

STAFFING COMMITTEE

**Date:- Monday, 29 April 2019 Venue:- Town Hall, Moorgate Street,
Rotherham.**
Time:- 9.30 a.m.

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Children and Young People's Services Senior Management - Assistant Director Children's Social Care (herewith) (Pages 1 - 6)
4. UNISON Violence at Work Charter (herewith) (Pages 7 - 11)
5. Pension Discretion - Flexible Retirements (herewith) (Pages 12 - 17)

Committee Name and Date of Committee Meeting

Staffing Committee – 29th April, 2019

Report Title

Children and Young People's Services Senior Management – Assistant Director
Children's Social Care

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Jon Stonehouse, Strategic Director of Children and Young People's Services

Report Author(s)

Jon.stonehouse.@rotherham.gov.uk

Ward(s) Affected

None

Report Summary

This report provides detail of the:

Proposed creation of a new Assistant Director Children's Social Care post in Children and Young People's Services and salary level and the deletion of the Deputy Strategic Director post.

Recommendations

1. Recommend the creation of a new Assistant Director post in Children and Young People's Service and Salary Level
2. Deletion of the Deputy Strategic Director post from the establishment.
3. Agree the establishment of a member recruitment panel.

List of Appendices Included

Appendix 1 Salary Benchmarking

Background Papers

Previous Reports, Deputy Strategic Director. CYPS

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Children and Young People's Services Senior Management – Assistant Director
Children's Social Care

1. Background

Assistant Director Children's Social Care

- 1.1 A Deputy Strategic Director in CYPS was created as part of the response to intervention. Following the 'good' Ofsted judgement in 2018 and in line with most other Local Authorities it is proposed to delete the Deputy Director post and create an Assistant Director post which will have responsibility for all children's social care functions. These functions include: referral and assessment, child protection, safeguarding, looked after children and leaving care services. The post carries a range of statutory duties in relation to these functions including agency decision maker for fostering and adoption. Deputising for the Strategic Director will be undertaken as required and as appropriate by the Assistant Directors within CYPS.
- 1.2 Recent recruitment activity for senior managers has identified the challenge of recruiting suitably qualified and talented individuals in this specialist and critical area.
- 1.3 The salary proposed is at a level that is competitive with neighbouring Local Authorities and recognises the complexity of the role and of the local context.
- 1.4 Appendix 1 illustrates benchmarking of salaries for appointments in Children's Social Care. In light of salaries currently being offered and in order to attract suitably qualified and experienced candidates it is proposed that a salary level of £96k is offered for the new role. The Deputy Director post to be deleted attracts a basic salary of £125k and therefore this would represent a basic salary saving of £29k at 2019/20 pay levels.

2. Key Issues

- 2.1 The need to recruit suitably qualified and experienced Assistant Director Children's Social Care is essential for the Council to maintain and continue to develop the quality of services in this critical area

3. Options considered and recommended proposal

- 3.1 Given the imperative to appoint a suitably skilled and experienced professional it is felt that this proposal is appropriate.

4. Consultation on proposal

4.1 Consultation has taken place with the Deputy Leader of the Council and the Chief Executive.

5. Timetable and Accountability for Implementing this Decision

5.1 Recruitment will proceed subject to approval by the staffing committee.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 The new Assistant Director post for Children's Social Care will have a salary of £96k, compared to the current Deputy Director post which has a salary of £125k. The salary will be subject to uplift for annual pay award agreements.

6.2 The budget saving on the basic salary between the two posts, at 2019/20 pay levels, would therefore be £29k. Taking on-costs for employer's national insurance and superannuation into account, the total cost saving would be £40k.

6.3 There are no direct procurement implications associated with this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 The Council's Pay Policy Statement requires any proposal to pay a salary in excess of £100,000 to be referred to Council for approval. The proposals in this report do not require this referral.

8. Human Resources Advice and Implications

8.1 The level of pay needs to take into account the reflecting nature of the work performed in critical areas and attract the most talented and experienced candidates whilst maintaining a competitive salary with neighbouring Authorities.

8.2 Recruitment will be a Member appointment as per RMBC recruitment policies and procedures.

9. Implications for Children and Young People and Vulnerable Adults

9.1 A failure to appoint a suitably qualified and experienced Assistant Director would impact on the Council's key priority of ensuring that every child has the best start in life.

10. Equalities and Human Rights Advice and Implications

10.1 None

11. Implications for Partners

11.1 None

12. Risks and Mitigation

12.1 The challenges faced by Rotherham's Children's Services and the challenging national recruitment climate in respect of senior professionals in this area poses risks in the ability to attract suitably qualified and experienced candidates.

13. Accountable Officer(s)

Jon Stonehouse, Strategic Director CYPS

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	12/04/19
Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.
Assistant Director of Human Resources (if appropriate)	Lee Mann	01/03/19
Head of Human Resources (if appropriate)	Amy Leech	01/03/19

Report Author: Jon.stonehouse.@rotherham.gov.uk

This report is published on the Council's [website](#).

Appendix 1

Senior Children's Social Care Management Pay Levels January 2019

Organisation	Comments	Salary
Barnsley Metropolitan Council	Reports to Executive Director	£89,176
Sheffield City Council	Reports to Strategic Director	£95,000
Wakefield Council	Reports to Strategic Director	£93,396
Bradford Council	Reports to Executive Director	£98,422
Calderdale Council	Reports to Strategic Director	£95,512
North Yorkshire Council	Reports to Strategic Director	£91,658
Hull Council	Reports to Strategic Director	£91,658
East Riding	Reports to Strategic Director	£91,334

Committee Name and Date of Committee Meeting

Staffing Committee – 29 April 2019

Report Title

Violence at Work Charter

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Ian Henderson Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected

None

Report Summary

This report provides detail of UNISON's Violence at Work Charter. The Charter sets out measures that UNISON would like employers to put in place to prevent people that they are responsible for from being assaulted as they carry out their work.

Recommendations

1. That Staffing Committee recommend to Council that the authority be a signatory to UNISON's Violence at Work Charter.
2. Staffing Committee are asked to note how the Council currently meets the aims of the Charter

List of Appendices Included

None

Background Papers

UNISON Violence at Work Charter

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Violence at Work Charter

1. Background

- 1.1 In 2015 UNISON surveyed its members and found that 48% of those working in the community and voluntary sector had experienced an incident of violence or aggression at work in the previous two years, whilst 27% felt threatened by violence or aggression at work.
- 1.2 Incidents included staff being physically or verbally abused, being punched, pushed and kicked, threatened with weapons and held against their will.
- 1.3 In common with the Health and Safety Executive, UNISON defines violence at work as “any incident in which an employee is abused, threatened or assaulted in circumstances relating to their work”.
- 1.4 UNISON wants to work with employers to put in place a basic level of monitoring, support, safeguards and training.
- 1.5 To qualify for the UNISON Violence at Work Charter mark, employers must meet ten standards. It should be noted that the Council’s current practices are in line with the key principles of the Charter and are covered by the Health & Safety Policy (referenced in **bold text**):
 1. The employer has a written violence and aggression at work policy which is available to all staff (**published on intranet and forms part of induction process**). The policy should also cover lone working (**point 3.19**)
 2. Responsibility for implementing these policies lies with a senior manager (**section 1 and 2**)
 3. Measures are taken to prevent staff working in isolated buildings, offices or other work areas on or off site
 4. Staff are encouraged to report all violent incidents and they are told how to do this (**section 3.1, 3.28 and intranet pages**)
 5. The employer collects and monitors data on violent incidents on a regular and ongoing basis (**2.9 and 2.10**)
 6. Where they are in place, union safety reps are able to access this data and are consulted on solutions to issues relating to violence in the workplace (**2.11**)
 7. Thorough risk assessments are conducted for staff placed in vulnerable situations (**3.27 and 4.0**)
 8. The employer has in place support pathways for staff who are victims of violence at work, so that they know where to turn for advice and support (**Health & Safety Team, Employee Assistance Programme**)
 9. Training to ensure staff are aware of the appropriate way to deal with threatening situations (**3.35**)

10. Where appropriate, independent counselling services are available to staff who are the victims of violence at work (**Employee Assistance Programme**)

2. Key Issues

2.1 As part of highlighting the Charter there is one minor point where Council practice doesn't appear to fully conform:

- Measures are taken to prevent staff working in isolated buildings, offices or other work areas on or off site

2.2 Council policy states that no employees will be expected to carry out any activity, which poses an unacceptable risk either to themselves or to other persons (**3.42**) and includes lone working protocols. Managers are required to undertake risk assessments to ensure that appropriate precautions are in place to protect employees and others.

3. Options considered and recommended proposal

3.1 Not to adopt the Charter.

3.2 The recommended option is to adopt the Charter at Council. The first point of the Charter includes lone working, which appears at odds to the third point highlighted in point 2.1 above. However, Council policy allows for appropriate assessment of risks for lone working, including mitigating any specific risks associated with 'working in isolated buildings, offices or other areas on or off site'.

4. Consultation on proposal

4.1 Consultation has been undertaken with Cllr Alam who supports the adoption of the Charter.

5. Timetable and Accountability for Implementing this Decision

5.1 There is no set timescale for implementation. The Council already operates in the spirit of the Charter so there would be no change to existing policy or implications for agreeing to adopt.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

6.1 There are no financial implications.

6.2 There are no direct procurement implications associated with this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 There are no direct legal implications from this report. The Charter would help facilitate RMBCs duty to provide a safe working environment for its employees.

8. Human Resources Advice and Implications

8.1 The Charter supports the standards of Health and Safety operated by the Council to protect employees.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The Charter would apply to all employees across the Council.

10. Equalities and Human Rights Advice and Implications

10.1 In making any decision the Council is required to have due regard to its equalities duties and in particular with respect to the Equality Act 2010, section 149, part 11 of the public sector duty:

- a) eliminate discrimination, harassment, victimisation and eliminate any other conduct that is prohibited by or under the Act,
- b) advance equality of opportunity between persons who are a protected characteristics and persons who do not share it and to
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The recommendation before the Council will not have any adverse impact on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11. Implications for Partners

11.1 There are no implications for Partners.

12. Risks and Mitigation

12.1 There is no risk associated in adopting the Charter.

13. Accountable Officer(s)

Shokat Lal Assistant Chief Executive
Lee Mann Assistant Director Human Resources

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	12/04/19

Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.
Assistant Director of Human Resources (if appropriate)		Click here to enter a date.

*Report Author: Ian Henderson Senior Employee
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This report is published on the Council's [website](#).

Committee Name and Date of Committee Meeting

Staffing Committee – 29 April 2019

Report Title

Pension Discretion – Flexible Retirement

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

Ian Henderson, Senior Employee Relations Officer
01709 822467 or ian.henderson@rotherham.gov.uk

Ward(s) Affected

None

Report Summary

This report provides an overview of the pension discretion set by the Council in relation to flexible retirement and options for review.

Recommendations

1. That the Council's discretion is amended to mirror the Local Government Pension Regulations.
2. That the revised discretion is applied based on consideration of the following criteria:
 - Any reduction in working hours or salary must be permanent;
 - The reduction in hours or reduction in responsibility allowing the member to be paid a reduced salary must not impact upon the organisation's ability to carry out its business efficiently and effectively;
 - The individual flexible retirement concerned must support the organisation's overall business plan and strategy;
 - Any costs associated with flexible retirement must be funded within the overall service budget.

List of Appendices Included

None

Background Papers

Local Government Pension Scheme (LGPS) Regulations 2014

The Council's Statement of LGPS Discretionary Policies

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Pension Discretion – Flexible Retirement

1. Background

- 1.1 The Council is required by the 2014 Local Government Pension Scheme Regulations to publish its policies in relation to how it will exercise its discretionary powers under those regulations. One of these discretions, Regulation 30 (6) relates to flexible retirement.
- 1.2 Regulation 30 (6) states that *“An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the scheme employer’s consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government service on the date of the reduction in hours of grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.”*
- 1.3 RMBC’s Flexible Retirement Policy states that applications will only be considered for ‘significant’ permanent contractual reductions to either grade or weekly contractual hours. In the policy ‘significant’ is defined as a change by which budget savings, or ‘vacated’ hours/position would enable the recruitment of a suitable replacement to maintain service delivery. The policy goes on to state that such reductions **would be in the region** of at least 40% of hours so that alternative resourcing options could be explored.
- 1.4 However, this definition is tightened in the associated Frequently Asked Questions document and subsequent application of the policy. The FAQs state applicants must be 55 years or over, a member of the pension scheme and apply for a ‘significant’ reduction to your current contract. A ‘significant’ reduction would be at least 40% of the hours you currently work. Subsequently, all applications have required a 40% reduction in their contracted hours in order to be considered.
- 1.5 The full criteria by which applications are currently assessed is set out below:
 - Any reduction in working hours or salary must be permanent;

- Any reduction in working hours or salary must be at least 40% of those hours or that salary being worked or earned immediately prior to the member's flexible retirement;
- The reduction in hours or reduction in responsibility allowing the member to be paid a reduced salary must not impact upon the organisation's ability to carry out its business efficiently and effectively;
- The individual flexible retirement concerned must support the organisation's overall business plan and strategy.

1.6 Applications are considered based on a case by case basis in accordance with the current policy, requiring the case to meet service need and where a cost is involved that the cost is covered by the reduction in hours/grade.

2. Key Issues

2.1 Almost half the Council's workforce is over 50 years of age and in line with national trends employees are choosing to work into later life. An increasing number of employees have reached or are approaching the age at which they can access their pension entitlement.

2.2 Employees can access their pension by either ending their employment with the Council or by agreement to flexibly retire. Flexible retirements allow the Council to retain the knowledge and skills within the authority and help succession planning and business continuity.

2.3 The current requirement for a 40% reduction does not always support business requirements, with requests being unable to be supported by management. An example is where an employee currently works standard contractual hours of 37 hours per week across 5 days, the policy requires them to reduce by 14.8 hours (2 days). Where requests are supported it can cause recruitment difficulties for a 2 day replacement or it can lead to rejection of the request because this impacts adversely on business need.

2.4 Alongside the potential benefits of flexible retirement to both the authority and the individual, cost control and reduction has become increasingly important in recent years. The current policy prevents services maximising the benefits to be gained from changes in business practice and technology. If employees were allowed to reduce their working hours by less than 40% (2 days in most cases) in circumstances where a smaller reduction could enable changes in roles and structures without requiring the reduced hours to be filled, this would provide greater organisational flexibility, could deliver cost savings to the service and prevent or reduce compulsory job losses elsewhere in the service.

2.5 Benchmarking in the South Yorkshire region shows that Barnsley Council, Hallam University and AMEY have set the requirement to 20% and that the Probation Service has set to a minimum 1 hour reduction.

3. Options considered and recommended proposal

- 3.1 Option 1 - Maintain current arrangements which have been in place for a number of years.
- 3.2 Option 2 - Adopt a minimum 50% reduction so services are left with half a post to recruit to.
- 3.3 Option 3 - Adopt a minimum 20% reduction where services are able to absorb the 1 day loss and are not allowed to backfill.
- 3.4 Option 4 - Amend the discretion in line with the Local Government Pension Regulation.
- 3.5 In order to allow services the most flexibility when it comes to service need, Option 4 is recommended - that the discretion is aligned to the Local Government Pension Regulations. The business case aspect of the application for any costs associated with the request would still be dependent on those costs being covered by the reduction in salary costs.

4. Consultation on proposal

- 4.1 Consultation has taken place with the Council's Section 151 Officer, Assistant Chief Executive and Assistant Director Human Resources who all support the proposal.
- 4.2 Trade Union colleagues have been consulted and feedback has been positive.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Any change to the pension discretion has to be published 90 days prior to coming into effect.
- 5.2 It is envisaged that the change will become effective from 1st September 2019

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 On the basis that the Council does not agree to waive any actuarial reductions in pensions that are applicable, flexible retirement is generally cost neutral. The Pensions Authority advises that there are, however, some cases where protections under the 85 year rule could result in the Council incurring costs for flexible retirements granted to staff under the age of 60. In order to avoid such situations the Council would need to request estimates from the Pensions Authority on a case by case basis.
- 6.2 Should the Council choose to permit the waiving of actuarial reductions in its flexible retirement policy there will be cost implications for the Council as it would be required to make a contribution to the Pension Fund to cover the

pension strain. Again, this cost would need to be assessed on an individual basis.

6.3 It is unlikely that any increase in the number of flexible retirements agreed following the proposed change to the Council's policy would be sufficient to affect the pensions fund actuarial valuation.

6.4 There are no direct procurement implications associated with this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 Relevant legislation is Local Government Pension Scheme Regulations 2013

7.2 By aligning the discretion with the regulations RMBC has more flexibility in dealing with service needs.

7.3 Consideration needs to be given as to allow employees the right of appeal if their request is rejected. Legal recommendation is that employees should have the right to appeal in the interests of fairness.

8. Human Resources Advice and Implications

8.1 Changes to the discretion would assist with retaining skills and knowledge for longer periods to facilitate better succession planning and act as a motivator to employees who want to access their pension benefits but would be rejected on the needs of the service.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The proposal would affect employees in all Directorates wishing to apply for flexible retirement.

10. Equalities and Human Rights Advice and Implications

10.1 In making any decision the Council is required to have due regard to its equalities duties and in particular with respect to the Equality Act 2010, section 149, part 11 of the public sector duty:

- a) eliminate discrimination, harassment, victimisation and eliminate any other conduct that is prohibited by or under the Act,
- b) advance equality of opportunity between persons who are a protected characteristics and persons who do not share it and to
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The recommendation will not have any adverse impact on anyone with one or more protected characteristics, namely age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

11. Implications for Partners

11.1 There are no implications for Partners.

12. Risks and Mitigation

12.1 There is a risk that without change the organisation will lose experienced and skilled employees who choose to take their pension entitlement and seek continued employment elsewhere.

13. Accountable Officer(s)

Judith Badger Strategic Director Finance and Customer Services

Shokat Lal Assistant Chief Executive

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	12/04/19
Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.
Assistant Director of Human Resources (if appropriate)		Click here to enter a date.

Report Author: Ian Henderson, Senior Employee Relations Officer
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This report is published on the Council's [website](#).