



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

# JOINT EMPLOYEE COUNCIL

## AGENDA

Meeting to be held in the  
Ceres Suite,  
Worksop Town Hall, S80 2AH  
on Wednesday, 12<sup>th</sup> July 2017  
at 3.00pm

**(Please note time and venue)**

**Please turn mobile telephones to silent during meetings.  
In case of emergency, Members/officers can be contacted  
on the Council's mobile telephone: 07702 670209.**

**In accordance with Regulation 4(6) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, audio/visual recording and photography at Council meetings is permitted in accordance with the Council's protocol 'Filming of Public Meetings'.**

# JOINT EMPLOYEE COUNCIL

**Membership**                    2017/18

**Councillors**                    C. Entwistle, J. Evans, M. T. Gray, J. M. Sanger and J. White

**Substitute Members:**    In the event of any member of either side being unable to attend any meeting, another representative may be appointed to attend in his/her place, provided that the substitute is drawn from the same area of representation as the member unable to attend

**Quorum:**                        2 Members

## **Lead Officer for this Meeting**

Karen Childs - Ext. 4123

## **Administrator for this Meeting**

Bethany Pinkney - Ext. 3252

## **JOINT EMPLOYEE COUNCIL**

**Wednesday, 12<sup>th</sup> July 2017**

### **AGENDA**

1. NOMINATIONS FOR THE ELECTION OF CHAIRMAN
2. NOMINATIONS FOR APPOINTMENT OF VICE-CHAIR
3. APOLOGIES FOR ABSENCE
4. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS \* (pages 1 & 2)  
(Members' and Officers' attention is drawn to the attached notes and form)
  - (a) Members
  - (b) Officers
5. MINUTES OF MEETING HELD ON 5<sup>th</sup> APRIL 2017 \* (pages 3 & 4)
6. MINUTES FOR ACTION \* (page 5)
7. OUTSTANDING MINUTES LIST \* (page 6)

### **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

#### **Key Decisions**

None

#### **Other Decisions**

8. REPORT OF THE EMPLOYER'S REPRESENTATIVES \*
  - (a) Dealing with Terminal Illness (pages 7 & 8)

#### **Exempt Information Items**

*The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.*

### **SECTION B - ITEMS FOR DISCUSSION IN PRIVATE**

#### **Key Decisions**

None

#### **Other Decisions**

9. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES \*
  - (a) Pay and Grading Review (pages 9 & 10)
  - (b) Review of Agency Workers (pages 11 & 12)
10. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

- \* Report attached
- + Verbal report

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NOTES:

1. The papers enclosed with this Agenda are available in large print if required.
  2. Copies can be requested by contacting us on 01909 533249 or by email:  
[bethany.pinkney@bassetlaw.gov.uk](mailto:bethany.pinkney@bassetlaw.gov.uk)
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## DECLARATION OF INTERESTS

### **HOW TO USE THIS FORM**

There are now only two types of Declaration of Interest:

Disclosable Pecuniary Interests	)	Details can be found in the Councillors Code of Conduct which is contained in the Council's Constitution (a summary is printed below)
	)	
	)	
Non Pecuniary Interests	)	

Upon receipt of the attached form you will need to enter the name and date of the Committee and your own name. By looking at the Agenda you will no doubt know immediately which Agenda Items will require you to make a Declaration of Interest.

Fill in the Agenda Item number in the first column of the form.

Enter the subject matter and any explanations you may wish to add in the second column.

In the third column you will need to enter **either** if you are declaring a disclosable pecuniary interest, **or** a non pecuniary interest.

The form must then be signed and dated. Please remember that if during the actual meeting you realise that you need to declare an interest on an additional Agenda Item number please simply amend the form during the meeting.

The form must be handed into the Committee Administrator at the end of the meeting.

NB. The following is a summary prepared to assist Members in deciding at the actual meetings their position on INTERESTS it is not a substitute for studying the full explanation regarding INTERESTS, which is contained in the Council's Constitution and the Code of Conduct for Councillors, which is legally binding.

Members and Officers are welcome to seek, PREFERABLY WELL IN ADVANCE of a meeting advice from the Council's Monitoring Officer on INTERESTS.

#### **Disclosable Pecuniary Interests**

May relate to employment, office, trade, profession or vocation carried on for profit or gain  
May relate to sponsorship  
May relate to contracts  
May relate to interests in land  
May relate to licences to occupy land  
May relate to corporate tenancies  
May relate to securities

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- withdraw from the room  
- not seek improperly to influence a decision on the matter

#### **Non Pecuniary Interests**

May relate to any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council  
May relate to any person from whom you have received a gift or hospitality with an estimated value of at least £25  
A Member may also have a non pecuniary interest where a decision in relation to that business might reasonably be regarded as affecting wellbeing or the wellbeing of other council tax payers, or ratepayers or inhabitants in the electoral division or ward, as the case may be, affected by the decision.

#### **Action to be Taken**

Must disclose to the meeting  
- existence of the interest  
- the nature of the interest  
- not seek improperly to influence a decision on the matter.

(Note – there are special provisions relating to “Sensitive Interests” which may exclude the above provisions in certain circumstances.)

**JOINT EMPLOYEE COUNCIL**

**Minutes of the Meeting held on Wednesday, 5<sup>th</sup> April 2017 at Worksop Town Hall**

**Present:**

Employer's Representatives:

Councillors J Evans, M T Gray and D R Pressley.

Employee Representatives:

K Circuit (Vice-Chair in Chair), M Bassett and D Fretwell.

Officers in attendance: K Childs and B Pinkney.

(Meeting commenced at 3.00pm.)

(The Chair welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure. He also enquired as to whether any member of the public wished to film/record the meeting or any part thereof; however, there were no members of public present.)

**28. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C Entwistle, S A Greaves, Pidwell and employee representatives R Parr and J Whalley.

**29. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

(a) Members

There were no declarations by Members.

(b) Officers

There were no declarations of interest by officers.

**30. MINUTES OF MEETING HELD ON 18<sup>TH</sup> JANUARY 2017**

**RESOLVED** that the Minutes of the meeting held on 18<sup>th</sup> January 2017 be approved.

**31. MINUTES FOR ACTION**

**RESOLVED** that the Minutes for Action be received.

**32. OUTSTANDING MINUTES LIST**

**RESOLVED** that the Outstanding Minutes List be received.

## **SECTION A – ITEMS FOR DISCUSSION IN PUBLIC**

### **Key Decisions**

None.

### **Other Decisions**

#### **33. REPORT OF THE EMPLOYER'S REPRESENTATIVES**

##### **(a) Intermediaries Legislation**

Members were given the proposed amendments to the Agency Workers Policy and Procedure to ensure compliance with amendments to the Intermediaries Legislation commonly referred to as 'IR35'.

Members were advised that from 6<sup>th</sup> April 2017 amendments have been introduced to the Intermediaries Legislation commonly referred to as IR35. IR35 comprises a set of tax rules that applies to people who work for a client through an intermediary – which can be a limited company or "personal service company".

Members were advised that if IR35 applies to a worker supplied by the council through an agency, then the agency is required to make deductions from the workers earnings in respect of tax and national insurance contributions, to pay employers national insurance, and to provide real time information to the HMRC. The Council has an obligation to determine whether IR35 applies and to notify the agency upon request, otherwise the obligations move from the agency to the Council. To ensure recruiting officers understand these obligations, the Council's Agency Workers Policy and Procedure has been amended to incorporate additional steps that recruiting officers need to undertake.

IR35 is dependent on whether an intermediary exists and also the circumstances in which the work is carried out, according to certain measures.

**RESOLVED** that the contents of the report be noted and the revised Agency Workers Policy and Procedure be recommended to Cabinet for adoption.

## **SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**

### **Key Decisions**

None.

### **Other Decisions**

#### **34. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED** that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 4, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No.7(a) – Pay and Grading Review – Paragraph 4

Agenda Item No.7(b) – Review of Agency Workers – Paragraph 4

## **SECTION B – ITEMS FOR DISCUSSION IN PRIVATE**



## **Key Decisions**

None.

## **Other Decisions**

### **35. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES**

#### **(a) Pay and Grading Review**

Members were given an update outlining progress on the Pay and Grading Review. The HR Service Manager advised that the outcome of appeals at the informal stage had been communicated to staff and commented on progress to date and future timescales.

**RESOLVED** that the update on the Pay and Grading Review be noted.

#### **(b) Agency Workers**

Members were updated on the use of agency workers and consultants for the period 1<sup>st</sup> October 2016 to 31<sup>st</sup> December 2016. The data was appended to the report with a years' worth of data for comparison.

The data and particular incidences were discussed by Employee Representatives and elected Members.

Members were given an update on the number of hours worked per week between the months of October and December 2016 in relation to Markets as the details were not provided in the report.

It was agreed by members that the use of agency workers is to be a high priority.

**RESOLVED** that:

1. The report on the use of agency workers be noted.
2. In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.
3. Managers to take note of concerns and issues raised by the Joint Employee Council.
4. Details in relation to posts in Property Service unit be circulated to members of the Joint Employee Council.

### **36. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT**

As there was no other urgent business to discuss, the Chair thanked everyone for their attendance and closed the meeting.

(Meeting closed at 3.50pm.)



**MINUTES FOR ACTION AND IMPLEMENTATION SHEET**

**JOINT EMPLOYEE COUNCIL**

**05/04/17**

FROM: Democratic Services Officer TO: HRSM = HR Service Manager  
(for forwarding to Unit Managers)

The following decisions are brought to your attention for action by the appropriate officers within your Service:

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**33. REPORT OF THE EMPLOYERS REPRESENTATIVES**

(a) Intermediaries Legislation

**RESOLVED** that the contents of the report be noted and the revised Agency Workers Policy and Procedure be recommended to Cabinet for adoption.

**HRSM**

**35. REPORT(S) OF THE EMPLOYER'S REPRESENTATIVES**

(a) Pay and Grading Review

**RESOLVED** that the update on the Pay and Grading Review be noted.

(b) Agency Workers

**RESOLVED** that:

1. The report on the use of agency workers be noted.
2. In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.
3. Managers to take note of concerns and issues raised by the Joint Employee Council Committee.
4. Details in relation to posts in Property Service unit be circulated to members

**HRSM**



**JOINT EMPLOYEE COUNCIL**

**12<sup>th</sup> July 2017**

**OUTSTANDING MINUTES LIST**

**Members please note that the updated positions are shown in bold type following each item.**  
(HRSM= HR Service Manager)

<b><u>Min. No.</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>	<b><u>Decision</u></b>	<b><u>Officer Responsible</u></b>
35(b)	05.04.17	Agency Workers	(2)In order to seek to reduce the incidence of agency workers, managers be required to complete the quarterly monitoring form and data be reported to the Joint Employee Council.	HRSM

**See Agenda Item No. 9(b)**



**BASSETLAW DISTRICT COUNCIL**

**JOINT EMPLOYEE COUNCIL**

**12 JULY 2017**

**REPORT OF THE HR SERVICE MANAGER**

**DEALING WITH TERMINAL ILLNESS**

Cabinet: Policy, Strategy  
and Communications  
Contact: Karen Childs  
Ext. 3121

**1. Public Interest Test**

1.1 The author of this report has determined in preparing this Report that it is not of a confidential nature.

**2. Purpose of the Report**

2.1 The purpose of this report is to consider the support offered to employees facing terminal illness, and to introduce the TUC's Dying to Work campaign for consideration by members of the JEC, in order to determine an appropriate approach.

**3. Background and Discussion**

3.1 The TUC's Dying to Work campaign campaigns for greater rights for employees facing terminal illness, particularly in regard to termination of employment. The campaign is supported by UNISON both nationally and locally. The TUC's campaign fact sheet states that terminally ill employees:

- Often do not have the time to reskill or adapt to the 'reasonable adjustments' that could be put in place by an employer;
- Can be forced to undergo stressful HR procedures and risk losing the positive stimulation of work;
- If losing their job, lose their income as well as the dignity of dying in work;
- If losing their job, lose death in service payments that the employee has planned for and earned through a life-time of work.

3.2 The campaign is calling for terminal illness to be made a 'protected characteristic, whereby employees battling terminal illness would enter a protected period within which they could not be dismissed as a result of their condition. This is of course a matter for the Government to consider and respond to.

#### **4. The Council's Approach**

- 4.1 Fortunately, the Council does not have many terminally ill cases, but when one occurs would always adopt a sensitive approach, taking into account the needs and wishes of the individual. The question of whether the employee would prefer to remain at work or would wish to leave and spend their time in other ways, perhaps with family and friends, is a very personal one. If wishing to leave the Authority, it will typically be of greater financial benefit for the employee to be 'dismissed' by reason of ill health, rather than resigning, and this is explored further in this report.
- 4.2 Looking back over the last ten years, the Council has dealt with five cases, four of whom were sudden deaths with no diagnosed terminal illness. The fifth case did involve a terminal illness and this led to ill health retirement which was the preference of the employee. The Council also supported A1 Housing in dealing with a case where the employee preferred to die in service, and this was accommodated.
- 4.3 Clearly, the TUC campaign is aimed at all employers, many of whom do not have the same ill health retirement benefits afforded to employees of local government. The ability to seek ill health retirement, at any age, means that an employee would receive an unreduced pension and lump sum, which may give them the financial security they need and, in fact, may enable them to spend their final weeks in the manner they would prefer. However, upon death no survivor's pension would be paid. Instead a death grant of ten times the level of the annual pension would be paid to the survivor(s).
- 4.4 On the other hand, an employee may prefer to die in service so that the benefits that accrue (death in service benefit of three times salary) are available to their family. In such cases, survivor's pension benefits would also be paid for the lifetime of the survivor(s).
- 4.5 Of course, both options (in terms of financial benefits) are dependent upon the employee being a member of the Local Government Pension Scheme, which currently comprises 90% of staff. Employees who have chosen to opt out of the LGPS do not have such benefits. As such they may prefer to remain in employment to ensure an ongoing income. Alternatively, they may prefer their employment to be terminated in order to receive pay in lieu of notice to enable them to pursue other priorities.
- 4.6 It is recognised therefore that this is a very personal choice, but nevertheless, having a policy statement on dealing with cases of terminal illness will in itself provide some assurance and certainty for employees experiencing such a devastating situation. Whilst it will be important to ensure that the approach is flexible to deal with various different preferences and options, it will need to be specific in terms of when it will be applicable.
- 4.7 The Council has a comprehensive Managing Attendance Policy and Procedure which sets out how ill health should be managed, and it is proposed that, should the JEC determine that specific policy on terminal illness is necessary, this should be incorporated into the existing Policy and Procedure.



#### **4. Implications**

- a) For service users.

None.

- b) Strategic & Policy

The development of a policy statement on dealing with terminal illness will provide certainty to employees facing such a situation.

- c) Financial – Ref: 18/271

None arising directly from this report.

- d) Legal – Ref: 59/07/2017

There is no legal requirement to have a specific policy statement of this nature. The Equality Act provides some protection for terminally ill employees.

- e) Human Resources

The development of a policy will demonstrate a commitment to supporting employees who may face terminal illness in the future.

- f) Community Safety, Equal Opportunity, Environmental

It will be important to ensure that the criteria for application of the policy are fair and non-discriminatory.

- g) This is not a Key Decision.

#### **5. Options, Risks and Reasons for Recommendations**

##### **Option 1**

To consider the information contained in this report and endorse the proposal to review the Managing Attendance Policy and Procedure to incorporate specific reference to dealing with cases of terminal illness.

##### **Option 2**

To consider the information contained in this report and determine that existing arrangements for supporting terminally ill employees are sufficient.

#### **6. Recommendations**

That the JEC adopts Option 1 in paragraph 5 above, which is: “To consider the information contained in this report and endorse the proposal to review the Managing Attendance Policy and Procedure to incorporate specific reference to dealing with cases of terminal illness.”

**Background Papers**

**Location**

Managing Attendance Policy and  
Procedure

HR Team