

# Administration and Regulation Committee

## Minutes

16 December 2020 at 6.00 pm

**Present:** Councillor Akbar (Chair); Councillors Abid, Adrees, Castleman (Vice-Chair), Lovell, S. Hussain, Mead and Wynn

### 57. Minutes (Ref: 2.1)

That the minutes of the meeting of the committee held on the 2 November 2020 be taken as read, approved as a correct record and signed by the Chair in due course.

### 58. Disclosures of Interest (Ref: 4)

Councillor Castleman declared a personal, but non-prejudicial interest in respect of Items 11 and 12 on adult social care, due to having a close relative residing in a care home. He remained in the meeting and took full part in the items.

### 59. Voluntary Separation Scheme - Update (Ref: 7)

The Business Manager, HR Strategy presented the report on progress following the approval of the Committee on 17 June 2020 to reintroduce the council's local Voluntary Separation Scheme (VSS). The committee had requested feedback on progress following discussion with Finance and the trade unions on the financial test.

She said no decision was required, as the report was for the committee to note the progress.

She added that the decision was taken in good faith to re-launch VSS in August 2020, after the emergency budget agreed on 14 July 2020, as a useful tool for those who wanted to use it.

Since re-launch, there had been 75 applications from employees aged over 55, who were members of the LGPS. Since August 2020, 21 applications had been approved, with 20 having met the financial test and one employee agreeing to reduce their contractual redundancy lump sum payment, to meet the 'financial test'. Consideration of 11 applications was paused, due to uncertainties over the new legislation.

The 'financial test' had been discussed with Finance and the trades unions. Trades unions wanted it amended to make it more generous to allow more employees to meet the financial test and leave under the VSS. However, as this would have increased the costs to the council, given its financial position, any change to the 'financial test' calculation was not supported.

The Business Manager added that the new legislation currently in force and the impending new legislation expected in 2021 had complicated the calculations for exit payments. She advised it was, therefore, not a good time to consider any changes to the financial test, as it could lead to false hope and people receiving less than expected. More information was set out in the report. Details of the new impending legislation requirements were expected early in 2021.

The Business Manager went on to say that currently exit payments needed to be recoverable within one year, but one of the main proposals in the impending LGPS regulations, if adopted, would lead to a different way of calculating exit payments. Redundancy payment would be either a contractual lump sum or an unreduced pension, not both, regardless of the overall £95k exit payment cap in the current new legislation. This would make it very difficult to predict the exit packages for anyone now wishing to apply for voluntary separation under the VSS. For that reason, she added that no new applications were being accepted, pending the final change to the LGPS in the New Year and it was clear how pension payments would be calculated across the country.

Following members' questions and comments, key further information provided and recorded were as set out in the below paragraphs.

On whether all the OCAs on the agenda for the meeting should be considered given the uncertainties, members were informed that they should go ahead, as the proposals were accounted for in the council budget and were within the £95k cap. Also, those under the age of 55 were unaffected by the pension scheme changes.

The Vice-Chair commented that he would be happy to note the report and invited comments from the Unison representative. Key points made were as set out below.

The Unison representative wanted to make sure members were aware about the effect of the OCAs on employees. She said the Union was disappointed that VSS financial test had not been broadened, so that more people could have applied for voluntary redundancy. Many were not working due to Covid and were anxious and stressed.

She commented that the council should have listened and done more since the 2014 consultation to avoid the large number of redundancies and see if any of them could have had voluntary redundancy.

In relation to use of agency workers, at a cost of £15m, the union had asked for details, which were never received. She wanted to know how many agency workers were working, whilst there was a recruitment freeze.

The union also wanted to know if the predicted savings from previous OCAs had been realised after the re-organisation.

(Note: Cllr Castleman, the Vice-Chair temporarily took the Chair, as Cllr Akbar, the Chair dropped out of the Skype meeting, due losing connection for technical reasons)

The Vice-Chair, in the Chair, commented that the council did not like to make people redundant, but that it was facing unprecedented times and usually tried all other avenues first. He added he had thanked the Service Director, HR and Monitoring Officer for ensuring that comments from trade unions were included in all reports.

The Corporate Director, Inclusive Economy, commented that all local authorities were affected by the pension scheme changes causing the uncertainties with the VSS. She added that the council had to agree an emergency budget in the summer and make some difficult decisions on job losses. In relation to the OCAs, she said that trade unions were always involved in the discussions and consulted as part of the process.

The Corporate Director went on to say that the number of agency workers had been reduced over the years. The council was now in a joint venture to drive agency cost down, which was now well below £10m, in relation to use of social workers.

She added that the recruitment freeze was enforced, unless an appointment was absolutely necessary for 'front line' service delivery or for business continuity.

The tracker on progress with savings regularly went to members. The council agreed £22m savings in the summer, which were also on the tracker for monitoring purposes. She was content to share the tracker with trade unions colleagues to show progress with savings.

A member was concerned about what the Unison representative was saying about inadequate consultation on OCAs and what the Corporate Director said about consultation with trade unions as part of the OCA process.

The Unison representative clarified that the unions had fortnightly meetings on the OCAs, which was adequate. Her concerns were about not knowing about the impact of the exit cap if someone was made redundant and not receiving basic information on numbers, when asked. She re-iterated her points were about voluntary redundancy, agency workers, the recruitment freeze and whether the savings were being achieved or not. She had no concerns about consultation.

The Corporate Director said she would be happy to share information on agency workers, the recruitment freeze and on the savings tracker with the trade unions. She re-iterated that there was a drive to reduce the number of agency workers, the Chief Executive having recently signed off the joint venture. She added that there had been some successes in getting agency workers to become permanent staff.

She went on to say that her regular meetings with the trade unions were good to share information. She explained that the re-deployment process had a long lead period, as affected employees went on the re-deployment list at the back end of the OCA process.

The Vice-Chair, in the Chair, re-iterated the council was facing difficult times and had been forced to cut back in the last few years and now due to Covid. He was content the basic information asked by the trade unions would be given to them.

The HR Business Manager concurred with the Corporate Director. Recent discussions with the trade unions had seen changes to the redeployment process to allow employees within OCAs to be considered for redeployment earlier in the process rather than once this committee had agreed the changes. She added that this gave employees a better chance to apply for and secure roles right up to the point the OCA was submitted to the committee for approval.

The Vice-Chair, in the Chair, moved that the recommendation in the report be noted, which was agreed.

**Resolved:** That the report on progress on the reintroduction of the council's local Voluntary Separation Scheme be noted.

## 60. Economic Growth and Skills OCA (Ref: 8)

The Service Director, Inclusive Growth and the Service Manager, Economic Growth and Skills presented the report on the Economic Growth and Skills OCA (Ref: 8), seeking the committee's approval for the proposed changes to the staffing structure, including the cessation of the crèche team within Economic Growth and Skills.

Key points outlined were as set out below.

The Council's Economic Growth and Skills Service consisted of two areas - Adult Learning and Economic Development.

Adult Learning was an externally funded service and must comply with external funding criteria to draw down a large amount of the funds, with a smaller amount coming from income generation.

Economic Development was in part funded by the Council base budget and part by the Butterfield reserves, which was ring-fenced for economic activity in Luton.

The impact of the Covid-19 pandemic had resulted in a variation in provision and priorities for both Adult Learning and Economic Development.

For Adult Learning, which was mainly classroom based, the service had to be re-shaped to online and digital ways of working.

The Economic Development Team also had to change. This followed on from the emergency budget, the Luton 2040 priorities and the Executive sign-off of the Economic Recovery Plan and associated funding. The Economic Development Team needed the right structure in place to drive and respond to the changes.

Consultations with the trade unions took place in September 2020. There has also been engagement with affected employees, through staff meetings and one to ones and feedback considered.

All voluntary redundancy payments would be within the £95k cap. There would be some flexibility to accommodate early exits in response to the new anticipated government guidance.

The Service Manager, Economic Growth and Skills addressed the committee. Key points made were as set out below.

The two elements of Economic Growth and Skills, i.e., Adult Learning and Economic Development, would be effected in different ways by the proposal.

Adult Learning was externally funded, with the funds being drawn down based on a set of criteria, which had been significantly affected by Covid-19 since March 2020, due to the closure of schools, where pre-Covid learning had been delivered face-to-face.

During the transition period, where possible work had been switched to a mixture of online and classroom learning, with the latter catering for only a small number of learners due to the social distancing rule. This had led to the proposal for staff reductions in the Adult Learning, as set out in the report.

Due to Covid, Economic Development had shifted its delivery, focusing on response to economic recovery, working in different ways to support local businesses to enable them to be more self-serving.

There were potentially four redundancies proposed within Economic Development, with one affected employee having expressed an interest in applying for voluntary redundancy. The other three would seek to be re-deployed and, if not successful, would be made compulsorily redundant.

Following questions and comments from members, further key points recorded were as set out below.

On the children's centre and schools, she said the service level agreement with the Early Years Alliance was not renewed, and therefore the income was no longer available.

In relation to what would happen when schools re-opened as normal, the Service Manager believed that the situation was an indefinite one, with schools not wishing to have external people (i.e. crèche) coming in. However, if the situation changes, the service would contact those staff affected as part of any recruitment

The Vice-Chair, in the chair, commented that, in relation to staff with transferrable skills, the council should be looking at re-deployment to avoid the redundancy route. The Service Manager reassured the committee that staff had already taken up reassignment opportunities due to transferrable skills such as in Customer Services.

He moved that the proposals in the recommendation in the report be approved, which was agreed.

**Resolved:** That the post deletions and changes and the implementation of the new staffing structure, as outlined within the report (Ref: 8) and summarised below, be approved by the Committee as follows:

- i. One employee be slotted in
- ii. Three employees be ring-fenced for interviews for three jobs
- iii. One employee be offered suitable alternative employment at a grade lower, with 18 months' pay protection
- iv. Two employees be allowed to change their contracts to fixed term
- v. Eight employees be made redundant, six of which due to the cessation of the crèche service
- vi. Three Economic Development Officers be made redundant, if not redeployed, although one has expressed an interest in voluntary redundancy

(Note: Cllr Akbar re-joined the meeting at this point and resumed as Chair)

## 61. Business Intelligence, Organisational Change Assessment (Ref: 9)

The Business Intelligence Manager presented the OCA report (Ref: 9), seeking the approval of the Committee for the proposed changes to the staffing structure of the Business Intelligence Team.

She said the OCA proposals reflected minor changes to the data team, with two posts recommended for deletion to save £95K. No redundancies were proposed, as both posts were currently vacant.

In the absence of any questions or comments, the Chair moved that the proposals in the recommendation in the report be approved, which was agreed.

**Resolved:** That new Business Intelligence team structure, within the Population Wellbeing Department be approved as follows:

- i. The following posts be deleted:
  - Performance Analyst x 1
  - Corporate Performance Manager
  - Data and Systems Assistant
  - Data and Systems Officer
- ii. The following new posts be created:
  - Data and System Support Officer x 2
- iii. The following already established posts be updated:
  - The job title of the Performance and Relationship Manager role to remove the specific departmental focus
- iv. The following team name be updated:
  - The team name of the Adults and Public Health performance team
- v. The following post be moved:
  - Management of one performance analyst

## 62. Yearly Complaints Report (Ref: 10)

The Business Intelligence Manager presented the yearly complaint report (Ref: 10) to inform the committee of the break down with complaints received by the council, as set out at Appendix A to the report.

She said that a previous manager, who had since moved back to their substantive role, prepared the report, but that she would try to answer any questions, as best as she could.

She informed members that there were two types of complaints – stage 1 and stage 2. The council had a complaints procedure, which covered both stage 1 and 2 complaints. There were separate complaints processes for children and adults.

If complaints were not resolved, they were referred to the Ombudsman for adjudication.

Due to Covid, she said that the number of complaints were expected to increase, which would be reflected in the 2020/21 annual report.

In 2019/20, there were slightly fewer Stage 2 complaints and referrals to the Ombudsman, as complaints were resolved early.

Customer and Commercial had the most complaints, as they included figures for Housing and Revenues and Benefits.

The Chief Executive Department had the fewest complaints, as less public facing and tended to get those that did not fit exactly anywhere else.

Children Services' complaints in the People Department were low, but more complex in nature and needed some focus to keep numbers down.

However, performance remained stable across all areas. There were fewer cases referred to the Ombudsman, which was a positive due to the focus on resolving complaints as early as possible.

Up and coming developments included changes to the Housing Ombudsman service that would affect the council and require some changes to the complaints policy to separate Housing complaints, as currently included with others.

Management of complaints would be centralised in customer services in February 2021.

A new complaints and casework management system was to be procured and expected to go live in April 2021 to help members manage their case load and report back. It was expected to help improve performance and stop complainants going to the Ombudsman.

Dealing with members' questions and comments, the Business Intelligence Manager provided further information, with key points made recorded as set out below.

In relation to complaints about Housing, in particular standards of temporary accommodation and Housing Officers not visiting to assess, it was acknowledged that Housing complaints was a challenge in Luton and nationally. There was a plan to change the process to be more open. In the current process, complainant should have a visit or phone call. Part of the proposed changes to the Ombudsman Housing service included a requirement for councils to ensure tenants had a voice and received feedback, which should lead to an improvement.

Housing complaints would be part of future annual reports. The Business Intelligence Manager agreed to consult with Housing and report to a future meeting of the committee focusing on the Housing complaints process.

The Chief Executive Department received the few odd complaints that did not fit anywhere else, which was not a problem, as they were actioned.

**Resolved:** (i) That yearly annual report (Ref: 10) be noted by the Committee

(ii) That Housing related complaints be shown on future annual reports

(iii) That the Business Intelligence Manager be requested to consult with Housing and report to a future meeting of the committee, focusing on the Housing complaints process

### 63. Provider Services, Adult Social Care Public Health and Wellbeing (Ref: 11)

The Service Director, Adult Social Care (ASC) introduced the reports (Ref: 11) and (Ref: 12) in relation to Provider Services and Side by Side, which were being re-structured to contribute towards the ASC savings target of £4.5m, by embedding recent changes and working differently.

The Service Manager, Provider Services, presented the report (Ref: 11) seeking the committee's approval for the proposed changes to the staffing structure of Provider Services, including post deletions and creations within the Service.

She said the proposals followed a comprehensive review of each service area and aimed to provide an improved model to deliver better outcomes and efficiencies.

All ASC Services would be brought under a single management structure, with one service manager to provide for better strategic oversight and leadership and better value for money.

In relation to middle management, it was proposed that the current six separate services be condensed into three services, with managers having more generic roles and responsibilities, with harmonised job descriptions. Three M1 Deputy Manager posts would be created to cover functions across the services. Some L4 posts would be cut to help with succession planning and staff retention.

Extra Care front line staffing would be reduced by 10, with 7 staff potentially facing redundancy, as currently there were three vacant posts.

Consultation was undertaken with trade unions and affected staff and feedback acted on, creating an additional M1 deputy manager posts. Staff at risk would be able to apply for re-deployment to minimise redundancies.

The Service Manager stated that if approved, the operating model would be a better one that would allow for succession planning and achieve a saving £1.4m to help towards the ASC overall savings target.

Dealing with members' questions and comments, the Service Director and Service Manager provided further information, with key points made recorded as set out below.

The reduction in older people provisions had been subject to the usual decision-making process, including scrutiny. Demand had been reducing for a number of years, as people chose different ways of spending their direct payments within their own communities, which was to be encouraged. Side by side was what people wanted.

Some former users went into residential homes or moved to other areas or away from Luton. Some people just chose different ways to spend their direct payments within their own communities.



With 19 vacancies across the services, there were enough jobs for staff to apply for, as long as they met the skills requirements, which they should do as many had worked in care for many years.

All jobs would be subject of open competition, with everybody treated equally against the job descriptions and given the same chances.

The OCA had been discussed and agreed with the trade unions. Posts would be filled, with staff at risk able to apply for posts at same grade or one grade higher. The normal procedure would be followed.

Trade unions were initially unsure about the voluntary separation scheme offered, but now clarified and available.

**Resolved:** (i) That the proposed staffing restructure and changes to the operating model for Provider Services, in line with the organisational change assessment process carried out following a comprehensive review of all services be approved

(ii) That the proposal to align the services under one manager, which aimed to provide better strategic, systems oversight and leadership and the proposed restructure, which included deletion of some posts, creation of new posts that will improve the career pathway for staff, enabling the Council to develop skills to underpin succession planning be approved, as set out in the below tables:

<b>Posts to be created</b>		
<b>Post title</b>	<b>Grade</b>	<b>FTE</b>
Service Manager Provider Services	M8	1.0
Provider Services Resource Manager	M5	1.0
Support to Age Well Manager	M3	1.0
Support to Live Well Manager	M3	1.0
Day Opportunities Manager	M3	1.0
Deputy Manager Day Opportunities	M1	1.0
Deputy Manager Age Well	M1	1.0
Deputy Manager Support to Live Well	M1	1.0
Senior Support Worker	L4	10
<b>Total</b>		<b>18</b>

<b>Posts to be deleted</b>				
<b>Post title</b>	<b>Grade</b>	<b>FTE</b>	<b>Headcount</b>	<b>Vacant</b>
Service Manager Support at Home	M7	1.0	1.0	1.0
Resource Manager – Learning Disabilities	M5	1.0	1.0	0
Supported Living Manager	M2	1.0	1.0	0
Respite & Shared Lives Manager	M3	1.0	1.0	0
Extra Care Manager	M4	1.0	1.0	0
Reablement Manager	M4	1.0	1.0	0
Operations Manager Community Choices	M2	1.0	1.0	
Older People Day Care Manager	M3	1.0	1.0	1.0

<b>Posts to be deleted</b>				
<b>Post title</b>	<b>Grade</b>	<b>FTE</b>	<b>Headcount</b>	<b>Vacant</b>
Learning Disability Service Coordinator	L6	1.0	1.0	0
Senior Reablement Coordinators	L7	2.0	2.0	0
Reablement Support Worker	L3	12.0	12.0	12.0
Extra Care Home Carer	L2	10.42	31.0	3.19
Admin Extra Care	L4	0.5	0	1.0
Senior Support Worker Respite & Shared Lives	L6	1.0	1.0	1.0
Senior Support Worker Supported Living	L6	1.0	5.0	0
Senior Community Development Coordinator	L6	2.0	5.0	0
Older People Day Care Team Leader	L6	2.0	5.0	1.0
Older People Day Care Senior Day Care Officer	L4	1.0	3.0	0
Catering Officer	L2	1.49	7.0	0
Older People Domestic Assistant	L1b	1.55	3.0	0
<b>Total</b>		<b>43.96</b>	<b>82</b>	<b>20.19</b>

(iii) That the restructure which aimed to deliver £1.4m of savings, contributing to the savings target for Adult Social care, as part of the wider corporate saving programme be noted.

#### 64. Side by Side – Adult Social Care (ASC) Restructure (Ref: 12)

The Service Manager, Side by Side, presented the report (Ref: 12) seeking the committee's approval to implement the proposals to restructure the Assessment, Care Planning and Safeguarding team, to increase efficiency and achieve £100k savings to contribute towards departmental savings target.

He said the context within which Adult Social Care delivered services was changing, with new obligations and new visions to meet customer needs and expectations. Side by Side had made changes since 2018 to provide for a seamless and lean service delivery to meet those needs.

He added that currently the services were operated under 14 managers and a safeguarding manager. The proposal was to amalgamate the current ASC four community teams into two teams to provide a seamless service to meet long-term needs. Staff and trade unions had been fully consulted and briefed.

The proposal was to create three new Operational Manager posts, a Safeguarding Lead post to manage both the ASC front door and the back door, a Principal Occupational Therapist to lead Occupation Therapy and a Safeguarding DoLS lead.

There had been expressions of interest for voluntary redundancies from four staff members.

From the evaluation, he said that staff feedback were clear and positive about the proposed changes to move away from the old ways of working. People would be managed in the community, which would lead to fewer admissions. Front door services would provide support to discharge people back to the community.

The Service Manager added that recruitment had been frozen and use of agency staff reduced from 20% to 12%, replaced by permanent staff.

He requested that the recommendations in the report be approved to save £100k towards the ASC savings target.

Dealing with members' questions and comments, the Service Director and Service Manager provided further information, with key points made recorded as set out below.

In relation to an issue raised by a member, who had not seen any papers on the new vision for ASC, the Service Director stated that it had been shared with members at different times and in different forms during the decision-making process.

The Chair commented that he believed the papers went to Executive in 2018.

The member commented that it was before his election to the council. Along with another member in the same situation, he was not keen to support recommendations\*.

The Chair moved that the recommendations in the report be approved, which was agreed by a majority of six to two.

(Note: \* The Service Director agreed to e-mail the relevant report and her presentation to the two members)

**Resolved:** That the post deletions and creations and the implementation of the new staffing structure, as outlined in Option 2 of the report (Ref: 12) and set out in the tables 1 and 2 below be approved:

**Table 1: Posts to be deleted**

Post title	Grade	FTE	Headcount	Vacant
Community Team Manager	M5	4.0	4.0	0.0
Safeguarding Team Manager	M5	1.0	1.0	0.0 (filled by agency)
DoLS Advanced Practitioner	M3	1.0	1.0	1.0
DoLS Specialist Practitioner	M2	1.0	1.0	1.0 (filled by agency)
Advanced Practitioner	M2	1.81	2.0	0.0
Project Lead	M5	0.8	1	0.0
<b>Total</b>		<b>9.61</b>	<b>10.0</b>	

**Table 2: Posts to be created**

<b>Post title</b>	<b>Grade</b>	<b>FTE</b>
Operational Manager - Early intervention & Prevention	M5	1.0
Operational Manager - Long Team Care Needs, Scheduled reviews& Complex Case Management – Back Door	M5	1.0
Operational Manager – Therapies & Assistive Technology	M5	1.0
Safeguarding, DoLS & MCA Lead	Tbc	1.0
Prevention Coordinator	M3	1.0
Business Manager/	M5	1.0
Enablement Coordinator	L5	2.0
Advance Practitioner -Primary Network Link Worker	M2	1.0
Business Support Manager	M1	1.0
DoLS & Safeguarding Coordinator	L5	1.0
Local Area Coordinators	TBC	2.0
Administrative Officer	L4	1.0
Social Care Assessors	L6	8.01
<b>Total</b>		<b>22.01</b>

#### 64. Administration & Regulation Committee Work Programme 2020/21 (Ref 13)

The Senior HR Advisor presented the Service Director, HR and Monitoring Officer's report (Ref: 13) and requested the committee to review the work programme where necessary.

The Democracy and Scrutiny Officer (DSO) drew the committee's attention to an additional item, 'Ethnicity Pay Gap Reporting', which had been added to the work programme for the 23 February 2021 meeting, since the report was done.

The Vice-Chair pointed out that there were, therefore, nine items scheduled for the February 2021 meeting. He moved that three items be postponed to the 30 March 2021 meeting, as follows:

- (i) People Plan Annual Report
- (ii) Equality Impacts of redundancies between April 2019 and March 2020
- (iii) TUPE of the DBS Team

After discussion, it was agreed that (i) and (iii) above be postponed to the meeting on 30 March 2021, subject to confirmation whether or not the item at (iii) was time sensitive. Item (ii) would remain on the work programme for 23 February 2021 (subject to confirmation).

**Resolved:** That the DSO be requested to update the work programme in consultation with the Service Director HR and Monitoring Officer as follows:

- (i) People Plan Annual Report - move from 23 February 2021 to 30 March 2021 (subject to confirmation)
- (ii) TUPE of the DBS Team - move from 23 February 2021 to 30 March 2021 (subject to confirmation)
- (iii) Housing complaints process report - Zoe Bulmer (30 March 2021 - arranged after meeting)

Note: Following the meeting, it was confirmed that both items (i) and (ii) needed to be retained for the meeting on 23 February.

(Note: (i) The Vice-Chair temporarily took the Chair, as shown in the body of the minutes, due to the Chair dropping out of the meeting for technical reason

(ii) The meeting ended 7.53 pm)