval to agree and adopt a revised Corporate Safeguarding Policy. The revised Policy combined the previous Vulnerable Adults and Children's Safeguarding Policies and met the requirements of the Children Act 1989 (Sections 27 and 47) and Children Act 2004 (Sections 10, 11 and 13.) It was reported that the Council's duties included keeping children and young people safe, whilst carrying out all of its functions and taking an active role in the Essex Safeguarding Children's Board and that it also had additional duties under the new Care Act 2014.

It was reported that the Policy had been revised and updated as follows:

- To provide the Council with a combined Vulnerable Adults and Children's Safeguarding Policy;
- To explain the role of Essex County Council as the lead agency for Safeguarding;
- To give guidance about the roles and responsibilities of Officers and individual sections within the Council;
- To ensure that Officers had clarity about the Council's statutory responsibilities;
- The revisions included a section about safer recruitment and the importance of Disclosure and Barring, references and other pre-employment processes;
- A commitment to training Officers so that they had a clear understanding about roles and responsibilities;
- Linkages to the Council's Whistleblowing Policy; and
- Information sharing protocols.

Councillor Ferguson declared a non-pecuniary interest in this item by virtue of the fact she was responsible for safeguarding within her own working environment within the supported housing sector.

In response to a Member's question as to why the Vulnerable Adults and Children's Safeguarding Policies were being merged as Essex County Council had not done this, the Council's Human Resources and Business Manager informed the Committee that it had been noticed, since the last review of the two Policies, that they were both drawing together as safeguarding was both for vulnerable adults and children. She added that she met regularly with the Local Authorities Designated Officer, where serious cases were reviewed and said that it was a combination of best practice and how the Council operated with a joint Strategic Safeguarding Group catering for both children and vulnerable adults.

In response to a Member's question as to whether staff were covered by the new Policy, it was reported that the Policy covered anyone who worked for the Council, including contractors and staff on casual contracts etc. It was noted that the Policy would be looked at annually but would not necessarily come back to Committee on an annual basis as Essex County Council was the lead authority for Safeguarding.

In response to a Member's question with regard to whistleblowing and was there a private and confidential number where staff could raise an issue if they felt they could not talk to a member of the Human Resources Team, it was noted that there was a separate whistleblowing policy where staff were encouraged to talk to Human Resources or the Council's recognised trade union, UNISON, and information was also available on the Council's intranet (Ping), staff noticeboards and in the Staff Handbook. It was also noted that there was access to an external helpline.

Concern was raised when a Member asked if staff, when they logged in, were monitored and informed that this was the case. Members were worried about "Big Brother" monitoring internet use in that an Officer could look up information whilst being tracked. Members were informed that whistleblowing and safeguarding were two separate issues and the Corporate Director (Corporate Services) added that there was a whole range of checks in place before any monitoring could take place.

It was moved by Councillor Scott, seconded by Councillor Ferguson and **RESOLVED** that:

- (a) The Safeguarding Policy, as detailed at Appendix A to the report, be adopted with immediate effect; and
- (b) The Human Resources and Business Manager, in conjunction with the Strategic Safeguarding Group, be authorised to update the Policy with any future legislative and or best practice changes.

## **6. MATERNITY POLICY**

There was submitted a report by the Corporate Director (Corporate Services), which sought the Committee's approval for the implementation of an updated Maternity Policy, providing statutory guidance to employees and managers on updated legislation.

The Committee was informed that the Children and Families Act 2014 and the Paternity and Adoption Leave Regulations 2014, had introduced increased family rights for employees. It was reported that some elements of those Regulations, which related to maternity and adoption rights, had become effective from 5 April 2015 and this new legislation had provided greater flexibility for parents to balance work and family life. It was noted that these elements also extended those rights to foster and surrogate parents.

It was reported that new rights under the Regulations included:

- The right to ordinary paternity leave and pay, adoption leave and pay and shared parental leave and pay, to parents who had a child through a surrogacy arrangement or a 'foster to adopt' arrangement;

- The right to statutory adoption leave for foster parents who were prospective adopters, and paternity leave for partners of those prospective adopters;
- The removal of a qualifying period for adoption leave;
- The partner of the pregnant woman, who should be their husband or civil partner and the father of the expected child, was eligible to take time off work to accompany the employee at up to two antenatal appointments.

Members were advised that, in addition to this legislation, the Council had introduced:

- A qualifying period of 26 weeks, in line with maternity legislation, for employees to undertake fertility treatment;
- Providing paid time for partners attending up to two antenatal appointments, capped at 3.5 hours per appointment; and
- A qualifying period of 26 weeks, in line with statutory paternity pay, for the first week of full pay, as currently offered by the Council.

It was moved by Councillor Pemberton, seconded by Councillor Scott and **RESOLVED** that:

- (a) The Maternity Policy, as detailed at Appendix A to the report, be adopted with immediate effect; and
- (b) The Human Resources and Business Manager be authorised to update the Policy with any future legislative and or best practice changes.

## **7. STAFF STATISTICS REPORT**

There was submitted a report by the Corporate Director (Corporate Services), which provided the Committee with updated and current staffing statistics including:

- (1) Number of Staff Employed – Full-Time and Part-Time;
- (2) Gender Profile;
- (3) Age Profile;
- (4) Disability Profile;
- (5) Ethnicity Profile; and
- (6) Sickness Absence.

The Corporate Director (Corporate Services) said that these figures would be included for discussion at each meeting of the Human Resources Committee.

It was moved by Councillor Ferguson, seconded by Councillor Scott and **RESOLVED** that the contents of the report be noted.

## **8. AMENDMENTS TO THE COUNCIL'S CONSTITUTION – CHANGES TO THE OFFICER EMPLOYMENT PROCEDURE RULES**

There was submitted a report by the Corporate Director (Corporate Services), which:

- Informed the Committee of the recommendations approved by Council, at its meeting held on 7 July 2015, implementing the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which had come into force on 11 May 2015 and had introduced new arrangements for dealing with disciplinary cases involving the Council's Statutory Officers (Head of Paid Service, Chief Finance Officer and the Monitoring Officer ("the relevant officers"));

- Informed the Committee of changes approved by Council, at the aforementioned meeting, to the Officer Employment Procedure Rules (Part 5 of the Constitution) to give effect to those new disciplinary arrangements;
- Advised the Committee that it would form the membership of the Independent Advisory Panel, together with the Council's Independent Persons, to consider potential dismissal of the relevant officers, as required, and in accordance with the above Regulations; and
- Made the Committee aware that the Monitoring Officer would make any further changes to bring the Constitution fully into line with the relevant Regulations, in consultation with the Human Resources and Business Manager, relating to the Council's Statutory Officers.

The Human Resources and Business Manager informed the Committee that this item was introduced as a briefing item only to inform Members and to make them aware as this would be updated as legislation changed when disciplinary or dismissal cases were conducted.

It was moved by Councillor Everett, seconded by Councillor Pemberton and **RESOLVED** that the Committee notes:

- (a) The contents of the Report and the legislative requirement to amend the Council's Standing Orders (Rules of Procedure) to make changes to the disciplinary procedure in relation to the Council's Statutory Officers;
- (b) That it will form the Independent Advisory Panel under the Regulations, together with the Council's Independent Persons;
- (c) The amended Officer Employment Procedure Rules, as set out in Appendix A to the report; and
- (d) That the Human Resources policies and procedures will be amended to reflect any changes required based on the principles in the Officers' report.

The meeting was declared closed at 8.30pm.

Chairman