

BARNSELY METROPOLITAN BOROUGH COUNCIL

OVERVIEW & SCRUTINY COMMITTEE

9th JUNE 2015

1. **Present:** Councillors Ennis (Chair), P. Birkinshaw, G. Carr, Clarke, Clements, Davies, Frost, Hand–Davis, Hayward, Johnson, Makinson, Pourali, Sheard, Spence, Tattersall, Unsworth, Wilson, Worton, together with co-opted members P Gould, J Whitaker and J Winter.

Apologies for absence were received from Ms K Morrith in accordance with Regulation 7 (6) of the Parent Governor Representatives (England) Regulations 2001.

2. **Declarations of pecuniary and non pecuniary interest**

Due to the discussion during the meeting, Cllr Jeff Ennis (Chair) declared an interest due to being a Berneslai Homes Board Member.

3. **Previous minutes**

Minutes of the meeting held on 7th April 2015 were approved as a true and accurate record.

4. **Corporate Plan Performance Report – Quarter 4: 2014 /15 Sickness Absence**

The Chair welcomed the witnesses to the meeting, which included:

- Julia Bell, Director of Human Resources, Performance and Communications
- Councillor Robin Franklin, Cabinet Support Member for Corporate Services

J. Bell gave an introduction to the Quarter 4: 2014/15 Sickness Absence Report explaining that total sickness had fallen to 10.4 days, but this was still short of the target of 9 days.

The two most common conditions identified were Mental Health and Musculoskeletal problems, although both of these are common to public and private sector employees.

There are still areas for development within the Council in relation to the management of sickness absence, as some managers are reluctant to take action in relation to sickness. All sickness absence is acknowledged as being genuine, but the level of some is unacceptable.

Consideration has been given to an Occupational Health Nurse being the first point of contact when reporting sickness instead of an employee's line manager which is the current procedure.

There is a robust system in place for the reporting of sickness and there has also been an improvement in the method of recording absences. Additional help is available from the 'BOLD' online training, as well as the 'Well@Work' section on the Council's website.

Members proceeded to ask the following questions:

- (i) With reference to the data provided in the report (Copy B, item 1.5), please could Members be provided with the number of employees within each directorate as this would provide a better indication of the number of absences?

It was explained to members that this information is now available and can be forwarded to Members after the meeting.

- (ii) The Council is acknowledged as being a good employer that recognises Trade Unions; however, there is no representative from them at today's meeting; have they been involved with the current proposals for managing attendance?

Members were advised a new Managing Attendance policy had been approved at Cabinet last week which included the trigger for monitoring sickness absence reducing from 8 to 6 working days within a rolling 12 month period. Consultations took place with the relevant trade unions and they have expressed concern in respect of the tightening of the triggers. However this change in policy allows managers to have conversations and provide support at an earlier stage to employees.

- (iii) In Copy C, item 3.4, the report appears to be negative with regards to managers allowing employees to stay in work even though medical evidence would support a dismissal on grounds of ill health, however if this occurs, employees are often unable to access their pension?

The group were advised that if an employee is unfit to carry out their role, the Council tries to find them a redeployment opportunity rather than dismiss them on the grounds of ill-health. However, due to the reduction in the number of roles this has become increasingly unlikely and leaving under these circumstances does not guarantee access to their workplace pension. Within the last ten years there have been significant changes in respect of eligibility as the criteria has got tighter. If awarded, the Pensions Authority would determine which of the three tiers of payment is awarded; the highest level would be awarded in the most severe cases where someone is chronically ill. Following the decision on the level of payment, should the employee disagree with this, they then have the right to appeal which the Council helps to support them with when requested.

- (iv) What is the success rate of such pension appeals?

The service advised that they did not have this information to hand but could forward it to Members after the meeting.

- (v) When enquiring about any incidences of bullying 3 years ago, it was reported that there was none. What has to be done to report it, how many incidences of bullying have been recorded and how many gagging orders have there been?

The committee was advised that the information given advised that there was no evidence of widespread bullying and harassment, not no instances. In the 2011 and 2013 employee surveys the same question regarding bullying and harassment was asked which showed a slight increase, however responses also indicated that employees felt more comfortable to report it. The survey will also be held again in September 2015.

The Equality Scheme is going to Cabinet in June which checks that the voices of minority groups are being heard. The Council has a long established Whistleblowing Policy, which is a highly confidential service that is managed by two designated senior managers where employees can report any concerns. Every allegation that is made is fully investigated and if necessary, independent agencies will be consulted. There is no automatic access to the number of reports made as this information is highly confidential, but this can be referred to Andrew Frosdick, Director, Legal & Governance or Rob Winter, Head of Internal Audit if you require any further information.

Members were advised that 'Gagging Orders' is a term that the press have associated more with the NHS and they do not operate in the Council, employees are openly encouraged to report any allegations of bullying. J. Bell advised that she meets with the Trade Unions on a weekly basis and any issues reported are dealt with. It was explained the Council is very transparent and open with regular communication received from the Chief Executive. Both 'Straight Talk' and 'Terris Talk' newsletters actively encourage contact from employees.

Therefore we have both formal and informal provision to enable employees to report problems.

(vi) Are there incidents of 'Mutual Settlement Agreements'?

The group was advised that Settlement Agreements feature under employment law and are recommended for use by the Department for Business, Innovation and Skills. These are mutual agreements signed by both the employer and the employee where they agree to part company and it is subject to confidentiality. These are only considered in exceptional circumstances and can be for a range of reasons.. In these cases a financial judgement has to be made and the most cost effective resolution has to be adopted. A limited number of settlement agreements are made per year, J. Bell is involved in those involving staff employed by the Council. Schools also use settlement agreements but they are recommended for approval by the Head teacher, and if accepted are then ratified by the Council.

(vii) How does the Council compare with other local authorities and to the private sector with regards to sickness absence; also is the target of a maximum 9 days' absence realistic?

Comparisons with the private sector are difficult as this would involve examining their 'Terms and Conditions' as often their policies on sickness absence in relation to pay is likely to differ. Some organisations do not pay for sickness absence, therefore their levels are lower, however the service advised this is not something we would want to do as an organisation.

The committee was advised although the current figure is 10.4 days; reducing this to the target of 9 days is achievable and then hopefully this figure should continue to reduce.

(viii) What are the causes of the Mental Health problems, how successful are the return to work interviews and have the policies been equality impact assessed?

It was explained there are two main causes; firstly, it can be work place related, such as adapting to change, and secondly due to domestic circumstances in an employee's personal life which can manifest at work.

The success of the return to work interviews can vary, with some managers being better than others at conducting them. Such interviews will now only be conducted after a minimum of three days' continuous absence rather than every absence, which means we can make sure managers are robustly following this process.

All of our policies are equality impact assessed and the sickness policies sit side by side with our disability policies, for example if you're off work due to a disability this does not show in our statistics.

(ix) Do we have mental health support in-house for employees?

The service advised that we used to employ a general counsellor however this was expensive, particularly when employees had lots of different issues which couldn't be dealt with under this umbrella approach. Therefore we now buy in targeted support which is better than a one size fits all model.

(x) How does the Council compare to Berneslai Homes in relation to sickness absence?

It was explained to the members this information can be provided; Berneslai Homes operate the same sickness policies as the Council and similarly provide an extensive range of flexible working patterns. It was noted that the Council provides generous leave, there is a

disability leave policy, options for phased returns to work and work place counselling is offered.

- (xi) Is there a potential for the absence figures to be artificially higher as an employee might return to work when they have not fully recovered, resulting in further absence to complete their recovery?

The group were advised this should not happen as there is only one trigger which is about prompting managers to have a conversation with the employee concerned. By talking with employees we can try to discuss when they will return to work and try to resolve any reoccurring issues.

- (xii) How realistic is achieving the target of 9 days sickness absence and would offering incentives to employees help?

Members were advised there should be no reason as to why this cannot be attained and everything will be done to achieve it. It was explained that employees are well paid, also the Council is a good employer with the terms and conditions that are given including generous annual leave.

An Employee Excellence scheme is to be introduced, which will recognise employees who have shown additional commitment and dedication; their nomination will be made by their peers, and the recipients will be recommended for the 'Pride of Barnsley' award. It was noted that 1632 employees did not have any sickness absence during the last reporting period.

- (xiii) Would it be beneficial for an employee to contact an Occupational Health Nurse, instead of their manager when notifying of their sickness?

It was explained to Members that there is currently a shortage of Occupational Health Nurses therefore they are difficult to recruit. If there was to be a nurse-led service there would need to be clear procedures as to how this would work, however as sickness is dealt with by managers and not HR, we would need to ensure management buy-in. It is recognised that a nurse would be more likely to ask more probing questions when the initial telephone call is made which may help in resolving issues.

- (xiv) Do we undertake investigations with regards to Industrial Injuries?

There have been no incidences of industrial injury recorded in this quarter. There has been a reduction in such injuries due to the improvement in Health and Safety policies and training within the workplace. 98% of employees who completed the most recent Employee Survey confirmed they know their health and safety responsibilities. We still occasionally have industrial injuries and these are recorded in an accident book.

- (xv) Absence in relation to mental health is high, if people are stressed is there someone people can go to at work?

There is provision for staff to self-refer to a Counsellor at BMBC. This service helps to prevent employees going off sick and this is also accessible to Members when required.

- (xvi) How comfortable are managers in contacting their staff when they are absent from work, and what is classed as being long term sickness?

Members were advised some managers can be uncomfortable with contacting their staff as they do not want to then be accused of bullying. This can cause a dilemma as if no contact is made, then the employee can feel as though they are being ignored, therefore a balance has to be struck.

The service confirmed that long term sickness is classed as four weeks continuous absence, this is not accumulative.

- (xvii) What support is available for employees who are absent due to sickness, and would it be beneficial for there to be more 'face to face' contact?

Information is available on the 'Wellbeing' section of the Council's website, where there is also the opportunity to post comments. Online 'BOLD' courses are also available for completion which can provide further support and assistance.

In certain situations employees can be temporarily redeployed and then return to their permanent post when they are able to. Provision is made for disabled employees such as information being made available in extra large print, or equipment is provided at work for employees with physical disabilities.

Employees are also encouraged to put forward their ideas with regards to how improvements could be made via a variety of forums.

- (xviii) With reference to the data in the report detailing the actual sickness absences for quarters 1 to 4 for 2014/15, why was there a considerable increase within the Public Health Directorate in quarter 3?

The committee was advised this is a small team and there had been a few employees who had been off on long term sickness, however this will change and improve on the next quarter report.

The Chair thanked the witnesses for their contribution to the meeting.

5. Corporate Plan 2015-18

A presentation of the Corporate Plan 2015-18 was given by Michael Potter, Service Director, Organisation and Workforce Improvement. The presentation outlined the challenges and opportunities faced by the Council, its achievements, its vision and values and priorities.

Members proceeded to ask the following questions:

- (i) How can we ensure vulnerable adults in nursing homes are being looked after?

It was explained to members that Corporately, Outcome 8 is about ensuring both adults and children are safe from harm. Kath Harris would be the contact to provide information regarding specific queries in relation to adult nursing homes.

- (ii) Is there funding available for Apprentices?

It was explained to the group the Council funds 35 places for apprenticeships and individual service areas are encouraged to consider recruiting apprentices. The target for the number of apprentices employed within the Council is 2.5%; however, services have been reluctant to take on apprentices during the recent changes within the Council. Training for Apprentices is funded however the Council has to pay £100 for them per week towards their wage.

- (iii) Have there been experiences of any problems with the volunteering policy; the figures in the Corporate Plan 2015-18 detail only 138 days as being volunteered. Also to volunteer as part of 'Friends of Cannon Hall' requires completion of a 4 page form which we have been unable to change?

The committee were advised there are no issues with the policy, employees are actively encouraged to participate and a variety of activities are made available. In terms of volunteering, certain administrative procedures need to be completed, however we are trying to reduce these and we will check regarding the forms for Cannon Hall.

- (iv) The focus on economic regeneration within the plan is welcome, including large numbers of jobs created; however is there any intention to look at the quality of jobs being created in the Borough?

It was advised that any specific questions regarding this would need to be referred to Mark Lynam, Head of Economic Development. He has attended a previous Scrutiny Committee meeting; therefore this is something the committee could consider re-visiting in the future.

- (v) Have the Council's new visions and values been accepted by employees?

It was explained to Members that the vision and values were conceived by employees following consultation at every level. Future Council commenced on 1st April 2015, unfortunately, due to logistical reasons, some of the new displays were positioned on the 31 March 2015 which coincided with the leaving date of some employees.

- (vi) Is there an action plan regarding how the outcomes in the plan are going to be achieved?

The committee was advised that there is a document which details 120 performance indicators which detail how outcomes are going to be worked towards over the next 3 years which can be provided to the committee.

6. Overview and Scrutiny Work Programme for 2015/16

The potential Work Programmes for the Overview and Scrutiny Committee, Safeguarding Scrutiny Committee and 3 Task and Finish Groups were outlined.

Members were invited to make suggestions regarding the key topics they felt should be covered in the work programme during the meeting as well as to email either Anna Morley (Scrutiny Officer) or Councillor Jeff Ennis (Chair) after the meeting. Members were advised that once the work programmes were drafted they would be invited to sign up to one of the 3 Task and Finish Groups.

The Chair thanked all attendees for their contribution and declared the meeting closed.

Action Points

- 1) HR to provide information to Members on the breakdown of numbers of people in Directorates as per the data in Copy B, item 1.5.
- 2) HR to provide information on the success rate of the appeals made in respect of pensions.
- 3) HR to provide the sickness data comparison with Berneslai Homes.
- 4) HR to check requirements for volunteering form for 'Friends of Cannon Hall' are all necessary.
- 5) Michael Potter to provide the committee with the list of Performance Indicators which sit behind the Corporate Plan.
- 6) Members to contact either Anna Morley (annamorley@barnsley.gov.uk) or Councillor Jeff Ennis (cllrjeffennis@barnsley.gov.uk) regarding suggested topics for the Scrutiny Work Programmes.