



Personnel Committee

Date: Wednesday, 11 September 2019
Time: 10.10 am (or at the rise of the Executive if later)
Venue: Council Antechamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Personnel Committee

Councillors - Ollerhead (Chair), Akbar, Bridges, Craig, Leech, Leese, N Murphy, S Murphy, Rahman, Richards, Sheikh and Stogia

Supplementary Agenda

- 1. Urgent Business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes**
To agree the minutes of the meeting held on 24 July 2019 as a correct record 3 - 6
- 5. Conditions of Employment and Grading of the Director of Population Health & Wellbeing** 7 - 14
The report of the Chief Executive is enclosed

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Wednesday, 4 September 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

Personnel Committee

Minutes of the meeting held on Wednesday 24 July 2019

Present: Councillor Ollerhead (Chair) – in the Chair

Councillors: Akbar, Bridges Craig, Leech, S Murphy, Rahman, Richards and Stogia

Apologies: Councillors N Murphy and Leese

PE/19/18 Minutes

Decision

To approve the minutes of the meeting held on 26 June 2019 as a correct record.

**PE/19/19 Ethical Employment Update and Trades Union Congress (TUC)
Dying to Work Charter**

The Committee considered a report of the Deputy Chief Executive and City Treasurer which presented an update on a number of areas of ongoing work to strengthen the Council's position in terms of delivering an ethical and supportive workforce environment and as an exemplar for other major employers in the City on both practical and strategic levels.

The report included a specific suggested amendment to the Council's Managing Attendance Policy to strengthen the organisational commitment to supporting employees who are diagnosed with a terminal illness. The proposed revision was aligned with the Council's commitment to the Trades Union Congress (TUC) Dying to Work Charter (to which the Council had become a signatory on 5 October 2018) for the purpose of protecting and guiding staff following a terminal diagnosis in order to provide continued support to terminally ill employees who wish to remain in work, and are deemed medically capable to do so.

No Trade Union comments were submitted for consideration at the meeting. The Committee agreed the recommendations recognising that the changes would provide assurance, dignity and respect to terminally ill employees throughout every stage of their life and be supported to make informed decisions about work based on their individual needs.

Decision

1. To note the update on activity to strengthen the Council's position as an ethical employer of choice.
2. To approve the suggested revisions to the Council's Managing Attendance Policy as set out in the appendix to these minutes:

PE/19/20 Manchester Health & Care Commissioning - Phase II

The Committee considered a report of the Chief Executive which discussed the next phase of the development of Manchester Health and Care Commissioning (MHCC). The changes included the transfer of some functions that are currently undertaken by MHCC to Manchester Local Care Organisation (MLCO) with a resultant change in deployment for 32 Manchester City Council employees.

Senior role changes had also arisen following a series of structural streamlining changes to the MHCC partnership requiring realignment of Executive portfolios which the Personnel Committee was asked to agree. The impact on senior roles were set out in detail in the report.

The Committee agreed the proposals. No Trade Union comments were submitted for the item.

Decisions

1. To note the key changes arising from the Phase 2 review of Manchester Health and Care Commissioning (MHCC) partnership including the change of deployment for 32 Manchester City Council employees from MHCC to Manchester Local Care Organisation.
2. To agree the re-focusing and re-designation of the existing vacant and funded role of Director of Adult Services SS4 to become Deputy Director of Adult Social Services SS4 and agree that the post should be a non-designated Deputy Chief Officer, and delegate authority to the Executive Director of Adult Social Services authority to appoint the Deputy Director in consultation with a mixed panel of officers and members in line with Annex 1 of the Officer Employment Procedure Rules.
3. To note the redesignation of the Strategic Lead Commissioning role (SS2) to Head of Service Strategy SS2 (within MHCC).
4. To note the change of deployment of two roles of Strategic Lead (SS2) from MHCC to MLCO, and that the specific portfolios of these roles will be further reviewed by the Executive Director of Adult Social Services as part of a process of co-design within MLCO.

Approved revisions to Manchester City Council's Managing Attendance Policy

"We want to ensure that every one of our employees feels supported throughout every stage of their life. The Council will treat employees diagnosed with a terminal illness with the utmost dignity and respect and recognise and support them with any physical and psychological challenges arising from their diagnosis.

As part of this commitment the Council is a signatory to the TUC Dying to Work Charter. In line with the Charter the Council is committed to providing employees with the security of work, peace of mind and right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity.

The Council will work with employees so that, where possible, they are able to consider and make informed decisions about their current and future working arrangements. Managers will be provided with tools to support and signpost employees to relevant support mechanisms, including financial support.

The Council recognises that safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.

The Council will endeavour to provide continued support to terminally ill employees who wish to remain in work and are deemed medically capable to do so. This will include reasonable adjustments to support the employee's physical and psychological health. Support mechanisms and planning will be delivered with the employee at the centre of the discussion and will be tailored depending on an individuals' circumstances and diagnosis. Long term/Short Term absence associated with terminal illness will be addressed via absence processes in section 11 and 12.

Managers should read this policy in conjunction with the supporting guidance, which includes details on how to conduct a sensitive conversation, the potential impacts of a terminal illness, how to support employees who are indirectly affected by a terminal illness and details on reasonable adjustments."

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**Manchester City Council
Report for Resolution**

Report to: Personnel Committee – 11 September 2019

Subject: Conditions of Employment and Grading of the Director of Population Health & Wellbeing

Report of: Chief Executive

Purpose of Report

Further to the Phase 2 changes within the Manchester Health & Care Commissioning partnership, this report now considers the impact of subsequent changes of responsibility on the grading, and terms and conditions of employment, of the Director of Population Health and Wellbeing.

Recommendations

The Committee is requested to:

1. Recommend to Council that the post of Director of Population Health & Wellbeing post is remunerated at Grade SS4 (£95,953 - £105,940) and assimilated to local government Chief Officer JNC terms and conditions of employment.
 2. Recommend to Council that the postholder be assimilated at the maximum point of SS4 (£105,940) to reflect both the current market rate for Directors of Public Health and to provide for a greater level of parity with other Manchester Health & Care Commissioning Executive Directors.
 3. Note that on the Manchester Health and Care Commissioning (MHCC) structure the title of the post holder is Executive Director Population Health, Nursing and Safeguarding MHCC to reflect the wider role within the MHCC partnership.
 4. Recommend that the Council notes and approves the intention of Manchester Clinical Commissioning Group (MCCG) to separately and independently make a direct additional payment of £5000 to the individual in respect of specific additional responsibilities that will be undertaken by the postholder on behalf of MCCG within the Manchester Health & Care Commissioning partnership.
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Wards Affected:

All

Financial implications for the revenue and / or capital budget

The MCC financial impact of the proposed changes (an additional £4012 plus on costs) can be contained within existing revenue budgets.

MCCG will make separate arrangements to pay an additional £5000 in respect of particular activities undertaken on their behalf.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers overleaf.

- Personnel Committee Report of 12 December 2016 - Market Rate Policy
- Personnel Committee Report of 24 July 2019 - Update on Health & Social care Integration

1. Background

- 1.1 At its meeting of 24 July 2019, Personnel Committee received a report that provided an update on health and social care integration following the Phase 2 review of Manchester Health & Care Commissioning (MHCC) partnership.
- 1.2 This report stated that any agreed changes to the responsibilities for the MHCC Executive Director of Population Health and Wellbeing (statutory Director of Public Health for MCC) would be further reviewed, including consideration of the most appropriate reporting arrangements, for the role. The report stated that a further report would be brought to this meeting.
- 1.3 The Director of Population Health and Wellbeing at MHCC has the responsibility for coordinating the delivery of the Manchester Population Health Plan and the statutory public health functions and mandated responsibilities of the City Council. The role holder has dual accountability to the Chief Accountable Officer (MHCC), and to the Chief Executive (MCC) in respect of statutory duties

2. Role History

- 2.1 As part of the Government's public health reforms, the Health & Social Care Act 2012 transferred responsibility for commissioning many public health services from the NHS to local authorities and a new executive agency of the Department of Health, Public Health England, was set up to 'protect and improve the nation's health and wellbeing, and reduce health inequalities' at a national and local level. To support this change, in 2013, public health services and relevant staff from the (then) PCT's transferred to local authorities. The national position, agreed with trade unions was all transfers of employees were undertaken in accordance with TUPE like arrangements which protected statutory continuity of employment and current terms and conditions including any contractual redundancy or severance entitlements. This resulted in 31.1 FTE employees from the NHS becoming Council employees on 1 April 2013.
- 2.2 In line with regulations, the salary levels of NHS employees transferring to MCC were protected on existing Agenda for Change contractual terms, including pay bands. Employees continued to receive increments in line with grade progression up to the top of their respective pay band. In accordance with normal transfer arrangements, cost of living rises were not applicable to transferred roles, however in 2018 the Council agreed that transferees would receive a (non-guaranteed) additional annual cost of living payment in line with local government pay awards. Individuals also received a non-consolidated one off payment at that time.
- 2.3 The Director of Public Health therefore transferred to MCC in April 2013 on an NHS 'Director of Public Health' grade. This grade was fixed at the point of transfer (there were no additional increments for progression). The protected grade has not kept pace with NHS Agenda for Change pay scales since 2013.

A one off non-consolidated payment of £7000 was agreed for the individual by the Council in 2018 , with subsequent 'equivalent' annual cost of living rises (as set out above). Current pay is now therefore £101,928.

- 2.4 The grade and general terms of transferred roles should otherwise remain protected as at transfer unless there is a substantive change to roles and responsibilities or a review is requested by individuals. There are a further seven individuals remaining on protected grades (other roles have changed over time). These individuals all have specialist medical/nursing allowances and their roles remain substantively unchanged.

3. Changes in Responsibility

- 3.1 Since the original transfer, the role of the Director of Public Health (redesignated as Director for Population Health and Wellbeing in 2017 during Phase 1 MHCC) has changed quite significantly. The role and the services for which it is responsible became part of Manchester Health & Care Commissioning partnership in April 2017, and the Director of Public Health has become an Executive Director of MHCC and member of the MHCC Board. Other additional responsibilities since 2013 include:

- Responsible for the public health grant returns (£50m +) to the Department of Health and Public Health England with the City Treasurer
- Budget Portfolio Holder for all public health commissioned services (£37.5 m)
- Lead for and oversight of all service redesigns contributing to the repurposing of the public health grant and associated savings programme (£15 m)
- Updated responsibilities included in the Council Constitution in 2018
- Senior health lead for the Community Safety Partnership
- Convener and member of the Manchester Health and Wellbeing Board
- Lead Director for the Health Scrutiny Process on behalf of the DASS
- Lead for the production, coordination and delivery of the Manchester Population Health Plan (2018-2027).
- Greater Manchester lead for Tobacco Control, Sexual Health, Dental Public Health

- 3.2 Following the departure of the Executive Director of Nursing and Safeguarding MHCC at the conclusion of the Phase 2 process, the Director of Population Health & Wellbeing has also been asked to take responsibility for MHCC Nursing and Safeguarding services (on behalf of MCCG). On the MHCC structure the post is therefore referred to as Executive Director Population Health, Nursing and Safeguarding MHCC

- 3.3 Key responsibilities for the role post MHCC Phase 2 therefore now include:

- Statutory Director of Public Health
- Population health portfolio
- Health improvement
- Health protection
- Healthcare public health
- Wider determinants of health
- Health Intelligence
- Nursing (including aspects of CHC)
- Safeguarding
- Integrated Care
- Infection Prevention Control
- Emergency Preparedness, Resilience and Response (EPRR)

- 3.4 The MHCC Phase 2 changes provide for a timely opportunity to review the role and evaluate the current responsibilities. This has included consideration of the most appropriate terms and conditions, and reporting arrangements for the role.

4. Options for Terms and Conditions and Reporting Arrangements

- 4.1 The options for the future of the role are as follows:
- Retain MCC employment and evaluate using MCC Senior Job Evaluation Scheme
 - Retain MCC employment and evaluate an Agenda for Change grade using NHS JE Scheme
 - Leave the role on its current protected salary
- 4.2 In reviewing these options consideration has been made to:
- The continuing development of the health and social care system and structures within the city since 2013
 - The general recruitment market, current market rate and general terms and conditions for Director of Public Health roles
 - The approach to date in respect of other Public Health roles transferred in 2013
 - Parity with colleague Executive Directors within MHCC
 - The statutory accountabilities of the role.
- 4.3 Following this review it is recommended that the role remains an employee of the city council to support the effective enactment of the statutory Director of Public Health duties through direct accountability to the Chief Executive MCC.
- 4.4 It is acknowledged that the role now has greater day to day structural alignment with the rest of the MHCC Executive - however Public Health still remains a local government duty. The role will retain its dual accountability to the Chief Executive MCC and the Chief Accountable Officer MHCC.
- 4.5 Leaving the role and grade unchanged would only be an appropriate option if there had been no substantive changes to responsibilities. It is recognised that the developing health and social care landscape has inevitably resulted in changes and further changes are likely over time.

5. Proposed Grade and Assimilation

- 5.1 An MCC Senior Job Evaluation analysis has now been undertaken and has determined that the role should be graded SS4 (£95,953 - £105,940) within the MCC senior grading profile and within local government terms and conditions for Chief Officers (JNC). Funding is available for this salary uplift due to a number of revisions to roles within the directorate that have resulted in a current financial surplus (part of this has been identified as savings but there are sufficient funds available to support this increase).
- 5.2 Although the individual is currently a member of the NHS pension scheme they have service linked to both the local government and NHS schemes, and have indicated a

preference to return to the local government scheme. This is also the preference of the Council as it aligns all terms and conditions for senior officers and reduces costs since employer cost of the LGPS (19.1%) is less than the NHS pension scheme (20.68% from April 1st 2019).

- 5.2 In reviewing other Director of Public Health roles including core cities - this salary is broadly in line with the current market (the most directly comparable role of Director of Public Health for Liverpool is currently paid £105,000, and, within GM, recent appointments for Directors of Public Health for Oldham, Bolton and Salford have all been at this level. This salary level would also place the role within the MHCC Executive pay banding of £90-£110k.
- 5.3 It is therefore proposed that the postholder be assimilated at the maximum point of SS4 £105,940 to reflect the range of increased responsibilities over time, and also to support greater parity with MHCC colleagues.
- 5.4 The role title and Job Description within the Council remains unchanged however it is noted that on MHCC structures it is referred to as Executive Director for Population Health, Nursing and Safeguarding (MHCC) to more accurately reflect the leadership role within the MHCC Executive team.

6. Additional Payment from MCCG

- 6.1 Manchester Clinical Commissioning Group are making an additional payment of £5000 per annum directly to the current postholder in recognition of the individual's particular skill set and experience which will allow him to provide leadership as part of the MHCC Executive for Nursing and Safeguarding including Continuing Health Care.
- 6.2 This payment is specific to the individual and is not linked to the grading of the substantive position. The additional payment will not be pensionable and will not attract a VAT payment as this is a direct arrangement with the individual. Nor will it form a commitment for the Council if the post is advertised in the future.

7. Council Approval

- 7.1 As this salary package is in excess of £100K this is required to go to Council for approval. Council are asked to approve the evaluation of the role at SS4 (£95,953 - £105,940), and to note and approve the separate additional sum of £5000 to be paid directly to the individual by MCCG in respect of specific responsibilities undertaken on behalf of MCCG within the MHCC partnership.

8. Comments from the Interim Director of HROD

- 8.1 In developing these proposals consideration has been given to the significantly changing landscape of health and social care within the city and particularly to the establishment and continuing development of the MHCC and MLCO partnerships.

- 8.2 In reviewing the options available the overriding factor has been that the Council retains the statutory responsibilities for Public Health and the post designated as the Director of Public remains as a Council employee.
- 8.3 As the post is a Council post it is appropriate that the terms and conditions, including pension, associated with this senior officer role are those of Local Government. By assimilating the post and the post holder onto the Council's Senior Officer pay and grading structure with Chief Officer JNC Terms and Conditions legacy issues are resolved for the individual and the Council.
- 8.4 The individual has been consulted on the proposals and has indicated that they are satisfied with the proposals having considered their personal circumstances.

9. Comments from Trade Unions

To follow

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