

## HUMAN RESOURCES POLICY DEVELOPMENT GROUP

MEETING, 4<sup>TH</sup> FEBRUARY, 2009

Present – Councillors Kay (Chairman), R. Barrow (as deputy for P. Barrow) Burrows, Hayes (as deputy for J. Silvester), Iqbal, Rushton and Shaw.

### Also in attendance

Mr. D. Winstanley	-	Assistant Chief Executive
Ms. L. Ridsdale	-	Assistant Director, Human Resources and Organisational Development
Ms. C. Ashton	-	Head of Occupational Safety and Health
Ms. D. Longworth	-	Deputy HR Manager, Children's Services
Mr. J. Kerambrum	-	Democratic Services Officer

Apologies for absence were submitted on behalf of Councillors P. Barrow and J. Silvester.

Councillor Kay in the Chair.

### **14. MINUTES**

The minutes of the proceedings of the meeting of the Policy Development Group held on 18<sup>th</sup> November, 2008 were submitted and signed as a correct record.

Further to minute 9, Management of Sickness Absence – 6 Month Update Report members were updated that the 9 month sickness absence figures reported a slight improvement in the third quarter over the corresponding period last year and were on track to achieve the year end target.

With reference to minute 12, Pay and Grading Review Update members were informed that the final Pay and Grading proposals had now been approved by The Executive at it's meeting on 2<sup>nd</sup> February, 2009. Letters had now gone out to staff to confirm their new contract and request their agreement to the proposed contractual changes for implementation with effect from 1<sup>st</sup> April, 2009. Support services had been put in place and would be available to assist staff throughout the process.

### **15. IMPACT OF CHANGES TO THE GREATER MANCHESTER PENSION FUND REGARDING ILL HEALTH RETIREMENT**

The Assistant Director of HR and Occupational Development submitted a report which updated the Policy Development Group on the implementation of changes to the Greater Manchester Pension Fund (GMPF) regarding 'Ill Health Retirement' (IHR), recent case law concerning safe dismissals due to medical incapacity and the reported impact of these changes on process and outcomes.

By way of background information, the report stated that on 1<sup>st</sup> April, 2008 legislative changes came into effect concerning the Local Government Pension Scheme (LGPS) and its provisions for ill health retirement, which introduced a 3 tier approach and framework for pension eligibility and benefits as a result of ill health. In November, 2008 Statutory Guidance was published by the Department for Communities and Local Government (DCLG) for all administering authorities, employing authorities and medical practitioners approved under the scheme.

The report stated that if an employee was unfit to return to work because of ill health it needed to be determined whether he/she was permanently or temporarily incapable in order to manage the absence and continued employment effectively. For employees who were also members of the GMPF it was a requirement that such opinions were provided by independent medical practitioners before allowing access to any pension benefits. Employees who were members of the GMPF could also apply for IHR and request an independent medical opinion in respect of this. Under the LGPS legislative requirements the costs for independent medical opinions were borne by the employing authority and in Bolton Council this was passed on to the employing department. Opinions would now be based on 3 tiers, of which details were highlighted in the report.

Members were informed that since the changes to the pension scheme took effect on April, 2008 and precedent had been set by recent case law, Bolton Council had seen a significant increase in the number of cases being presented for an IMO and the number of appeals under Stage 1 of the IDRP. This included those due to confusion over the 3 tier arrangements and their application. Bolton Council currently had 2, now former employees who had met the 3rd tier eligibility and whose cases would be reviewed after 18 months; both had appealed the original decision and these appeals were pending.

The report stated that some concerns had been expressed since the pension changes. The Trades Unions felt if employees were able to articulate their health issue to the Occupational Health Physician (OHP) this would better inform their decision making process and in some cases it had been suggested that it would put them in better stead to at least achieve Tier 3 pension benefits.

Unfortunately, this reiterated the earlier comment that the precise nature of the changes to the pension scheme were not well understood, despite information being provided probably because the changes were complex in nature and that the IMO was formed by consideration of the objective medical evidence.

If the initial opinion was provided via an attendance appointment this would increase costs to the council by 50% and it was felt this would be unlikely to change the actual decision made.

The Association of Local Authority Medical Advisers (ALAMA) had raised concerns about the role of OHP's in determining eligibility. The DCLG had set up an Ill Health Monitoring Group to keep a watching brief on the situation and the GMPF had changed the wording on their certificates to address the concerns raised.

Members were in agreement that Bolton Council would need to fully investigate the implications of the changes to the Greater Manchester Pension Fund as well as assess the position other Greater Manchester Authorities took before any final decision could be made.

**It was agreed that the report be noted.**

## **16. DRAFT SAFER EMPLOYMENT POLICY**

The Director of Legal and Democratic Services submitted a report which set out the Council's Draft Safer Employment Policy.

By way of background information, the report stated that Bolton Council was committed to safeguarding and promoting the welfare of children and vulnerable adults. This Safer Recruitment and Vetting Policy had been developed by the Council through partnership working across the Association of Greater Manchester Authorities (AGMA) to ensure compliance with current legislation, regulations and Criminal Records Bureau (CRB) guidance.

The Independent Safeguarding Authority Scheme (ISA) was also being introduced from October this year and would introduce a register for those who wished to work with children or vulnerable adults, to complement the CRB checking process. From October it would be illegal for the Authority to employ anyone to work, paid or voluntarily, with children, young people or vulnerable adults, or with information about these groups, unless they were a member of the ISA scheme. New entrants to the Council's workforce and those moving jobs would be the first to go through the scheme. Members of the existing workforce would be phased into the scheme over a five year period in line with legislation. A report to identify Bolton's strategy and protocols as well as the

potential costs of managing this scheme was currently being developed. A copy of the Draft Safer Recruitment and Vetting Policy was attached to the report.

In the ensuing debate members discussed the following issues:-

- the possibility that future reports on service changes/developments should include an employment impact assessment where appropriate;
- consideration be given as to whether the authority would pay for the CRB checks and ISA membership or would it be up to the employee to cover the cost;
- could the authority provide services to help partner organisations in safer employment.

Members were advised that at this stage that these particularly elements of the safer employment policy had not yet been resolved. Further updates would be shared with this Policy Development Group as the policy was developed.

The Assistant Director of HR and Organisational Development informed members that the Authority would be seeking to establish and employ a Safer Employment Manager whose role would be to provide clear and consistent advice on safer employment to the Council and its partners.

**It was agreed that the report be noted.**

## **17. SUMMARY OF EMPLOYMENT MONITORING RESULTS 2007/2008**

The Assistant Chief Executive submitted a report which summarised the results of the Council's employment monitoring for 2007/2008 and to show the contribution individual departments made to the overall results.

Members were informed that the results of the Council's employment monitoring were published in detail in three separate reports, which were attached as appendices to this report:-

- Staff Audit Report;
- Recruitment Report; and
- Exit, Grievance and Disability Report.

The report explained that the Authority aspired to a workforce which generally reflected the local population and outlined the following two main drivers for this:-

- that the needs of Bolton's diverse local population was improved by having a diverse workforce which generally reflected that population; and
- to ensure that the Authorities recruitment processes were fair.

The report summarised the main findings and recommendations from all three previous reports and presented them as a coherent picture.

**It was agreed that the report be noted.**

(The meeting started at 10.00 a.m and finished at 11.15 a.m)