

HUMAN RESOURCES, PERFORMANCE AND DIVERSITY

A record of decisions made by the Executive Member with responsibility for Human Resources, Performance and Diversity on:-

WEDNESDAY, 30TH JANUARY, 2008

following consideration of the matters detailed below in the presence of:-

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|--------------------------|-----------------------------------------------------------------|
| Councillor White | Executive Member for Human Resources, Performance and Diversity |
| Councillor. R. Allen | Major Opposition Spokesperson |
| Councillor. J. Silvester | Minor Opposition Spokesperson |
| Councillor Mrs. Thomas | Executive Member for Children's Services |
| Councillor Adia | Executive Member for Development |
| Mr. F. O'Malley | Head of HR and Employee Relations |
| Ms. M. Asquith | Director of Children's Services |
| Mr. K. Davies | Director of Development and Regeneration |
| Mr. A. Donaldson | Head of Policy and Improvement |
| Mr. G. Parr | Senior Lawyer |
| Mr. T. Sinkinson | Strategic Services Manager |
| Mr. J. Smethurst | Chief Housing and Regeneration Officer |
| Mr. A. Seera | Corporate Policy Officer |
| Ms. B. Newman | Policy Accountant |
| Mr. J. Kerambrum | Democratic Services Officer |

54. MONITORING OF EXECUTIVE MEMBER DECISIONS

The Director of Legal and Democratic Services submitted a report which contained monitoring information related to decisions taken at the Executive Member's previous meetings.

The Executive Member for Human Resources, Performance and Diversity NOTED progress on the decisions previously taken, as detailed in the Appendix to these minutes.

55. AUTHORITY TO SETTLE OUTSTANDING HIGH RISK EQUAL PAY CASES

The Director of Legal and Democratic Services submitted a report which sought the Executive Member's approval to make a contribution to the legal fees of no win no fee solicitors who were representing claimants with equal pay claims with a view to settling high risk cases.

By way of background information, the Executive Member was reminded that the Council had received a large number of equal pay claims largely from female employees. These claims had been brought in the Employment Tribunal in Manchester. The majority of claimants were represented by a solicitors firm called Stefan Cross who had successfully brought claims on behalf of female employees in the north east. They were engaged by the claimants on a no win no fee basis.

The report stated that an exercise was carried out last year to identify cases which were felt to be of high risk to the Council. Following this exercise payments were made to potential claimants based on a matrix which took into account their years of service and hours worked. Several signing days were held by the Council and the success rate for these days was 97%. Employees who had instructed Stefan Cross solicitors did not attend these signing days. It was believed that there were 93 Stefan Cross claimants who were of high risk to the Council as their claims would be likely to succeed at an Employment Tribunal.

The report explained that Andrew Hillier QC had been instructed to represent the Council in connection with the equal pay multiple litigation. He had advised that the Council should make offers to claimants who fall in the high risk category in an attempt to settle these matters. As an incentive to Stefan Cross, Mr Hillier had advised that it would be appropriate to offer to pay a contribution of Stefan Cross's fees as part of the settlement offer. The amount suggested was 10% of the figure in the matrix plus VAT. This would involve an additional payment of between £28.60 and £800 plus VAT depending upon the amount of compensation to which the claimant would be entitled in accordance with the matrix. This approach was felt to be necessary, as within the terms of Stefan Cross's retainer there were significant financial disincentives for claimants to accept settlement without Stefan Cross's fees having being met.

**The Executive Member for Human Resources,
Performance and Diversity AGREED –**

To authorise the Director of Legal and Democratic Services to put forward offers to settle high risk cases, as detailed in the report.

56. INTERNATIONAL RECRUITMENT OF SOCIAL CARE STAFF

The Director of Children's Services submitted a report which requested the Executive Member's approval for the adoption of the Code of Practice on International Recruitment of Social Care Staff.

The report advised that all Councils had been advised to formally adopt this Code of Practice on recruiting social care staff from abroad when it was considered appropriate. Although, this was not the route generally used for recruitment, adopting the Code of Practice would be a positive act to demonstrate integrity in recruitment approaches. In addition, if it was deemed appropriate to consider international

recruitment, this could be done within a Council approved, best practice ethical framework.

The Social Care Code of Practice for International Recruitment was appended to the report.

The Executive Member for Human Resources, Performance and Diversity APPROVED –

(i) The Adoption of the Code of Practice on International Recruitment of Social Care Staff; and

(ii) That discussions be opened to ensure that all agencies and suppliers of Social Care work within this Code of Practice as a standard contractual clause.

**57. ELECTED MEMBER DEVELOPMENT STRATEGY
PROGRESS**

The Assistant Chief Executive submitted a report that provided an update on the progress of the Elected Member Development Strategy and informed the Executive Member of the way forward for Elected Member development, building on the progress and achievements to date.

By way of background information, the report stated that in 2007, Bolton Council gained the North West Charter Award and a regional award from the Municipal Journal recognising the quality of its Elected Member Development. This was further endorsed as part of the organisation's Continuous Performance Assessment.

The report stated that proposals had been drawn up from a variety of sources, which included Elected Members themselves, that would maintain the impetus of Elected Member Development provision in 2008 – 2009 and retain members' and officers' commitment.

The report stated that these proposals had led to a number of time limited recommendations that included the following:-

- to refresh the induction for new members by March or April, 2008;
- to simplify the Personal Development Plan (PDP) process and its documentation by April, 2008;
- to prepare annual training programme in advance of the PDP process implementation by 2008; and
- to re-run the PDP process again aiming for 100% commitment.

The Executive Member for Human Resources, Performance and Diversity NOTED -

(i) the progress made to date on Elected Member Development and ENDORSED -

(ii) the further planned actions recommended in the report.

58. PERFORMANCE CHALLENGE TO CHILDREN'S SERVICES

The Director of Children's Services submitted a report that provided the Executive Member with a contextual knowledge of the Children's Services approach to performance management and invited challenges on the processes and reporting mechanisms as well as any suggestions for improvement.

The report stated that the Children's Services definition of performance management was to take action in response to the actual performance and in the process make outcomes for Children and Young People in Bolton better than they would otherwise be.

The report outlined the Children's Services Department's approach to Performance Management under the following headings:-

- Children's Services Performance Drivers;
- Joint Area Review and Annual Performance Assessment 2007;

- Performance Data;
- Data Quality;
- Corporate Business Planning Process;
- Performance Management Processes in Children's Services;
- Children's Services Performance Dashboard;
- The Departmental Big Issues for 2008; and
- Members' Questions.

Attached to the report was a copy of the Children's Services Quarter 2 Performance Management Dashboard 2007/2008. This provided an update on the performance of Children's Services in a number of key areas upto the end of September, 2007.

The Executive Member for Human Resources, Performance and Diversity APPROVED -

The performance management arrangements within Children's Services Department and the actual performance information at Quarter 2 2007/2008.

59. DEVELOPMENT AND REGENERATION PERFORMANCE MANAGEMENT OVERVIEW

The Director of Development and Regeneration submitted a report that requested the Executive Member to consider the contents of the report and its findings, agree the areas for future development and endorse the improvement actions contained within the report.

The report outlined the approach that the Development and Regeneration Department had taken in relation to performance in areas relating to Finance, Diversity, Human Resources and the Corporate Business Planning Process.

The report also included an overview of performance during 2007/2008, which, upto the end of Quarter 2 2007/2008, the Development and Regeneration was able to report good performance against all its targets.

The report went on to explain that as part of the departments comprehensive approach to performance management it was committed to continual improvement. The Executive Member was informed that the following areas would be strengthened within the department during 2007/2008:-

- Local Area Arrangements and National Indicator Set;
- Local Performance Indicators;
- HR Information; and
- Complaints.

**The Executive Member for Human Resources,
Performance and Diversity NOTED –**

- (i) The contents of the report and its findings; AGREED-**
- (ii) The areas for future development; and ENDORSED -**
- (ii) The improvement actions contained within the report.**