

# Somerset County Council

## Human Resources Committee

– 17<sup>th</sup> November 2022

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### Somerset Council Employment Policies for Approval

Executive Member: Cllr Liz Leyshon, Deputy Leader and Lead Member on Finance and Human Resources

Lead Officer: Chris Squire, HR&OD Director

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<i>Please complete sign off boxes below prior to submission to Community Governance</i>			
<b>Report Sign off</b>	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	Legal	Tom Woodhams	15/11/22
	Corporate Finance	Jason Vaughan	15/11/22
	Human Resources	Chris Squire	10/11/22
	Executive Member	Liz Leyshon	15/11/22
	Monitoring Officer	Scott Wooldridge	15/11/22
<b>Summary:</b>	This report provides details of the policies for the new Somerset Council which are ready for consideration and if appropriate, approval, by the HR Committee. As agreed at the previous HR Committee meeting, policies meeting certain criteria (these are detailed below) would be presented to this Committee for consideration. Policies not meeting the criteria would be approved via delegated authority to the Director of Customers, Digital & Workforce.		
<b>Recommendations:</b>	<b>The members of the HR Policy Committee are asked to:</b>  <b>Formally approve those new employment policies as detailed below which meet the previously agreed criteria and therefore require HR Committee approval for use in the new Somerset Council with effect from 1<sup>st</sup> April 2023.</b>		
<b>Reasons for Recommendations:</b>	To ensure that a pre-agreed list of key employment policies are in place for the new Somerset Council on 1 <sup>st</sup> April 2023.		
<b>Links to Priorities and Impact on Service Plans:</b>	Part of the People Workstream for Local Government Reorganisation.		

<p><b>Financial, Legal and HR Implications:</b></p>	<p><b>Financial</b> – there are a handful of employment policies that have clear financial implications. As previously agreed therefore, any employment policies that have potential financial implications are being brought to HR Committee.</p> <p><b>HR</b> – one clear set of employment policies, terms and conditions for new and existing staff. The new policies will apply to transferring staff where such policies are not contractual (i.e., have not been incorporated into the contracts of employment) and so do not fall within the protection provided under the Transfer of Undertakings Protection of Employment (TUPE) Regulations. Having a single set of HR policies will greatly assist line managers and staff and help define the organisation’s culture and values regarding our workforce.</p> <p><b>Legal</b> – Where a contract of employment transfers to a new employer by virtue of the TUPE Regulations the employee’s terms and conditions of employment are protected despite the change of employer. This can sometimes result in a workforce where several different sets of terms and conditions apply.</p> <p>Changing terms and conditions can create risks of legal challenges particularly where employees are affected who have transferred under TUPE due to the protection afforded by the TUPE Regulations. To mitigate any such risks, consultation and negotiations will be carried out with Trade Unions to seek agreement to any changes.</p>
<p><b>Equalities Implications:</b></p>	<p>The Council’s duty under Section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions. A full Equality Impact Assessment is being completed for each of the new employment policies.</p>
<p><b>Risk Assessment:</b></p>	<p>N/A</p>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>N/A</p>

## **1 Background**

- 1.1 As agreed at the last meeting, any employment policy which meets one or more of the criteria below would be brought to the HR Committee for approval
- a) Where there is a significant/notable change to existing SCC policy
  - b) Something is contractual / is a term or condition
  - c) Where there is a cost implication – for example redundancy compensation scheme, sick pay, annual leave entitlement determination
  - d) Anything that the unions will not agree on/sign-off
- 1.2 It was also agreed that any significant impact to any District Council partner's existing policy is 'flagged' for the HR Committee's awareness
- 1.3 All other policies will be approved via delegated authority, by the Director of Customers, Digital & Workforce.
- 1.4 Based on the criteria above, and highlighted in blue on the attached summary table at Appendix 1 the policies now ready for the HR Committee's consideration and if appropriate, approval, are:
- Capability
  - Maternity (excluding Contractual Maternity Pay, see Appendix 1)
  - Paternity
  - Sickness Absence (Contractual Sick Pay only)
- 1.5 In addition, based on 1.2 above, and highlighted in yellow on the attached summary table at Appendix 1, are the policies where there is a significant impact to one or more of the District Councils' existing policies. As agreed, these are 'flagged' for HR Committee's awareness only. Please note that none of the District policies referred to are contractual. These are:
- Adoption (excluding Contractual Adoption Pay, see Appendix 1)
  - Compassionate Leave
  - Emergency Time off for Dependents
  - Standards of Conduct

## **2 Options Considered**

- 2.1 An alternative option would have been to have not made any changes to existing policies and with effect from 1<sup>st</sup> April 2023, to operate under five different sets of employment policies. This option was discounted, and the current approach agreed for the reasons set out in HR implications above.

### **3 Consultations Undertaken**

- 3.1 All policies on the list have been consulted upon informally with trade union representatives in weekly working group meetings. These are to be taken to the LGR JNF (Joint Negotiating Forum) on Wednesday 16<sup>th</sup> November for formal approval.

### **4 Implications**

- 4.1 The recommendations are made to ensure that Somerset Council has a set of employment policies in place which are legally compliant, fair, affordable and consistent with the values and culture of the new Council. In the event that approval is not achieved for an employment policy, Somerset County Council's existing policy would be used post vesting day, due to SCC being the continuing authority. This is with the exception of employees who TUPE transfer in from the District Councils and for whom existing terms and conditions are protected under the TUPE Regulations.

### **5 Background Papers**

- 5.1 Appendix 1 Summary table & employment policies.  
Appendix 2 – Adoption Policy  
Appendix 3- Capability Policy  
Appendix 4 – Compassionate Leave Policy  
Appendix 5 – Emergency Time off for Dependents Policy  
Appendix 6 – Maternity Policy  
Appendix 7 – Paternity Policy  
Appendix 8 – Standards of Conduct Policy
- 5.2 Please note, each draft policy has various words/titles highlighted in yellow. This is because we do not yet know what titles, services, etc., will be called.