

**Minutes of a meeting of the
Joint Staff Committee
Adur District and Worthing Borough Councils**

Remote Meeting

17 November 2020

Councillor Brian Boggis (Chairman)

Adur District Council:

Kevin Boram
Lavinia O'Connor

Worthing Borough Council:

Karen Harman
Paul Baker
Carl Walker

*Absent

JStC/1/20-21 Substitute Members

There were no substitute Members.

JStC/2/20-21 Minutes

Resolved that the minutes of the Joint Staff Committee meeting held on the 25 November 2019, be approved as an accurate record and signed by the Chairman.

JStC/3/20-21 Declarations of Interest

There were no declarations of interest by those present.

JStC/4/20-21 Public Question Time

No questions had been submitted in advance.

JStC/5/20-21 Items Raised under Urgency Provisions

There were no items raised under urgency provisions.

JStC/6/20-21 Leave Policy

Before the Committee was a report by the Director for Digital Sustainability & Resources, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 6.

The report sought approval of the Adur & Worthing Councils Leave Policy.

The Chair introduced the Head of Human Resources to present the report.

The Officer advised the report was being considered at the Committee meeting as back in April 2020 the Parental Bereavement Leave and Pay Regulations changed which implemented a statutory right to a minimum of 2 weeks' leave for all employed parents if they lost a child under the age of 18, or suffer a stillbirth from 24 weeks of pregnancy irrespective of how long they had worked for their employer.

Members were advised that the Councils' proposal was to provide an increase in bereavement leave to all staff, under 7.5 of the Leave Policy, from 5 days to 10 days. As there had been specific rights attached to the legislative bereavement leave under The Parental Bereavement Leave and Pay Regulations, Appendix A had been attached to the Policy.

Members raised no queries for clarification.

The Committee Members voted unanimously to accept the Officer's recommendation.

Decision

The Joint Staff Committee **APPROVED** the amended Leave Policy; agreed it be implemented with immediate effect; and agreed to delegate authority to the Head of Human Resources (in consultation with the Chief Financial Officer and the Head of Legal Services, where relevant) in order to make minor and non-consequential amendments to the Policy at any time.

JStC/7/20-21 Alcohol and Drug Policy

Before the Committee was a report by the Director for Digital Sustainability & Resources, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 7.

The report sought approval of the Adur & Worthing Councils Alcohol & Drugs Policy.

The Chair introduced the Head of Human Resources to present the report.

The Officer advised Members that it was a revised Policy the Committee was being asked to consider and if approved, would replace the current Alcohol & Drugs Policy Guidance dated June 2014.

Members were advised the main changes to the Policy were that the consumption of alcohol during work hours, including lunch and break times, and whilst on Council business, would be prohibited. A new section 7.0 on Drug and Alcohol screening would also be included whereby employees would be tested should their role be one of those either on one of the most safety critical roles or safety critical roles listed in Appendix 1 and 2). A Manager's Alcohol or Drug Testing Checklist would also be included (Appendix 3).

A Member sought clarification as to whether the Policy covered those employees who had drunk the night before attending work in the morning and questioned how the safety critical roles had been determined. Another Member was concerned about staff who may have left work, enjoyed a drink at home in the evening but were called out to assist with an emergency situation. How would the Policy address that situation?

The Officer confirmed that no staff were permitted to drink during working hours. If those staff were in safety critical roles and a Manager believed they still appeared to be under the influence of alcohol or drugs, they would run through the checklist with the member of staff. If necessary, the Manager would also be able to request the member of staff carry out a test.

As to whether any consideration had been to other groups of staff appearing on the safety critical roles lists, the Officer advised legal advice had been sought when compiling the lists, and were in line with Health & Safety guidelines.

On the final query, the Officer advised that should a member of staff be called out in the evening they would need to comply with the out of hours policy and rota and if the staff that work on the rota were on standby they were prohibited from consuming alcohol or taking drugs during their time on the rota.

The Committee Members voted unanimously to accept the Officer's recommendation.

Decision

The Joint Staff Committee **APPROVED** the new Alcohol & Drugs Policy with an implementation date of 1 December 2020; agreed to delegate authority to the Head of Human Resources (in consultation with the Chief Financial Officer and the Head of Legal Services, where relevant) in order to make minor and non-consequential amendments to the Policy at any time.

JStC/8/20-21 Exit Cap Payments

Before the Committee was a report by the Director for Digital Sustainability & Resources, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these minutes as Item 8.

The Head of Human Resources advised Members the Chief Financial Officer was also in attendance to answer queries on the report.

The Officer advised the report was a briefing paper on Exit Cap Payments brought to the Committee for Member's attention. The Officer outlined the three elements where were:-

- the implementation of the £95,000 cap on exit payments that came into force on 4 November 2020;
- the consultation regarding the Reform of the Discretionary Payments Regulations and Local Government Pension Scheme Regulations; and
- the proposal to require higher earners to repay severance payments if they secure re-employment in the public sector within 12 months.

The Officer's recommendation was as outlined within the report.

Members raised queries with the Officers for clarification.

A Member asked the Head of Human Resources how often an Exit Cap Payment was made and whether it was a regular occurrence. The Chief Financial responded that it was a fairly rare occurrence and did not necessarily affect only high earners. It could

affect staff who were relatively low paid and over 55, where there was a cost to pension strain. The Officer explained that under the current Local Government Pension Scheme (LGPS), if you were made redundant over 55, you would be entitled to access your pension as though you had retired at retirement age. However, it would not include added years, and your pension would not be actuarially reduced. If you were made redundant at 55, those pension costs could be significant, and if you also had long service, you could be entitled to a significant redundancy payment and therefore it would be easy to breach the £95,000 limit even if you were earning a moderate salary.

The Chief Financial Officer advised the Councils were in an unusual situation at present, insofar as whilst the £95,000 cap had been implemented, the LGPS regulations have not as yet been amended. The Officer concluded by advising the Councils made very few staff redundant and hoped the new regulations would be in place towards the end of the year.

A Member commented that he welcomed the proposal to require higher earners to repay severance payments if they secured re-employment in the public sector within 12 months.

Another Member agreed pension payments could easily exceed £95,000 and asked the Officer that if you could not reduce the payment to under that amount, would that mean you would be unable to make the member of staff redundant. The Chief Financial Officer advised that at the moment you could not make a person lawfully redundant due to the commitment within the LGPS regulations.

A Member agreed the Councils were in an awkward position but found it pleasing to note that not many staff were made redundant although he felt this may not always be the case.

Another Member requested that any proposed changes should be agreed with the Trade Union to the staff's best advantage.

Due to the legal uncertainty and the potential impact on both the Councils and its Officers, a Member proposed the Committee at present just note the paper, until the legal implications are understood, with the paper returning to the Committee for further consideration.

The Officers confirmed they were happy to bring the Policy back to the Committee for consideration, but made Members aware Officers needed to comply with legislation.

Decision

The Joint Staff Committee noted the contents of the current changes and reform proposals detailed in the paper; **AGREED** the paper return to them for further consideration once the legal implications were understood and **AGREED** to delegate authority to the Head of Human Resources (in consultation with the Chief Financial Officer and the Head of Legal Services, where relevant) in order to make minor and non-consequential amendments to the Policy at any time. The policies that will need to be reviewed, following the outcome of the consultation, will potentially include the Councils' LGPS Discretions Policy and the Managing People Change Policy.

The meeting was declared closed by the Chairman at 7.05 pm, it having commenced at 6.30 pm

Chairman