

Northern Ireland Social Care Council
Remuneration Committee
9:30a.m on Wednesday 12th June 2024
MS Teams video conference
Draft Unconfirmed Minutes
Part 1

Present

Gerry Guckian, Acting Chair

Sarah Browne, Remuneration Committee member

In Attendance

Peter Lavery, Assistant Director of Human Resources, BSO

Declan McAllister, Director of Registration and Corporate Service, Social Care Council

Sandra Stranaghan. Head of Business Services, Social Care Council

Maureen Martin, Secretariat

Apologies

Roslyn Dougherty, Remuneration Committee member

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| (1) | Welcome and Apologies |
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| 1.1 | Apologies were received from Roslyn Dougherty. |
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| (2) | Conflicts of Interest |
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| 2.1 | There were no Conflicts of Interest declared. |
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| (3) | Chair's Business |
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| 3.1 | <p>The Acting Chair advised that he will continue to deputise for the Chair until further notice.</p> <p>The Acting Chair noted that the Remuneration Committee would proceed in the absence of the Senior Executive Pay circular 2023/24.</p> |
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| (4) | Unconfirmed minutes of previous Remuneration Committee meeting of 12th January 2024 – Paper A for approval |
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| 4.1 | The minutes of the Remuneration Committee of 12 th January 2024 were approved as a true and accurate record. |
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| (5) | Matters Arising |
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| 5.1 | <p><i>Paper B - Progress Report on Sommerville v NMC Judgement and Implications for FTP Panel Committee Members</i></p> <p>The Director of Registration and Corporate Services [DRCS] presented an update report on the outcome of the Sommerville v NMC Judgement and the implications of the judgement for Fitness to Practise Panel Committee Members.</p> <p>The DRCS highlighted the following key points from the report:</p> <ol style="list-style-type: none"> 1. All panel members must be treated as workers under employment law but not in tax law. This applies to panel members who are current on the panel at January 2024 and therefore are entitled to holidays, holiday pay and pension contributions. 2. Fitness to Practise panel members will be entitled to 5.6 weeks annual leave every year. The first four weeks comes from an EU directive and the additional 1.6 weeks is allocated from UK law. It is important to note that as the EU Directive no longer applies in the UK, a panel member bringing a claim today would not be able to rely directly on EU law meaning that the two-year backstop indicated in the judgement will apply. A panel member bringing a claim today may not be able to rely directly on EU law, however they could still rely on UK precedent case law which would need to be tested in the courts. <p>The judgement means that only those in employment in the UK or appointed from January 2024 when the judgement was finalised can make a claim for annual entitlement and pension. A case may only be brought to tribunal within 3 months from the last incorrect deduction in pay which excludes those panel members who have already left and therefore have missed the application time frame.</p> <ol style="list-style-type: none"> 3. The Social Care Council has been engaging with the Department of Health Sponsor branch and panel members have been informed of the judgement and current position. An additional caveat exists in Northern Ireland as follows: |

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| | <ul style="list-style-type: none"> BSO Legal Advice has confirmed a decision to pay on this case cannot be made until two similar cases being dealt with by the Department of Health are settled in Northern Ireland as any action at this point may set a precedent. <p>4. The Social Care Council has been accruing calculated liability based on the HSC holiday entitlement calculation and is not planning to instigate any holiday payment procedures until confirmation and approval has been obtained from the Department of Finance which is in line with BSO DLS advice. A manual payment will be calculated and Panel members will be invoiced and paid annually.</p> <p>The DRCS agreed to keep Committee members updated.</p> <p>The Remuneration Committee noted the Progress Report on Sommerville v NMC Judgement and Implications for FTP Panel Committee Members report.</p> |
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| (6) | Social Care Council Remuneration and Staff Report 2023/24 - Paper C for approval |
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| 6.1 | <p>The DRCS reviewed the Social Care Council Remuneration Report 2023/24. This Report forms part of the annual report and the Remuneration Committee is responsible for recommending the report to the Board for approval. The purpose of this Report is to provide the Remuneration Committee with the Social Care Council's Remuneration Policy for 2022/23 and in particular its application in respect of Senior Officers and Board Members.</p> <p>The report sets out the following information:</p> <ul style="list-style-type: none"> the function and membership of the Remuneration Committee; salary, pension entitlement and the value of any taxable benefits in kind paid to both Executive and Non-Executive Directors; Service contracts appointment process for Executive directors within the HSC. A 3 month notice period is built into Executive contracts and the report outlines retirement age and compensation for premature retirement; Wages, salaries and staff composition by function, pay band and gender; As at 31 March 2024, the Social Care Council had a staff complement of 67 of which 62 were on permanent contracts and 7 of whom worked part-time. 5 people were employed on temporary/fixed term contracts and 5 were engaged temporarily as agency workers. |

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| | <ul style="list-style-type: none"> • There were nil exit costs paid out in either 2022/23 or 2023/24; • There were 2 in year retirements; <p>Subject to Committee approval, the report will form part of the Annual Report which is due be presented for Board approval at the meeting on 19th June.</p> <p>Action: In response to a query, it was agreed that the DRCS will seek clarity around whether Fitness to Practise panel members will have to be included in staff complement going forward.</p> <p>Action: correction to be made to the spelling of surnames for Non-Executive Directors in Remuneration Committee.</p> <p><i>The Remuneration Committee approved the Social Care Council Remuneration Report 2023/24 subject to the correction above.</i></p> |
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| (7) | Senior Executive Pay and Performance – confidential session |
| | The record of the confidential session is noted in Part 2 of the Remuneration Committee minutes. |
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| (8) | Update on Pay Awards – verbal |
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| 8.1 | <i>Agenda for Change Pay Award</i> |
| 8.1.1 | <p>The Assistant Director of Human Resources confirmed that the Agenda for Change 2023/24 pay award is in the process of being implemented. FAQs were shared last week and 5% consolidated pay award is due for payment in June salaries. Industrial action has been stood down by UNISON however NIPSA are continuing with the dispute which is mainly in relation to safe staffing.</p> <p>Separate FAQs will be issued at the start of August in advance of an additional non-consolidated award of £1505 due for payment in August salaries.</p> <p>The DRCS commended BSO colleagues on the significant level of communication undertaken in order to keep HSC staff informed.</p> <p>The Remuneration Committee noted the Agenda for Change Pay Award arrangements.</p> |
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| 9. | Chief Executive Recruitment and Succession Planning – confidential session |
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| 9.1 | <p>The Director of Registration & Corporate Services left the meeting.</p> <p>The Acting Chair advised that there has been no further response on the Chief Executive recruitment proposal from the Department of Health since the Extraordinary Remuneration Committee meeting convened in May. The Acting Chair has sent a follow up email to the Chief Social Work Officer (CSWO) on Friday 7th June to request an update on the Permanent Secretary's position. Subject to response, a further email will be sent to the CSWO on Monday with a view to writing directly to Permanent Secretary to request a panel assessor nomination.</p> <p>The Head of Business Services outlined an indicative live recruitment timetable which will be included in a Succession Planning scenarios paper to the Board for approval.</p> <p>It was noted that interviews are likely to be scheduled for the start of September if the Chief Executive post is advertised by 15th July which will result in the successful candidate taking up the post after the planned October retirement date. It was agreed that consideration may need to be given to extending the application period to 3 weeks to allow for July holiday period which may impact on the potential candidate pool.</p> <p>A number of risks may be presented should the new Chief Executive not be in place by the end of December and it was agreed that a contingency plan should be put in place. Remuneration committee members on the interview panel were advised that they may be called on at short notice in order to expedite the shortlisting and interview processes. It was agreed that a recruitment pack will be collated in advance by the Head of Business Services for short notice release.</p> <p>The Head of Business Services outlined several options for consideration. The Acting Chair agreed to keep Remuneration Committee members and Social Care Council officials updated.</p> |
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| (10) | Any other Business |
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| 10.1 | There was no other business. |

Approved by:

Acting Chair

Date:

Action List

| Listing | Action | Owner | Date | Status |
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| MEETING HELD ON 12th June 2024 - NEW | | | | |
| 6.1a | Clarity to be sought on whether FtP panel members should be included in staff complement going forward. | DRCS | October 2024 | Open |
| 6.1b | Amendment to be made to the NISCC Remuneration Report 2023/24 to reflect correct spelling of surnames for Non-Executive Directors in Remuneration Committee | DRCS | 12 June 2024 | Open |