

ADMINISTRATION AND REGULATION COMMITTEE

22ND APRIL 2014 at 6.00 p.m.

PRESENT: Councillor Worliding (Chair); Councillors Burnett, Hopkins, Rathore and Titmuss

16. APOLOGY FOR ABSENCE (REF: 1)

An apology for absence from the meeting was received on behalf of Councillor Stewart MBE.

17. MINUTES (REF: 2)

That the minutes of the meeting held on the 4th March 2014 be agreed subject to the following amendments to the resolution in Minute No: 14 (Ref: 12);

- (a) That recommendations (i) and (ii) as outlined in the report of the Head of HR and Monitoring Officer be approved for implementation and that consultation with the existing post holder to transfer over to local government terms and conditions be also approved.
- (b) That an apology from Councillor Titmuss for the meeting of 4th March be recorded.

In regards to matters arising from this agenda, the Chair informed Members that there will be a meeting on 1st May to discuss items pulled from this agenda due to the high number of reports previously listed for this meeting.

18. SAFEGUARDING & QUALITY ASSURANCE ADMINISTRATION SERVICES (REF: 7)

Sue Short Business Manager for the Safeguarding & Quality Assurance Administration service reported on the proposed changes to the Service in the Children & Learning Department which would enable efficiency savings and allow response to changing service demands. The report sought the Committee's approval for the implementation of the proposal of the new structure's requirement for 7 posts (5.26 FTE) to remain at this time.

The Business Manager further apprised the Committee of some key areas of the restructure as follows:

- Redefined job description for some posts to enable greater flexibility within the service
- No expected redundancies
- All affected staff have now had a 1-2-1 meeting to explain details of the proposals
- One particular proposal by one employee has been considered, but not taken forward at this stage, as this could lead to a whole service restructure
- Two L3 posts increased to L4 but there will be savings on efficiencies – current vacant position will provide efficiency savings
- The use of Agency staff will be significantly reduced and part time employees currently occupying the identified posts will be offered the opportunity to increase their contractual hours.

Following comments and questions by Members, the following were outlined;

- Subject to the resources available to the service a full report of the review would come back to the Committee to outline any changes following new government regulations
- Need to strengthen timescales and the process
- The proposal by a member of staff would be considered in the light of the new government legislation as it promotes joined up working and gives room for more flexible working
- The restructure would also enable a more flexible and robust system.

Resolved: (i) That the report (Ref 7) be noted.

(ii) That implementation of the proposed changes to the Safeguarding & Quality Assurance Administration Services in the Children & Learning Department, to enable efficiency savings and response to the changing needs of service demands as outlined in the report (Ref: 7) be approved by the Administration and Regulation Committee.

(iii) That Officers be requested to report progress within the next 6 months following government's new regulations and any impact on the new service structure.

19. RESTRUCTURE WITHIN ADULT LEARNING, H&CL (REF: 8)

Tom Molloy reported on the proposed restructure within Adult Learning Housing and Community Living (Ref 8) which sought the Committee's approval to make changes to the establishment of the Council's Adult Learning Service as a result of reduction in funding it receives from external funders.

Following Member questions and comments, the following key areas regarding the need and impact of the restructure were explained and outlined.

- Need to review and reduce the management structure as SFA no longer offer grant for less than half a million pounds
- The restructure provided opportunity to address and review some areas of the service in terms of staff responsibilities and job descriptions
- Need for review due to risk of job losses and redundancies
- In terms of the restructure and the overall strategy, expertise will be lost but this would not impact on delivery but there will be less management structure
- The two new posts would become more strategic and the operational part of the job would be carried out by teachers with some employees having opportunity to reapply for their jobs re-graded from M1 to M2.

Resolved: (i) That the report (Ref: 8) be noted.

(ii) That the proposal outlined in the recommendation as contained in the Report (Ref: 8) be approved by the Committee as follows:

“(1) Deletion of the existing management structure comprising of 7 people (5.8fte) to be replaced with the new posts of Adult Skills Manager (1 FTE), Community Learning Manager (1 FTE) and Contracts Manager (0.5 FTE).

(2) Restructuring of the Support Services function by deleting the current posts and creating the new posts of Support Services Manager, Outreach Manager with two generic roles of Curriculum Support Officers and Assistants”.

20. LUTON MUSIC SERVICE TRANSFORMATION PROJECT (REF: 9)

Graham Bland, Music Service Manager reported on the Luton Music Service (LMS) transformation project (Ref: 9). The report sought the approval of the Committee on the proposals to restructure the Luton Music Service to make changes to the organisation of the Council’s Music Service for the improvement of services and effective delivery of budget savings. These proposals as set out in the Organisation Change Assessment (OCA) were expected to transform the working patterns, and reduce the number of music instrument teachers employed by Luton Music Service.

The Music Service Manager reported that the Music Service (MS) has become more vulnerable due to financial pressures as a result of reduction of central government funding from £622,210 in 2013/14 to £261,753 in 2014/15,

(from 82% to 28%). The cut of 58% government funding equals 30% of the Luton Music Service (LMS).

Members were further informed that the proposed changes to working practices, reorganisation of the service, and reducing the overall number of teacher's posts by 4.95fte were required. Alternative provision will be available through 'The MIX' (Luton's Music Education Hub) Hub Accredited Tutor (HAT) scheme.

Below are some key areas and impact of the proposals on staff highlighted by the Music Service Manager following comments and questions by Members;

- It was likely that teachers may have to pay for their names to be on the accredited list, but initially no fee was required and certainly not for LMS teachers made redundant through this process
- Unsure whether a review would take place in subsequent years and there was a distinct difference between LMS and 'The MIX', LMS is a member of 'The MIX' and its lead organisation, funding was delivered through LMS
- The Head of LMS was very much involved in the sign posting of individuals from September, pending the approval of the proposals at tonight's meeting, schools would be encouraged to use the pupil premium and will be considered as part of the funding and schools have become more confident of sustainability
- Bigger and more generic schemes are seen in the High Schools,
- Head teachers are closely involved with consultation meetings to ensure that the new structure becomes more effective in future
- The new Luton Music Centre will become effective, possibly from September this year and a consultant report is due as the LMS has a real commitment to the effectiveness of this service
- Some services such as the Luton Orchestra could become vulnerable
- Conversion of primary schools to academies has no significant impact with the LMS and the Service has sufficient capacity to do everything expected.
- Recognition, and formalisation, of gradual changes to working practices that have been taking place over the last 5 years;
- Establishment of new and significant changes to working practices for the future by ceasing to provide individual or paired tuition; transition phase has used carefully selected agency teachers to ensure consistency with pupils
- Any LMS tutors made redundant due to these proposals will be offered 'fast-track' membership of 'The MIX' HAT scheme conditional on their most recent lesson observation being 'good' or better. This will allow those tutors who currently deliver high levels of individual or paired tuition to continue to teach these pupils through the HAT scheme.
- Newly appointed tutor posts to LMS through this restructure and in the future will be employed on Luton Borough Council pay and

conditions (Green Book) at the appropriate point on the pay scale in order to achieve greater flexibility in deployment and working patterns of music instrumental and vocal tutors.

Resolved: (i) That the report (Ref: 9) be noted.

(ii) That recommendation as contained in the report of the Luton Music Service Transformation Project (Ref: 9), paragraphs 5.2.1 to 5.6 stated below be approved by the Administration and Regulation Committee as follows:

(a) 5.2.1. Posts specialising in providing double reed (oboe/cor anglais and bassoon/contra bassoon) tuition and Music Therapy will be deleted. These services will no longer be provided from September 2014 due to low levels of take-up for group tuition and the high levels of subsidy required for music therapy. Double reed; two posts – .95 fte;

(b) 5.2.2. Music Therapy; one post – .8 fte

(c) 5.2.3. The numbers of staff specialising in providing other general Woodwind (Flute/piccolo, clarinet/bass clarinet, saxophone, recorder et al), Brass and Lower Strings ('cello and double bass) will be reduced in line with the projected needs of the traded service. General music provision for children in Early Years (EY) reception and Foundation Stages - Key Stages 1&2 (FS) is currently being provided by one general woodwind teacher and one lower strings teacher and this role will be formally recognised in the new structure;

(d) 5.2.4. General woodwind; five posts – 3.8 fte will be reduced to 2 fte;

(e) 5.2.5. Brass; three posts – 3 fte will be reduced to 1.6 fte;

(f) 5.2.6. Lower Strings; two posts – 2 fte will be reduced to .6 fte;

(g) 5.2.7. R & KS1; 1 new fte post – currently two members of staff, one woodwind and one lower strings tutor, have been delivering this work therefore this new post will be ring fenced to them;

(h) 5.2.8. Keyboard tutor; 1 new 0.4 fte post due to keyboard tuition previously undertaken in the short term by woodwind and lower strings tutors;

(i) 5.3. The following posts are out of scope because LMS is currently deploying agency staff to meet the demand for upper strings, guitar and drum tuition;

(j) 5.3.1. Upper strings (violin and viola); 2 posts – 1.3 fte to increase to 1.7 fte;

(k) 5.3.2. Guitar (including bass guitar); 2 posts – 1.6 fte will be increased to 2 fte (additional .4 initially offered to agency staff)

(l) 5.3.3. Drums and percussion; two posts – 2 fte will be retained

(m) 5.4. The following post is out of scope because the delivery of a Singing Strategy is required by the NPME – ‘The Importance of Music’ in addition to the service requirements for vocal tuition,

(n) 5.4.1. Vocal tuition and Singing Strategy lead; 1 post – 1 fte to increase to 1.2 fte (+ .2 vocal tuition provided by the Manager for Provision in Schools).

(o) 5.5. One new post, Specialist lead in Music Education, will be shown as a vacancy in the new structure in response to the recent Ofsted report ‘Music in schools: what hubs must do’;

(p) 5.6. One new post, Music Technology Tutor, will be shown as a vacancy in the new structure pending recruitment in this new market for LMS.

21. MARKET SUPPLEMENT POLICY (REF: 10)

Sheila Martin , Human Resources Manager reported on the revised Market Supplement Policy (Ref 10), which received slight amendments following a review and implementation of the policy in 2013. The Human Resources Manager advised that the market supplement policy was substantially the same from when it replaced the Recruitment and Retention Allowance Scheme in April 2013 and from October 2013 when an update was reported to the Committee.

Following comments and questions by Members, the Committee’s attention was drawn to the following areas:

- The Trade Unions have been removed from the composition of the pay panels as a result of their refusal to attend the pay panel meeting and be involved in the process, but the database of information on agreed market supplements would be continuously shared with them;
- The changes to the process have resulted to staff losses;

- To improve the process, business case would now be scrutinised by an HR person prior to presentation to a pay panel;
- A review of the policy is due in September but it might be difficult to continue to reduce the market supplement as quite a number are for social workers, despite that there is need to review payments annually;
- The market supplement will now be pensionable as a result of changes in the Local Government Pension Scheme amendment to paragraph 24.

The Chair commented that it was essential that the Trade Unions be invited to be involved in the process to encourage their participation in the debate. Following brief discussions, there was a general consensus amongst Members that in order to ensure continuous engagement, officers should continue to share the market supplement information with the Trade Unions to encourage the debate and an opportunity to be involved in the process.

Resolved: (i) That the report (Ref 10) be noted.

(ii) That the Human Resources Manager be requested to report progress on the review of the Market Supplement Policy in September 2014.

(iii) That the revised market supplement policy be approved by the Administration and Regulations Committee.

22. THE LIVING WAGE (REF: 11)

Sheila Martin, Human Resources Manager reported on the Living Wage (Ref 11), outlining the proposal for Luton Borough Council to adopt the UK Living Wage for its employees. This would result in the establishment of a minimum wage of £7.65 per hour. It highlights the benefits of this for the Council and for the people of Luton and seeks agreement to commit the financial resources required to implement the scheme.

The Committee were apprised of some key areas following questions and comments by Members:

- The Living Wage is a voluntary commitment made by employers
- 78 Local Authorities have now adopted and implemented the Living Wage
- The Living Wage will uplift pay for employees graded L1a and L1b.
- It is proposed that the Council pay the Living Wage as a supplement to basic pay
- The Trade Unions wish it to be consolidated into basic pay

- Employees who will benefit from the uplift will be signposted to where they can seek advice if they are currently in receipt of benefits
- The proposed implementation date is October 2014 to take into account changes to be made to the payroll system
- The UK Living Wage is reviewed annually and the new rate will be announced on 3 November 2014.
- The Council will annually review the implications of the new rate taking into account the Council's budget position at that time with a view to implementing it the following April.
- Approximately 270 employees directly employed by the Council and 1200 by the schools are impacted by this proposal.
- The decisions regarding employees' terms and conditions rests with schools so the Council will need to consult with each school to secure agreement about the proposal
- The proposal raises some concerns in relation to some schools' budgets.
- The Living Wage will also be applied to agency workers.
- Officers will return to Admin & Regulation Committee on 25th June to report on agreement with the Trade Unions

Resolved: (i) That the report (Ref 11) be noted and that Officers be requested to report progress on agreement with the Trade Unions to the Admin & Regulation Committee meeting on 25th June.

(ii) That Option 1 of the recommendation as outlined in the report (Ref: 11) be adopted and approved by the Administration and Regulation Committee as follows:

“That the Living Wage be implemented by the Council as a supplementary allowance to basic pay to directly employed Council employees whose hourly rate is less than the current Living Wage rate of £7.65 and that schools be encouraged to adopt the same

That accreditation with the Living Wage Foundation is not sought at this stage

That the Living Wage be applied from October 2014 and from 1 April thereafter following a review of the implications of the new UK Living Wage rate and agreement from Administration and Regulation Committee.”

23. EQUALITY IN EMPLOYMENT PROCEDURE (REF: 12)

Karen Ilett gave a brief report on the equality in employment procedure to seek approval to the new equality procedure that applies to all Council employees excluding schools with delegated budgets where other arrangements exist. The Equality in Employment Procedure will replace the existing Disability Policy.

Karen Ilett, explained that employees can only take disability leave when they are not sick and this would be recorded in a different way in line with reasonable adjustment in relation to the employees' disability. Where employees fall ill due to their disability, their absence would be recorded as sickness.

Resolved: (i) That the report (Ref 12) be noted.

(ii) That the Equality in Employment Procedure be approved by the Admin & Regulation Committee for immediate implementation; to replace the out of date Disability Policy; and that the new procedure be launched via NetConsent and paper copies issued to staff that don't have access to email.

24. LOCAL GOVERNMENT ACT 1972, PART VA (REF: 13)

Resolved: That, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting as it was likely that if members of the public were present during the item of business to be considered, there would be disclosure to them of exempt information falling within the paragraphs of Schedule 12A to the Local Government Act 1972, indicated beneath each of the following items

25. FIXED ASSETS DESIGN & DELIVERY TEAMS RESTRUCTURE (REF: 14)

The Committee considered the report of Roger Kirk, Head of Service Fixed Assets Design & Delivery Service, in accordance with the Local Government Act 1972 to exclude the public from the meeting during consideration of this matter.

Resolved: (i) That the report (Ref 14) be noted.

(ii) That recommendations as outlined in the report (Ref: 14) be approved by the Admin & Regulation Committee.

(iii) That the Committees thanks to the Head of Service Fixed Assets be recorded.

(Note: (i) Councillor Burnett declared non-pecuniary interest regarding agenda item (Ref: 9) – Luton Music Service Transformation Project as her husband was in the music business in Luton)

(ii) The meeting ended at 7.20 p.m.)