

FLINTSHIRE COUNTY COUNCIL
TUESDAY, 3RD NOVEMBER 2009

Minutes of the Special meeting Flintshire County Council held in County Hall, Mold on Tuesday, 3rd November 2009.

PRESENT: **Councillor C. Legg (Chairman)**
Councillor W.O. Thomas (Vice Chairman)

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, R.C. Bithell, C.S. Carver, J.C. Cattermoul, E.G. Cooke, D.L. Cox, P.J. Curtis, R. Davies, Mrs A.J. Davies-Cooke, A.G. Diskin, G.D. Diskin, Q.R.H. Dodd, R. Dolphin, B. Dunn, Mrs C.A. Ellis, E.F. Evans, J.E. Falshaw, Ms V. Gay, F. Gillmore, R.J.T. Guest, Miss A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, Mrs C. Hinds, H.T. Howorth, R. Hughes, N. Humphreys, H.D. Hutchinson, H.T. Isherwood, R. Johnson, C.M. Jones, N.M. Jones, R.B. Jones, Mrs S. Jones, R.P. Macfarlane, D.I. Mackie, Mrs D.L. Mackie, D. McFarlane, Mrs H.J. McGuill, Mrs A. Minshull, W. Mullin, T. Newhouse, E.W. Owen, M.J. Peers, P.R. Pemberton, M.A. Reece, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, D.E. Wisinger, A. Woolley, M.G. Wright and Ms H. Yale

APOLOGIES:

Councillors: C.J. Dolphin, G. James, N.M. Matthews, N. Phillips and D.T. Williams

Councillor: L.A. Aldridge was present but did not participate in the discussion.

IN ATTENDANCE:

Chief Executive, Director of Lifelong Learning, Director of Environment, Director of Community Services, Head of Human Resources, Head of Policy and Information Technology, Project Manager (Single Status) and Democratic Services Manager.

Also in attendance: Terence Leetch (GMB), Sarah Taylor (Secretary of FJTUC), Liz Lewis (Unite), Donna Hutton (Unison Regional Organiser), Peter Kane (Unison), Ian Jones (Unison), Mark Jones (GMB), Allan Parry (Unite).

88. PRAYERS

The meeting was opened by prayers said by The Chairman's Chaplain.

89. DECLARATIONS OF INTEREST

The Monitoring Officer reported that he had written to Members of the Council who had previously declared personal interests on this issue for them to consider if they may now have a prejudicial interest. He had received a response from a number of those Members concerned who had subsequently sought dispensations from the Standards Committee. He explained that on the previous evening (2nd November 2009) the Standards Committee had met to

consider the request for dispensations and agreed that Councillors J.B. Attridge, D. Barratt, C. Dolphin, R. Dolphin, R.P Macfarlane, A.P. Shotton and C. A Thomas be granted dispensations to speak and vote and Councillors N. Phillips and H. Yale dispensations to speak only which was consistent with their individual requests.

Councillor L.A. Aldridge reported that he had discussed his own personal situation with the Monitoring Officer. Councillor L.A. Aldridge sat away from the main body of the Council and did not participate in the discussion.

The Monitoring Officer explained that, at present, the Council was in open session whereby members of the press and public were able to be present. He had made this decision on the basis that the item had created considerable interest and had already received wide media coverage. He was satisfied at this stage that the purpose of the meeting was to discuss general principles and policies and not individual cases.

However, if Members proceeded to talk about individual circumstances or specific negotiations then he would ask the Council to consider the exclusion of the public and press. He advised that if Members wished to illustrate a point they should use hypothetical cases and not even refer to specific groups of employees as some members of any group referred to might be unhappy for their circumstances to be discussed. Members welcomed the advice of the Monitoring Officer.

90. NOTICE OF MOTION – SINGLE STATUS

The meeting of the Council had been arranged as a result of the receipt of the following:-

Requisition Notice

“We the undersigned request a special meeting of the County Council to consider the motion set out below.

In light of the impact that has arisen from the Single Status review which has resulted in a far higher loss of earnings by individual members of staff than the few hundred pounds that the Council was previously informed of we the undersigned propose that the Council rescind its previous decision to approve and adopt the Single Status agreement as set out in the report to the Council meeting of the 24th August 2009.

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, D. Barratt, C.S. Carver, D.L. Cox, P.J. Curtis, Q.R.H. Dodd, J.E. Falshaw, R.G. Hampson, Mrs C. Hinds, H.T. Isherwood, C.M. Jones, Mrs S. Jones, C. Legg, Mrs A. Minshull, W.O. Thomas, W. Mullin, D.E. Wisinger”.

Prior to the consideration of the Notice of Motion the Chairman indicated that, in his opinion, this was one of the biggest challenges the Council had to undertake. He expressed his personal concern at the considerable distress and

demoralisation that had been caused to staff as a result of this process. He referred to the number of staff who had received notifications of considerable reductions in their salaries and had seen how upset they had been. The Chairman indicated it was important for the Council to rectify anomalies with the focus on the losers in the scheme. He was particularly saddened that there was no evidence of regret of what he felt was an organisational nightmare and that no one in a senior position had said "sorry" for the distress caused. In the circumstances he took the opportunity to express, in his role of Chairman of the Council, a heartfelt "sorry" to all those people who had been badly affected.

He felt that the ideals to pursue were clinical objectivity and compassionate humanity which he felt were complementary to each other. He was hopeful of a united effort from Members to work together for the benefit of their employees. The Chairman suggested a happy workforce was essential and would bare dividends by making Flintshire more prosperous. He also referred to the Council's own motto "Gorau Tarian Cyfiawnder" translated as "The Best Shield is Justice" which he felt was a maxim that should be used for the Council's deliberations.

Councillor A.P. Shotton associated himself with the comments made by the Chairman which he felt were an excellent starting point to open the discussion and was an honourable way to proceed. Councillor P.G. Heesom associated himself with the remarks of Councillor Shotton and concurred with the excellent manner in which the Chairman had introduced the item.

The Chairman called upon Councillor K. Armstrong-Braun to formally propose the motion and, in doing so, Councillor K. Armstrong-Braun also apologised to staff for the distress caused. He then went onto expand upon the reasons for his support of the motion. He felt that the Council had been misled in relation to the maximum loss of salaries to individuals. He also referred to the roles of the unions and as they appeared to be happy with the proposals led to the Council supporting the recommendation at the meeting in August. He continued that if all facts had been presented the Council may well have reached the same decision, in any case, but it was necessary for them to be fully informed. Councillor K. Armstrong-Braun suggested that the assessments were carried out some time ago and were now out of date and there had been many restructures within the Council since that time, and that these were still taking place. Councillor K. Armstrong-Braun went on to indicate that he felt it was apparent that there had been many serious flaws in the procedures that were adopted which had led to major anomalies. This had caused a great deal of distress to staff and demoralisation within the Council which he suggested inevitably affected the service to the citizens of Flintshire. He quoted examples of the losses of certain groups of staff. Councillor K. Armstrong-Braun felt that the staff engaged to undertake the evaluation and scoring were not fully qualified to undertake what was a difficult and complex task. He expanded upon other areas of concern and referred to the possible adverse affects on pensions of people who were at a certain stage within their career. For the reasons stated he asked the Council to support the motion. He was duly seconded by Councillor R.P. Macfarlane although he did not wish to be associated with the remarks relating to individual salaries. The Monitoring Officer reminded

Members of his advice earlier in the meeting in relation to quoting specific examples.

Councillor I.B. Roberts moved an amendment to the motion. In doing so he felt this meeting could be a step in addressing serious issues for the Council. In doing so he sought Members support to put people before politics in discussing the implications of the item under consideration. He suggested it would be difficult to comprehend the personal devastation which must have been felt by many members of staff when they had received details of substantial reductions in their pay. Councillor I.B. Roberts also referred to the suggestion for a hardship fund which he felt illustrated the unfairness of the proposals. He expressed his concern relating to the extreme inequality of the results. Councillor Roberts also suggested there was a need for greater examination in relation to how the pay model was drawn up. He then formally moved the following amendment and in doing so called for a recorded vote and urged his fellow Councillors to set aside political allegiances and support the Council's staff.

"Further to the motion we call upon this Council to reject, at this stage, Pay Model 33 because it was the fundamental cause of the problem and require the Chief Executive to develop a process which is wholly inclusive and requires detailed examination of all available models and options. Furthermore, it is essential that any outworkings will have protective measures built in thus avoiding the grotesque anomalies of the current scheme. We call upon Council to convene further meetings of this County Council to ensure a negotiated agreement can be reached with the Trade Unions based upon the principles of fairness and equity".

In seconding the amendment Councillor A.P. Shotton gave a brief overview of the situation in relation to Single Status. He referred to his own experience when he was Leader of the Council and the time when he was Deputy Leader to the late Councillor D. Darlington. Councillor Shotton indicated that he was a Member of the Steering Group dealing with Single Status and as far as he was aware he was the only remaining Member on the Council who was part of that group. He referred to some of the discussions within that period and in particular the issue of the pay model. In this respect he indicated that he did not concur with the view that the whole scheme was flawed but that the pay line was significant. He also referred to the situation where there was a compression of six grades into three which had forced down the pay of many members of staff. He also asked Members to consider taking a step back from Model 33 because he felt that would not address the overall problems. Councillor Shotton felt it would be useful to examine other alternatives to allow wider consideration. Councillor K. Armstrong-Braun and R.P. Macfarlane as mover and seconder of the original motion accepted this amendment for discussion.

The Monitoring Officer sought clarification on how the Council wished to continue and enquired if they wished to proceed to discuss the amendment which would become the substantive motion for discussion. The Council agreed to this.

Councillor L.A. Sharps felt that the issue required a degree of commonsense and commented upon the merits of the speeches made by Councillor I.B. Roberts and A.P. Shotton. Councillor Sharps then went on to comment that the concerns raised over the outcomes and consequences of the job evaluation process were shared across the chamber. Of particular concern was the range of gainers and losers on basic pay and the extent of financial loss that some individual employees would face. He indicated that the Council needed to reduce the range of gain and loss. In this respect he moved an amendment to the motion the effect of which would be to delete all the words after “in light of the impact that has arisen from the Single Status Review” and in their place insert the following words:-

“That the Council as the employer supports the proposals to delay the implementation of the proposed Single Status Agreement for further review of the job evaluation outcomes.

This will require the agreement of the Trade Unions as our partner in Single Status to reschedule a ballot of the workforce for a latter date once we have received and fully considered revised proposals on job evaluation and the workings of the pay and grading model.

Until that time the Council as the employer withholds its support for the provisional local proposals discussed at the special meeting held in August, noting that parts of the agreements, such as the Part III Agreement are acceptable in themselves.

The Council is recommended to support the eight actions listed in the briefing note circulated to all Members by the Chief Executive as the framework for this review. The Council will require regular reports on progress to be made to both the Executive and to the People and Performance Overview and Scrutiny Committee in the interim, and require the Chief Executive to work with all parties on revised proposals as a matter of critical importance.

The eight actions are:-

- Completing the next stage of organisation re-design.
- The method of job design and evaluation.
- An overview of extreme and possible inconsistent job evaluation results.
- Completing individual job maintenance work.
- The job evaluation appeals process.
- Exploring a “hardship” scheme.
- Drawing on advice and support.
- Setting a revised timetable.

The Council must remain committed to the conclusion of a local Single Status Agreement in accordance with the terms of the national agreement”.

Councillor Sharps had prepared copies of the amendment for all Members of the Council and these were circulated. He suggested an adjournment of 15 minutes to allow Members to read the amendment in detail

and to allow Group Leaders an opportunity to discuss it. The Chairman put this to the Council and it was agreed.

The Chairman then advised that discussions were taking longer than first anticipated and in the circumstances the adjournment would continue for a further 15 minutes.

Following the extended adjournment the meeting was reconvened by the Chairman. The Monitoring Officer reported that Group Leaders and Deputy Group Leaders had met and had agreed some slight adjustments to the amendment circulated in the meeting. He had discussed these with Union Representatives and although they were not entirely happy with certain aspects took comfort in the fact that they would be involved in further discussions on this issue. A copy of the amendment with the adjustments made, following discussions by the Group Leaders, was circulated to all Members of the Council. In moving this amendment Councillor L.A. Sharps paid tribute to all those Members who signed the original motion, those that had made contributions in the meeting today and the Group Leaders for their co-operation in achieving an agreement. Councillor A.P. Shotton in seconding the amendment welcomed the joint working with Group Leaders and was pleased that group politics had been put aside to work for the benefits of the staff. Councillor A.P. Shotton indicated this would now be an opportunity to put democracy into the process. Councillor K. Armstrong-Braun as a mover of the original motion accepted the amendment and felt this was the best way forward. Councillor R.P. Macfarlane as the seconder also agreed to this. Councillor A. Woolley the Leader of the Council also thanked the Council for their contribution and he hoped that everyone could work together to achieve an agreement.

Councillor Q.R.H. Dodd expressed a view that Councillors involved in the process must acquire expertise in this area. Although it was not part of the formal resolution he felt that it was necessary for a Task and Finish Group as a sub group of the appropriate Overview and Scrutiny Committee, should be established as part of the process. The Members involved would have to give a commitment to the process and be available for a time consuming exercise thus gaining the necessary expertise, in this respect he felt that no substitutes should be allowed on the group. Councillor S.R. Baker also welcomed the cross party involvement in the process.

Councillor A. Halford indicated that she had been a Member of a Single Status Working Group however she also referred to the opening remarks of the Chairman and the need to offer an apology to staff. In her opinion it was a bad day for Senior Management and in this respect requested that the Senior Management by way of the Chief Executive offer an apology to all staff for the distress caused. Councillor Halford also referred to the role of the Council and that they were the voice of the people who had elected them.

Councillor N.R. Steele-Mortimer indicated that he was pleased to be involved with the group and looked forward to being part of continuing discussions to achieve a solution. Councillor M. Peers disassociated himself with the remarks of Councillor Halford and felt it was not a time to seek blame

but a time to work together to achieve a solution and this was endorsed by a number of Members.

However, Councillor R. Johnson applauded Councillor Halford's comments and congratulated her for having the courage of her convictions.

In responding, the Chief Executive thanked the Council for its time and indulgence and the thoughtful manner in which the Council had adjourned to allow Members an opportunity to read the circulated document. He expressed his thanks to the Council for the support they had given him and the senior management team in intervening and producing the 8 point Action Plan which was detailed in the Briefing Note previously circulated to all Members. In this respect he also welcomed the addition of the ninth point which formed part of the amendment. The Chief Executive commented upon the three specific achievements on Single Status: the Model, Part III Agreement and the use of the Reserve. Throughout the process there had been a very positive and fruitful partnership with the Trade Unions. The Chief Executive explained that the Job Evaluation process had revealed a number of challenges which had been referred to in the confidential Briefing Note:-

- a range of possible inconsistencies and anomalies in comparative posts;
- the scale of extreme cases;
- the scale of organisational re-design work.

The Chief Executive particularly welcomed the comments of Councillor A.P. Shotton regarding the fact that the Job Evaluation process was not fundamentally flawed. The Chief Executive commented in depth upon the realisation that the Job Evaluation process had revealed organisational redesign challenges of a significant magnitude. He spoke about the GLPC JE Model and its common adoption and the fact that the Council and the Trade Unions had worked to national conventions on its application and that, in this context, the Job Evaluation was not fundamentally flawed. Continuing, he referred to the conflict that Job Evaluation reflected the old organisation during a period of redesign which was incomplete. The Chief Executive was keen not to attribute blame but referred to past years of limited or no organisational maintenance and the years of stored problems and challenges in structural and job design. He reiterated his earlier point in relation to the intervention made by Senior Management, with Trade Union support, and the eight actions identified in the Action Plan. The Chief Executive referred to the immediate work in progress on the eight actions and in particular the first four of these actions. However, he advised that it was imperative for a Single Status Agreement to be completed. Significantly, the first two tests of legality and affordability had been met, however, the challenge for the future was the test of acceptability.

The Chief Executive made it clear that he required the right of reply to comments made by Members and particularly the request for an apology. In doing so, the Chief Executive indicated that if he had an apology to make it was for not intervening earlier when the challenges became apparent and for himself and the organisation relying on solutions such as future maintenance and the Job Appeals process. Direct intervention was required and had been taken. He

then offered a further apology on behalf of the Council Membership, all Officers involved and the trade unions if the process had been lengthy and lacking in any respect from 2006 to the present time. He explained some of the reasons for the challenge and complexity and these had been detailed in his Briefing Note previously circulated:-

- the original job evaluation form may have been poorly completed by the employee and insufficiently checked/improved by their line manager;
- employees filling in their job evaluation forms may not have had enough advice and support in completing their forms;
- the evidence provided by some employees and their managers against their assigned job description and activities may have been insufficient to achieve the expected job evaluation score;
- it took three years to obtain job evaluation questionnaires from all employees and generic employee groups. As a result they could not be evaluated in like groups at the same time;
- the panels, although trained, might not have fully understood the complexities of some jobs in making their assessment;
- given the amount of overdue job design and maintenance work in the Authority, which had built up over a number of years, the job descriptions and job designs for some posts were out of date;
- some employees have a different perspective of their post (i.e. job complexity and demands) than the objective evaluation of an accredited evaluative model such as GLPC.

Dealing with such a sensitive issue, the Chief Executive called for calm and thoughtful leadership and gave a commitment to developing solutions in the organisation's best interests with fairness, equity and care to meet the three tests. He reiterated that there was a need for urgency and welcomed the cross chamber unity and the comment of "people over politics". He supported the views expressed by Councillor Q.R.H. Dodd concerning the need for Members to renew and update their awareness and understanding of the issues and the need for a form of senior steering group. The Chief Executive's comments were met with support in the Chamber.

The Chairman put the amended motion to the Council and it was carried. The earlier suggestion of a recorded vote was not pursued.

RESOLVED

"That the Council as the employer supports the proposals to delay the implementation of the proposed Single Status Agreement for further review of the job evaluation outcomes.

This will require the agreement of the Trade Unions as our partner in Single Status to reschedule a ballot of the workforce for a latter date once we have received and fully considered revised proposals on job evaluation and the workings of the pay and grading model.

Until that time the Council as the employer withholds its support for the provisional local proposals discussed at the special meeting held in August, noting that parts of the agreements, such as the Part III Agreement are acceptable in themselves.

The Council is recommended to support the nine actions listed in the briefing note circulated to all Members by the Chief Executive as the framework for this review. The Council will require regular reports on progress to be made to both the Executive and to the People and Performance Overview and Scrutiny Committee in the interim, and require the Chief Executive to work with all parties on revised proposals as a matter of critical importance.

The nine actions are:-

- Completing the next stage of organisation re-design.
- The method of job design and evaluation.
- An overview of extreme and possible inconsistent job evaluation results.
- Completing individual job maintenance work.
- The job evaluation appeals process.
- Exploring a “hardship” scheme.
- Drawing on advice and support.
- Setting a revised timetable.
- Reconsider the use of Pay Model 33.

The Council must remain committed to the conclusion of a local Single Status Agreement in accordance with the terms of the national agreement”.

91. WELSH AUDIT OFFICE CORPORATE GOVERNANCE

The Monitoring Officer asked that Members complete the questionnaire requested by Welsh Audit Office in relation to Corporate Governance by 12th November 2009. He understood that only 14 had done so to date.

92. DURATION OF THE MEETING

The meeting commenced at 2.00 pm and ended at 4.20 pm.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

FLINTSHIRE COUNTY COUNCIL	DATE:	3rd NOVEMBER 2009
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MEMBER	ITEM	MIN. NO. REFERS
AS DETAILED IN MINUTE NUMBER 89		