

Human Resources Committee

Thursday 17 November 2022

2.00 pm Luttrell Room - County Hall,
Taunton



SOMERSET
County Council

To: The Members of the Human Resources Committee

Cllr L Leyshon (Chair), Cllr S Aujla, Cllr A Dingwall, Cllr D Fothergill, Cllr A Kendall, Cllr M Healey, Cllr G Oakes, Cllr E Pearlstone, Cllr L Redman, Cllr D Rodrigues, Cllr T Robbins, Cllr M Stanton and Cllr S Wakefield

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Monitoring Officer and Head of Governance and Democratic Services - 9 November 2022

For further information about the meeting, please contact Neil Milne on 01823 359045 or ndmilne@somerset.gov.uk or Sarah Wright (Democratic Service Officer) on 01823 356151 or sarah.wright@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers



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AGENDA

Item Human Resources Committee - 2.00 pm Thursday 17 November 2022

*** Public Guidance notes contained in agenda annexe ***

1 Apologies for Absence

- To receive apologies for absence

2 Declarations of Interest

Details of all Members' interests in District, Town and Parish Councils can be viewed on the Council Website at [County Councillors membership of Town, City, Parish or District Councils](#) and this will be displayed in the meeting room (Where relevant).

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

3 Minutes from the previous meeting held on 11 October 2022 (Pages 9 - 16)

The Committee is asked to confirm the minutes are accurate.

4 Public Question Time

The Chair will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about any matter on the agenda for this meeting will be taken at the time when each matter is considered.

5 Chief Officer Pay Award 2022-23 (Pages 17 - 32)

- To consider the report

6 LGR People Workstream Update

- To receive a presentation

7 LGR HR Policies for approval (Pages 33 - 76)

- Policies to be considered
 - o Adoption
 - o Capability
 - o Compassionate Leave
 - o Emergency Time Off for Dependents
 - o Maternity
 - o Paternity
 - o Sickness Absence (contractual sick pay)

Item Human Resources Committee - 2.00 pm Thursday 17 November 2022

- Standards of Conduct

8 **Any other urgent items of business**

The Chair may raise any items of urgent business.

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Guidance notes for the meeting

1. **Council Public Meetings**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have given local authorities new powers to hold public meetings virtually by using video or telephone conferencing technology.

2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticservices@somerset.gov.uk or telephone 07790577336/ 07811 313837/ 07790577232

They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers.

Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email democraticservices@somerset.gov.uk or telephone 07790577336/ 07811 313837/ 07790577232.

You will be sent a link to the meeting to attend virtually or alternatively you can telephone into the meeting and listen to the proceedings using the phone number and ID for the meeting.

At the Chair's invitation you may ask questions and/or make statements or

comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If there are many people present at the meeting for one particular item, the Chair may adjourn the meeting to allow views to be expressed more freely. If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

6. **Meeting Etiquette**

- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Only speak when invited to do so by the Chair.
- Speak clearly (if you are not using video then please state your name)
- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.

7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it

appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, remove the participant from the meeting.

8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chair can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

A copy of the Council's Recording of Meetings Protocol is available from the Committee Administrator for the meeting.

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HUMAN RESOURCES COMMITTEE

Minutes of a Meeting of the HR Committee held in the Luttrell Room - County Hall, Taunton, on Tuesday 11 October 2022 at 2.00pm

Present: Cllr L Leyshon (Chair), Cllr A Dingwall, Cllr E Pearlstone, Cllr L Redman, Cllr M Stanton, Cllr T Butt Philip (substitute for Cllr Robbins), Cllr M Chilcott (substitute for Cllr Rodrigues), Cllr D Johnson (substitute for Cllr Kendall), Cllr S Osborne (substitute for Cllr Aujla), Cllr P Seib (substitute for Cllr Wakefield), Cllr H Shearer (substitute Cllr Oakes).

Other Members present: Cllr T Deakin

Committee members attending virtually: Cllr S Wakefield (in person then virtually)

Other members attending virtually: Cllr M Lovell, Cllr T Munt, Cllr R Woods

Absent: Cllr D Fothergill, Cllr M Healey

The meeting started at 2.15pm (delayed start due to overrun of previous meeting).

1. Apologies for absence

Cllr S Aujla (substitute Cllr Osborne), Cllr A Kendall (substitute Cllr Johnson), Cllr G Oakes (substitute Cllr Shearer), Cllr T Robbins (substitute Cllr Butt Philip), Cllr S Wakefield (substitute Cllr Seib), Cllr Rodrigues (substitute Cllr Chilcott), Cllr M Rigby - Lead Member.

2. Declaration of Interest

- a) Cllr Leyshon and Cllr Kendall declared a personal interest as members of the Local Government Pension Scheme.
- b) Cllr Dingwall declared his recent membership of Westonzoyland Parish Councils.

3. Public Question Time

There were no public questions, statements, or petitions.

4. Organisational Change Principles for Appointments to Somerset Council

The Committee received a report from the Lead Officer, Director of Customers, Digital and Workforce – Chris Squire.

The following points were highlighted:

- The enormity and importance of the organisational change of Local Reorganisation (LGR).
- Draft proposals were the result of much consultation and the required level of high transparency to bring five organisations (management and teams) into one new authority.

- A set of principles, as agreed with staff representatives and chief executives, and shared with the five senior leadership teams (SLTs), would govern the process of restructuring change. These principles will run through all stages including the upcoming tier 2 and 3 recruitment and later changes.
- Proposals will be shared for the fourth time with Trade Unions this week.

The following comments were made, and questions asked:

There was a request for greater clarity of point 3.2.6 in the final report and it was suggested the wording 'designated appointee' would give greater clarity. It was asked if all tier 2 appointments would be from existing employees and if not, if there was sufficient time to recruit externally. In response it was stated that there were no assumptions about the origins of post-holders as internal, external, and temporary arrangements would all be considered.

It was asked if consideration could be given as an alternative to the phrase 'slotting-in'; strengthening the point about internal recruitment ahead of external to reassure staff and to highlight the employment opportunities of LGR; re-iterate the issue of trade union involvement by removing 'initial' from 3. 1. The Lead Officer accepted those comments and highlighted the need for respect on both sides.

It was asked if there would be support, such as re-employment skills, for employees who will not have a positive outcome from the LGR process. In response it was confirmed this would be put in place, including mental health support, and details will be brought to a future meeting of the committee.

It was requested more information be provided on redundancy as well as detailed information on risk, as identified by the LGR Implementation Board, and the oversight was acknowledged and would be remedied.

Clarification was sought on who owned the Key Principles of Organisational Change document. In response it was explained it would be a joint document agreed by the five Chief Executives. Following consideration by this Committee, the report will then go to the Programme Board.

It was suggested that authority is given to the Director of Customers, Digital and Workforce and the Chair of this Committee to finalise the report.

It was asked if staff outside of a trade union have a voice in this process and it was noted there was a statutory requirement to consult all employees affected as well as trade unions; the document had not been sent to all 5000 employees.

It was noted that revisions resulting from the meeting would be presented to the Programme Board and reported back to the next meeting of this Committee.

The Committee reviewed the Organisational Change Principles and commented on some aspects and noted that the Principles are not 'policy', however they are an overarching framework to inform organisational change processes.

5. Approval Process for Somerset Council Employment Policies

The Committee received a report from the Service Manager HR Policy and Projects and Strategic Manager – HR Practice.

The following points were highlighted:

- The report is a proposal for approving new employment policies for the new Council.
- 25 priority policies have been identified and were currently being worked on, to include comparison of existing policies across the five authorities.
- Agreement on the process for approving new policies would be required either option 1 – all policies to come to the Committee for approval or option 2 – only policies that differ significantly from the original SCC policy or were otherwise contentious, to be brought to the Committee, for example, where this relates to:
 - a contractual arrangement
 - a cost implication
 - where trade unions have not reached a consensus.
- All other policies would be approved by delegated authority.
- Proposal is to move to monthly meetings to consider these policies that require Committee consideration.

The following comments were made, and questions asked:

Clarification was requested on the definition and threshold for significant change. It was explained that this would be determined in consultation with the Sub-Workstream Lead and trade unions in conjunction with working groups.

It was asked if the other non-priority policies would be completed before Vesting Day. It was noted those would be ranked for completion in terms of those most used such as the Sickness Absence Policy and that, as the continuing authority, reference would be made to the existing SCC policy, although former-district employees would be covered by TUPE.

It was asked if Democratic Services has the capacity for additional meetings and Members were reassured the need would be met and that team had been enhanced with colleagues from the district councils.

It was suggested that all Service Managers should be informed as soon as possible that they could request more staff resources to address additional workload pre-Vesting Day. In response it was noted that staff were under pressure to meet

numerous deadlines and that a 3–5-year programme was being condensed into a shorter timeframe and all colleagues were credited for their commitment to this task.

It was noted that the new policies would be Somerset Council policies and not SCC policies, and all staff should have access to those as soon as possible. The Chair suggested that a summary of the Committee's work be sent to the LGR Comms Team to reassure staff about the breadth of work currently being undertaken.

Strategic Manager - HR Practice, Sari Brice was introduced and she explained that there were large cost implications on the Mid Term Financial Plan (MTFP) from the different pay rates between the five authorities which would impact on redundancy, both statutory and voluntary, and the different multipliers used. The five authorities also use different mileage rates.

It was asked if the proposal of monthly meeting could take place online and the Chair explained that meetings had to take place 'in-person' to comply with legislation, that did not allow decision making meetings to be held virtually.

The Committee agreed Option 2 (as set out in the report); the proposal set out a process for approving new employment policies, using clear criteria to determine the appropriate route for approval.

8. Proposal for monthly meetings of this Committee.

The Chair suggested and Members agreed to consider this agenda item next. There was a brief discussion on the necessity of scheduling additional meetings of the Committee, on a monthly basis.

The Committee agreed to increase the frequency of meeting to monthly and additional dates would be circulated as soon as possible. It was also suggested that internal communications regarding LGR be increased.

6. Culture Workshops – Round One Report

The Committee received a report from the Director of Customers, Digital and Workforce as the Lead Officer.

The following points were highlighted:

- An analysis of the recent Culture Workshops to help address the challenge of setting the culture for the new authority.
- The workshops had opened a conversation with employees of all five districts to set the 'feel' of Somerset Council and determine 'how we will do things' and what was not wanted.
- A sub-workstream called Culture and Behaviours would be established.

- In total, 485 employees attended the workshops which were either held face to face or virtually, as a hybrid format was not deemed appropriate.
- 2500 comments were received which were categorised into 100 themes. A strong theme was concern over ways of working and communication.
- Staff felt strongly protective over 'dynamic working strategies' which had been discussed at length with trade unions. Other concerns related to managers listening to employees, wellbeing and general kindness in the workplace which would be fed into the overall People Strategy.
- Phase two of this work would concentrate on ways to enact what staff want and would include further workshops to help draft the new Corporate Plan and 50 Culture Navigators would be recruited to enable this work to take place and to assess staff feelings on the ground.

The following comments were made, and questions asked:

- It was stated that when communication were optimised, engagement levels would also be optimised.
- It was noted that qualitative responses were very important and that the Council's SLT and the Executive consider those responses and read the feedback. It was suggested if Members could attend a culture workshop.
- It would be important to consider non-9-5 work pattern roles as there was much flexibility in other sectors; it would be imperative to follow up any suggestions of bullying very rapidly; and that the impact of the menopause on the wider workforce should not be underestimated. In response it was confirmed the Council was mindful of the effect of the menopause and it would be significant to the wider workforce, particularly as the average age of an SCC employee was 45-46 years and that 73% of the workforce were female.
- It was asked how effective anti-bullying policies and practices are currently and in response it was confirmed they were hugely important and would continue to be so in the Council.
- It was stated that it was important to continue to listen to the workforce after 1 April 2023 and this should be an ongoing process and it was confirmed it would be imperative to set the culture from April 2023.
- It was noted that the new Council should also be mindful of the wellbeing of councillors as well as employees and there was significant pressure on both Members and Officers that would extend beyond April 2023.
- There was a question about what was being done with regard stress management, particularly in services experiencing staff shortages. It was explained that much being done and would continue to help build a positive work environment to combat all undermining behaviours. All Members were encouraged to join the process to aid understanding of the pressures that

both staff and Members were under to achieve the best outcomes for the Council. The Officer stated that on the completion of work in B Block there would be a continuation of dynamic working strategies to include hybrid working with particular regard to new staff and young employees. The work of the Economy Community Infrastructure (ECI) team in developing the Workforce Strategy as a planning resource and the work already undertaken as part of this with Children's Social Care and Adult Social Care with lessons learnt would be applied to the wider organisation. Work would be undertaken to identify how to retain good staff through pay and reward, as well as career progression schemes.

- There was agreement that the new authority should be a learning organisation.

The Committee accepted the report and welcomed the approach to continue staff engagement.

7. People Workstream Progress

The Committee received an update via a presentation from the Director of Customers, Digital and Workforce.

The following points were highlighted:

There are a number of sub-workstreams or programmes within the People Workstream:

- Behaviours & culture.
- Organisational development through development of a single learning management system.
- Organisational design with initial SLT consultations already taken place.
- Payroll & HR management with single payment system (Mendip & Sedgemoor District Councils will be included from end October), move to a single finance system in MS Dynamics, and replacement system for SAP.
- Senior Management Appointments & Recruitment.
- Staff Terms & Conditions.
- TUPE and organisational change.
- Wellbeing and Ways of Working through the Dynamic Working Strategy, Occupational Health, Employee Assistance, rapid access to physio and the Wellbeing Strategy..
- Diversity and Inclusion including overseas workers.
- Health and Safety with policies considered by trade unions.
- Single recruitment system.

It was asked if there would be an Older People's Strategy alongside the Young People's Strategy, for employees in their 50s, 60s and older who are in the workforce. In response it was stated that the attractiveness of Somerset as a workplace should be emphasised in the recruitment process as well as physiological issues associated with homeworking.

It was asked if a report/update on the first meeting of the Equalities and Diversity Committee could be brought to the a future committee meeting.

It was asked if lunchtime health activities for staff could be re-introduced and in response it was acknowledged that many of those had ceased during the pandemic but could be re-started as more staff returned to the office as B Block reopened.

The Committee accepted the presentation, noting the enormity and complexity of the LGR process.

9. Exclusion of the Press and Public

It was agreed that under Section 12A of the Local Government Act 1972 that the press and public be excluded from the remainder of the meeting on the basis that if they were present during the business to be transacted, there would be a likelihood of disclosure to them of exempt information of the following description:

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

This was proposed by Cllr Shearer and seconded by Cllr Dingwall. There were no objections. There were no abstentions. All remaining members voted in favour of the proposal and the motion was carried to exclude the press and public for the remainder of the meeting.

10. Proposed Process for Tier 2 and 3 Appointments to Somerset Council

The Committee considered the report and approved the proposed process for tier 2 and 3 appointments.

11. Any other urgent items of business

There were no items of urgent business.

Meeting closed at 5.15pm

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Somerset County Council

Human Resources Committee

– 17th November 2022

Paper

Item No.

Chief Officer Pay Award – 2022/2023

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

Lead Officer: Chris Squire, Director of Customers, Digital & Workforce

Author: Cherry Russell, Strategic Manager HR Business Relations

Contact Details: 01823 355085. Cherry.russell@somerset.gov.uk

Please complete sign off boxes below prior to submission to Community Governance

	Seen by:	Name	Date
Report Sign off	Legal	Honor Clarke	09/11/2022
	Corporate Finance	Jason Vaughan	10/11/22
	Human Resources	Chris Squire	09/11/2022
	Cabinet Member	Cllr Liz Leyshon	15/11/2022
	Monitoring Officer	Scott Wooldridge	10/11/2022
	Summary:	<ul style="list-style-type: none"> The Report sets out the changes to Green Book pay as a result of the national agreement on the 2022/23 pay award. The Report seeks a decision on the increase to Somerset County Council's Chief Officer Grade 2 and 3 salaries for the same period, now that the Green Book and Chief Officer pay award has been set nationally. Additionally, it seeks a decision on the Chief Executive Grade 1 salary for the same period with consideration to the recent new appointment to this role and recommendation outlined in this report. 	
Recommendations:	<p>The members of the Human Resources Committee are asked to:</p> <ol style="list-style-type: none"> Note the nationally agreed Green Book pay award for 2022/23 as outlined in paragraph 1.1 below and the updated Somerset salary rates for grades 17 to 4 at Appendix 3. To agree the 2022/23 pay award for Somerset County Council Chief Officers, at Somerset Grades 2-3, of £1,925 to reflect the increase agreed nationally for Green Book staff and Chief Officers, as recommended in paragraph 2.2 below. To consider the recommendation that no pay increase is awarded to the recently appointed Chief Executive Somerset Grade 1 for the financial year 2022/23, as outlined in paragraph 2.3 below. Request that a report is submitted to Full Council on 23rd November 2022 to approve the recommendations of this Committee on a pay increase backdated to April 2022 for 		

	Somerset Grades 2-3.
Reasons for Recommendations:	As from 1st April 2012, determination of any salary/cost of living progression for the Chief Executive and Chief Officer Grades 2 and 3, is undertaken by the HR Policy Committee (now renamed Human Resources Committee). In recent years this has mirrored the Green Book pay award for staff.
Links to Priorities and Impact on Service Plans:	Appropriate pay provisions for staff, Chief Officers and the Chief Executive are fundamental to the delivery of the Council's objectives and services as set out in the County Plan.
Financial, Legal and HR Implications:	The forecast budget for annual cost of living increase for all staff including Chief Officers & previous Chief Executive was set at 2.5% for 2022/23. The £1,925 represents a saving on the budget for the year.
Equalities Implications:	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. There are no direct equality impacts associated with the proposed pay award. There are also no direct impacts on sustainability, health and safety, community safety or privacy aspects as a result of the recommendations
Risk Assessment:	Failure to pay competitive salaries for Chief Officers may result in increased turnover of Directors and therefore instability for some services.
Scrutiny comments / recommendation (if any):	None

1. Background

1.1. On 1st November 2022, the National Joint Council (JNC) for local government services reached agreement on a one year pay award for 2022/23, applicable to Green Book staff. Details are outlined below:

- a. With effect from 1 April 2022, an increase of £1,925 (pro-rata for part time staff) on all NJC pay points 1 and above(*see 1.3 below).** *(Annual & hourly rate increase by Spinal Column Point (scp) shown at Appendix 1 of this paper, as listed in Annex A of the NJC Local Government Services pay agreement 2022/23 circular dated 1st November 2022).*
- b. With effect from 1 April 2022, an increase of 4.04 per cent on all allowances** *(Shown at Appendix 1 of this paper, as listed in Annex 2 of the NJC Local Government Services pay agreement 2022/23 circular dated 1st November 2022)*

- 1.2.** In recent years, the Green Book national pay award has been a percentage increase on basic salary. The 2022 pay award offer differs from previous years and is based on an increase of £1,925, which reflects a different percentage increase, depending on basic salary.

For the lowest paid workers on Spinal Column Point (SCP) 1, currently SCC Grade 17, on a salary of £18,333, this will equate to a 10.5% increase. The maximum Green Book JNC national pay spine is SCP 43, on a salary of £47,665, this will equate to a 4.04% increase.

- 1.3.** As from 1st April 2014, the Council put in place a local agreement to vary some pay and conditions for Somerset Grade 8 and above. This introduced one pay point per grade from Grade 8 (scp 38) up to Grade 4 (scp 52). The Council's salaries therefore deviate from the JNC pay spine from (scp) 39 and go beyond the maximum point. However, *The Green Book Part 2 Para 5.4 provides that posts paid above the maximum of the pay spine but graded below deputy chief officer are within scope of the NJC. The pay levels for such posts are determined locally, but once fixed are increased in line with agreements reached by the NJC. Therefore, the employers' final offer of £1,925 also applies to Somerset Grades 8 - 4.

On that basis staff paid on SCC Grade 7, (scp 43) with a salary of £48,219 will receive a 3.99% increase and this will reduce for higher grades with SCC Grade 4 (scp 52) receiving a 2.38% increase.

The Somerset salary rates by spinal column points for Green Book staff are outlined at Appendix 2, showing Grades 17 to 4, with the 2022 pay award applied.

- 1.4.** On 1st November 2022, The National Employers also agreed a one year offer for Chief Officer pay for those still represented by JNC negotiations. SCC is out of scope of the national agreement; however, it is a useful guide for consideration. Details are outlined below and at Appendix 3.

- **With effect from 1st April 2022 the individuals' basic salaries of all officers within scope of the JNC for Chief Officer of Local Authorities should be increased by £1,925** (this increase applies to individual salaries as well as pay points, if applicable). Note: Basic salary should exclude other separately identified payments such as Returning Officer fees etc.

- 1.5.** The Council has also opted out of national pay negotiations for Local Authority Chief Executives. The National Employers final offer for Chief Executives was £1,925 to match Chief Officers and Green Book Staff. However, no agreement has been reached nationally and a meeting between lead members of the National Employers and the body that represents Chief Executives (ALACE) has been scheduled for later this month.

- 1.6. Determination of any salary/cost of living progression for the Chief Executive and Chief Officer Grades 2-3, is undertaken by this Committee, following a decision in 2012 to opt out of National negotiations for Chief Officers and Chief Executive. In recent years the pay awards for the Chief Executive and Chief Officers have mirrored the Green Book pay award for staff.
- 1.7. Employers are encouraged to implement the pay award as swiftly as possible. We will ensure the Green Book pay award is implemented in the November payroll for Grades 1 to 4.

The Chief Officer and Chief Executive pay award requires Full Council approval. The next meeting is on 23rd of November 2022, which is after the normal payroll deadline, however as this change only applies to a small number of Officers it is anticipated the change will be able to be implemented in time for November pay.

- 1.8. On 1st November 2022, the National Joint Council (NJC) for local government services reached agreement on other terms, applicable to Green Book staff, which will not come into force until 1st April 2023. Details are outlined below and in Appendix 1:
 - a. **The NJC has agreed that from 1 April 2023, all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, will receive a permanent increase of one day (pro-rata for part timers) to their annual leave entitlement.** This may require, in some organisations, that a local agreement has to be reached in order for the extra day to be applied. The NJC's full expectation is that the additional day's leave will be applied for all NJC staff, regardless of existing local arrangements. The National Agreement Part 2, para 7.2, with effect from 1 April 2023, will be amended to reflect this change.
 - b. **The NJC has agreed with effect from 1 April 2023, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine.**

A separate report will be presented to this Committee, at a later date and before April 2023, to outline the impacts and how we will implement these changes.

2. Options Considered

- 2.1. No alternatives are available in relation to the application of the pay award for Green Book staff (staff in Grades 17 – 4 in both schools and SCC) as this is nationally agreed.

- 2.2.** In recent years Chief Officers at Somerset Grades 2-3 have received the same pay award as Green Book staff.

Although SCC opted out of national pay negotiations for Chief Officers of Local Authorities some years ago (1st April 2012) it is open to the Council to follow the 2022/23 pay award for those within scope of the JNC. The agreement this year matched Green Book Staff.

It is therefore recommended that the pay award for Chief Officers Somerset Grades 2 and 3, for the period of 1 April 2022 to 31 March 2023, matches the nationally agreed increase of £1,925 on basic salary. (For the bottom pay point of Grade 3 on a salary of £96,204 this would equate to a 2% increase and for the bottom of Grade 2 on a salary of £113,127 this would equate to a 1.7% increase.)

- 2.3.** The Committee is asked to make a decision on the Chief Executive pay award for 2022/23.

In recent years the Chief Executive at Somerset Grade 1 has received the same pay award as Green Book Staff. The Council has opted out of national pay negotiation for Chief Executives.

The current Chief Executive was recently appointed and took up his position on 3 October 2022. The salary on appointment was agreed by Full Council and was not subject to the 2022/23 pay award. It is therefore recommended that no pay increase is awarded for the 2022/23 financial year.

3. Consultations undertaken

- 3.1.** Updates on the Green Book NJC national pay negotiations have been discussed at the Joint Negotiation Forum in Somerset. Members were consulted throughout 2022 as to their views on the pay offer and the recognised Unions conducted a national ballot of their members.
- 3.2.** The Chief Officer and Chief Executive pay award proposal has been circulated to the Joint Negotiation Forum for comment on 9 November 2022, requesting responses by end of the day on 16 November 2022. Any comments received will be shared verbally at this Committee on 17th November.

4. Implications

- 4.1.** The recommendation to apply a £1,925 pay award to Chief officers Grades 2 and 3, which is in line with Green Book staff, is intended to ensure fairness and equity in pay awards for all staff.

- 4.2.** The 2022/23 budget provided for a pay award of 2.5%.

The financial impact of a £1,925 pay award for Chief Officers is £26,950(excluding on costs) and falls within budget forecasts. The percentage increase varies dependant on salary with the bottom point of Chief Officer Grade 3 receiving 2% and bottom of Grade 2 receiving 1.7%.

5. Background papers

- 5.1** Appendix 1: NJC Local Government Services pay agreement 2022/23 circular dated 1st November 2022 (PDF document attached separately).
- 5.2** Appendix 2: Somerset salary rates by spinal column points for Green Book staff Grades 17-4, with 2022 pay award applied. (Excel spreadsheet attached separately)
- 5.3** Appendix 3: NJC Chief Officers of Local Authorities pay agreement 2022/23 circular dated 1st November 2022) PDF document attached separately)

National Joint Council for local government services

Employers' Secretary
Naomi Cooke

Trade Union Secretaries
Rachel Harrison, GMB

Mike Short, UNISON

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18 Smith Square
London SW1P 3HZ
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l.government@unison.co.uk

**To: Chief Executives in England, Wales and N Ireland
(copies for HR and Finance Directors)
Members of the National Joint Council**

1 November 2022

Dear Chief Executive,

LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2022-23

Employers are encouraged to implement this pay award as swiftly as possible.

Pay

Agreement has been reached on rates of pay applicable from **1 April 2022**. The new pay rates are attached at **Annex 1**.

The new rates for allowances, uprated by 4.04 per cent, are set out at **Annex 2**.

The NJC has agreed that from **1 April 2023**, Spinal Column Point (SCP) 1 will be permanently deleted from the NJC pay spine.

Annual Leave

The NJC has agreed that from **1 April 2023**, all employees covered by this National Agreement, regardless of their current leave entitlement or length of service, will receive a permanent increase of one day (pro rata for part-timers) to their annual leave entitlement. This may require, in some organisations, that a local agreement has to be reached in order for the extra day to be applied. The NJC's full expectation is that the additional day's leave will be applied for all NJC staff, regardless of existing local arrangements.

The National Agreement Part 2 Para 7.2 will, with effect from **1 April 2023**, be amended to read as follows:

7.2 Annual Leave

With effect from 1 April 2023, the minimum paid annual leave entitlement is twenty-three days with a further three days after five years of continuous service. The

entitlement as expressed applies to five day working patterns. For alternative working patterns an equivalent leave entitlement should be calculated.

7.3 *The annual leave entitlement of employees leaving or joining an authority is proportionate to their completed service during the leave year.*

7.4 Extra Statutory Holidays

Employees shall have an entitlement to two extra statutory days holiday, the timing of which shall be determined by the authority in consultation with the recognised Trade Unions with a view to reaching agreement or added to annual leave by local agreement.

Joint work

The NJC has also agreed to enter into discussions on homeworking policies, mental health support and maternity etc leave.

Backpay for employees who have left employment since 1 April 2022

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2022 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly. Further detail is provided in [section 15 of the HR guide](#) which is available on the [employer resources section](#) of www.lgpsregs.org

Yours sincerely,

*Naomi
Cooke*

Naomi Cooke

R. Harrison

Rachel Harrison

M. R. Short

Mike Short

SCP	01-Apr-21		01-Apr-22	
	per annum	per hour	per annum	per hour
1	£18,333	£9.50	£20,258	£10.50
2	£18,516	£9.60	£20,441	£10.60
3	£18,887	£9.79	£20,812	£10.79
4	£19,264	£9.99	£21,189	£10.98
5	£19,650	£10.19	£21,575	£11.18
6	£20,043	£10.39	£21,968	£11.39
7	£20,444	£10.60	£22,369	£11.59
8	£20,852	£10.81	£22,777	£11.81
9	£21,269	£11.02	£23,194	£12.02
10	£21,695	£11.25	£23,620	£12.24
11	£22,129	£11.47	£24,054	£12.47
12	£22,571	£11.70	£24,496	£12.70
13	£23,023	£11.93	£24,948	£12.93
14	£23,484	£12.17	£25,409	£13.17
15	£23,953	£12.42	£25,878	£13.41
16	£24,432	£12.66	£26,357	£13.66
17	£24,920	£12.92	£26,845	£13.91
18	£25,419	£13.18	£27,344	£14.17
19	£25,927	£13.44	£27,852	£14.44
20	£26,446	£13.71	£28,371	£14.71
21	£26,975	£13.98	£28,900	£14.98
22	£27,514	£14.26	£29,439	£15.26
23	£28,226	£14.63	£30,151	£15.63
24	£29,174	£15.12	£31,099	£16.12
25	£30,095	£15.60	£32,020	£16.60
26	£30,984	£16.06	£32,909	£17.06
27	£31,895	£16.53	£33,820	£17.53
28	£32,798	£17.00	£34,723	£18.00
29	£33,486	£17.36	£35,411	£18.35
30	£34,373	£17.82	£36,298	£18.81
31	£35,336	£18.32	£37,261	£19.31
32	£36,371	£18.85	£38,296	£19.85
33	£37,568	£19.47	£39,493	£20.47
34	£38,553	£19.98	£40,478	£20.98
35	£39,571	£20.51	£41,496	£21.51
36	£40,578	£21.03	£42,503	£22.03
37	£41,591	£21.56	£43,516	£22.56
38	£42,614	£22.09	£44,539	£23.09
39	£43,570	£22.58	£45,495	£23.58
40	£44,624	£23.13	£46,549	£24.13
41	£45,648	£23.66	£47,573	£24.66
42	£46,662	£24.19	£48,587	£25.18
43	£47,665	£24.71	£49,590	£25.70

NB: hourly rate calculated by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) and then divided by 37 hours (the standard working week)

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment:

1 April 2022
£39.24

**RATES OF PROTECTED ALLOWANCES AT 1 APRIL 2022
(FORMER APT&C AGREEMENT (PURPLE BOOK))**

Paragraph 28(3) Nursery Staffs in Educational Establishments - Special Educational Needs Allowance

1 April 2022
£1,401

Paragraph 28(14) Laboratory / Workshop Technicians

City and Guilds Science Laboratory Technician's Certificate Allowance:

1 April 2022
£228

City and Guilds Laboratory Technician's Advanced Certificate Allowance:

1 April 2022
£165

Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2022
£951

Outer Fringe Area:

1 April 2022
£663

Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 April 2022
£31.58

FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)

Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2022

£951

Outer Fringe Area:

1 April 2022

£663

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HR & OD SERVICE

Pay and Grading Structure with effect from 1 April 2021 & 1 April 2022

SCP	Grade	Salary 01/04/21	Salary 01/04/22	Hourly Rate 01/04/22
1	17	18,333	20,258	10.50
2	16	18,516	20,441	10.60
3	15	18,887	20,812	10.79
4	15	19,264	21,189	10.98
5	14	19,650	21,575	11.18
6	13	20,043	21,968	11.39
7	13	20,444	22,369	11.59
8	13	20,852	22,777	11.81
9	13	21,269	23,194	12.02
10	13	21,695	23,620	12.24
11	13	22,129	24,054	12.47
12	12	22,571	24,496	12.70
13	12	23,023	24,948	12.93
14	12	23,484	25,409	13.17
15	12	23,953	25,878	13.41
16	12	24,432	26,357	13.66
17	12	24,920	26,845	13.91
18	12	25,419	27,344	14.17
19	12	25,927	27,852	14.44
20	11	26,446	28,371	14.71
21	11	26,975	28,900	14.98
22	11	27,514	29,439	15.26
23	11	28,226	30,151	15.63
24	11	29,174	31,099	16.12
25	11	30,095	32,020	16.60
26	10	30,984	32,909	17.06
27	10	31,895	33,820	17.53
28	10	32,798	34,723	18.00
29	10	33,486	35,411	18.35
30	10	34,373	36,298	18.81
31	9	35,336	37,261	19.31
32	9	36,371	38,296	19.85
33	9	37,568	39,493	20.47
34	9	38,553	40,478	20.98
35	8	39,571	41,496	21.51
36	8	40,578	42,503	22.03
37	8	41,591	43,516	22.56
38	8	42,614	44,539	23.09
39	7	43,686	45,611	23.64
40	7	44,763	46,688	24.20
41	7	45,894	47,819	24.79
42	7	47,256	49,181	25.49
43	7	48,219	50,144	25.99
44	7	49,422	51,347	26.61
45	6	50,652	52,577	27.25
46	6	51,927	53,852	27.91
47	6	53,214	55,139	28.58
48	6	54,552	56,477	29.27
49	6	55,917	57,842	29.98
50	6	57,309	59,234	30.70
51	5	71,487	73,412	38.05
52	4	80,937	82,862	42.95

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Joint Negotiating Committee for Chief Officers of Local Authorities

**To: Chief Executives in England and Wales (N Ireland for information)
(copies for the Finance Director and HR Director)
Regional Directors
Members of the Joint Negotiating Committee**

1 November 2022

Dear Chief Executive,

CHIEF OFFICERS' PAY AGREEMENT 2022

Agreement has now been reached on the pay award applicable from **1 April 2022** (covering the period 1 April 2022 to 31 March 2023).

The individual basic salaries¹ of all officers within scope of the JNC for Chief Officers of Local Authorities should be increased by £1,925 with effect from 1 April 2022 (NB: this increase applies to individual salaries as well as pay points, if applicable).

Employers are encouraged to implement this pay award as swiftly as possible.

Backpay for employees who have left employment since 1 April 2022

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2022 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly. Further detail is provided in [section 15 of the HR guide](#) which is available on the [employer resources section](#) of www.lgpsregs.org

Yours faithfully,

Naomi Cooke
Naomi Cooke

George Georgiou
George Georgiou

cc Ruth Levin, UNISON

¹ Basic salary should exclude other separately identified payments such as Returning Officer fees etc.

Employers' Secretary: Naomi Cooke Local Government Association 18 Smith Square London SW1P 3HZ info@local.gov.uk	Officers' Secretary: George Georgiou GMB Mary Turner House 22 Stephenson Way London NW1 2HD info@gmb.org.uk
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Summary Table for HR Committee November 2022

Key: **Yellow** means we have flagged for information / awareness as there is a change to one or more of the District Councils

Blue means a change to the existing previously agreed SCC policy requiring approval by HR Committee

Policy	Points to Note	Suggested Approval Route
<p>Adoption</p>	<p>We are seeking formal approval of this policy with the exception of Contractual Adoption Pay (CAP). This is due to MDC offering 100% pay for the first six weeks for both Adoption & Maternity. We have proposed to pay at 90% for this period, which is consistent with Green Book and the other four partner employers. While numbers of employees taking Adoption Leave are relatively low (8 employees at MDC in the last 3 years), we know a higher number take Maternity Leave meaning there will be greater financial implications, and we wish to be consistent across both policies.</p> <p>As a result of our proposal, Unison intend to ballot their members and consequently we will need to re-visit this term when they have done so.</p> <p>Other points to note:</p> <p>We have kept the SCC pre-appointments entitlement of 5 paid appointments for both the Primary and Secondary Adopters – District Councils provide 5 paid appointments for the Primary Adopter and 2 unpaid appointments for the Secondary Adopter. This is unlikely to become a concern financially as adoptive parents are a smaller group and nothing extra is paid out, this is simply a change to the way in which paid time is used.</p> <p>Eligibility in some Districts is to have worked for 26 weeks ahead of Adoption Leave, this</p>	<p>Flagged for information as a (favourable) change to one or more District Councils only (not SCC)</p> <p>With the exception of CAP (not currently seeking approval of this, see opposite)</p>

	has been updated to the preferable terms as used at SCC of a day one right to take leave (26 weeks service continues to be required for payment for that leave).	
Capability	<p>Main change is that SCC currently has a verbal warning, written warning, final written warning, and then dismissal whereas all other councils have just the following 3 – written warning, final written warning, dismissal.</p> <p>We are therefore recommending streamlining to the procedure the majority use (3 stages) which is also consistent with Acas guidance.</p> <p>Only one Verbal Warning has been issued in the past 2 years by SCC.</p>	Committee to consider proposed removal of verbal warnings as a change from SCC policy
Compassionate Leave	<p>Aligned to the more favourable of partners' existing policies (including SCC)</p> <p>SDC uses the term 'compassionate leave' to refer to paid emergency time off, so for SDC this is a change of terminology (we have gone with the majority).</p> <p>Some DC's offered 5 days; we have proposed the more generous 10 days currently offered by SCC & SWT (and this is consistent with the Integrated Care Strategy proposals too).</p> <p>Some DC's only apply compassionate leave to death of a near relative; we have proposed the more generous entitlement to also cover serious illness.</p>	Flagged for information as a (favourable) change to one or more District Councils only
Emergency Time off for Dependents	<p>SDC currently offer 5 days of paid leave for close dependants in addition to the statutory unpaid entitlement.</p> <p>We believe that while the new policy only offers the statutory unpaid leave, this is balanced out by the increase for SDC (and others) in compassionate leave entitlement from 5 to 10 days per annum (pro rata).</p>	Flagged for information as a (detrimental) change to one or more District Councils only
Maternity	We are seeking formal approval of this policy with the exception of Contractual	With the exception of

	<p>Maternity Pay (CMP) in line with Adoption Leave above.</p> <p>Updated to eliminate gendered wording as far as possible.</p> <p>Neonatal leave added as this is very likely to become legislative in 2023.</p> <p>Also offering paid time off for those breastfeeding/expressing upon returning to work.</p>	<p>CMP, see Adoption Leave above.</p> <p>Committee to consider addition of neonatal leave and breastfeeding paid time off.</p>
Paternity	<p>In this policy we have offered 2 paid antenatal appointments, this does not come from any of the 5 councils, but the Policy Team felt it would show SC's commitment to those starting a family with a negligible cost implication, this has been replicated for those becoming parents via surrogacy in the Adoption Policy.</p>	<p>Committee to consider proposed change of 2 antenatal appointments as paid rather than unpaid.</p>
Sickness Absence (Contractual Sick Pay)	<p>All 4 Districts pay Occupational Sick Pay in line with Green Book provisions (see below) with the exception of SCC, who applied less favourable terms to the top 3 tiers in 2014 in relation to their half pay entitlement at each stage (shown in red below). We are proposing to revert back to Green Book for these top 3 tiers to ensure fairness, consistency and support to any employee needing to take sick leave.</p> <p>During 1st year of service - 1 month's full pay and (after completing 4 months' service) 2 months half pay / 1 month's half pay after 6 months service</p> <p>During 2nd year of service - 2 months' full pay and 2 months' half pay / 1 month's half pay</p> <p>During 3rd year of service – 4 months' full pay and 4 months' half pay / 2 months' half pay</p> <p>During 4th and 5th year of service – 5 months' full pay and 5 months' half pay / 2 months' half pay</p> <p>After 5 years' service – 6 months' full pay and 6 months' half pay / 3 months' half pay</p>	<p>Committee to consider given financial implications.</p>
Standards of	<p>All councils have this policy although some were longer than others. As the main points</p>	<p>Flagged for information</p>

Conduct	<p>of this were agreed in 1993 by the Local Authority Management Board this has stayed largely similar.</p> <p>Some sections have been reduced as they have their own policies which will be linked into the document, for example Equal Opportunities, Health & Safety, and Gifts & Hospitality.</p> <p>SWT and MDC had grades at which second jobs were not allowed under any circumstances, as 3 councils did not have this we have removed any such caveat and instead expect all second jobs to be declared and discussed in terms of suitability as per the process outlined.</p>	as a (favourable) change to 2 District Councils
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Somerset County Council

Human Resources Committee

– 17th November 2022

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

Authors: Sarah Welland – Service Manager HR Policy & Projects & Sari Brice, Strategic Manager - HR Practice

Contact Details: 01823 359822 sarah.welland@somerset.gov.uk

<i>Please complete sign off boxes below prior to submission to Community Governance</i>			
	Seen by:	Name	Date
Report Sign off	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
	Summary:	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.	
Recommendations:	The members of the HR Policy Committee are asked to: 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 1st April 2023.		
Reasons for Recommendations:	To ensure that a pre-agreed list of key employment policies are in place for the new Somerset Council on 1 st April 2023.		
Links to Priorities and Impact on Service Plans:	Part of the People Workstream for Local Government Reorganisation.		

<p>Financial, Legal and HR Implications:</p>	<p>Financial – 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>HR – 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>Legal – 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>Equalities Implications:</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>Risk Assessment:</p>	<p>N/A</p>
<p>Scrutiny comments / recommendation (if any):</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 1st 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 16th 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.

New Somerset Council

Adoption Leave Policy

Policy Statement

Adoption Leave provisions are designed to enable adoptive parents to take extended leave of absence from work to undertake responsibilities associated with childcare and to encourage their return to work with Somerset Council. It also covers provisions made for the period during which employees become adopters to support them through their training and assessment.

Adoption Leave is available to all employees from day one of their employment. To receive Statutory Adoption Pay (SAP) the employee must complete 26 weeks' continuous service with Somerset Council.

Adoption Leave provision also includes employees who are becoming parents via a Parental Order due to surrogacy (in this case the employee must have been continuously employed by Somerset Council for at least 26 weeks by the 15th week before the baby is due) or who are taking part in the Fostering to Adopt Scheme.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Eligibility

- The employee must be newly matched with a child for adoption (or Foster to Adopt) by an approved adoption agency (stepfamily adoptions or adoptions by a child's existing foster carers do not qualify).
- Only one parent is entitled to take full Adoption Leave and pay. This parent will be known as the primary adopter. However, the secondary adopter may be eligible for Paternity Leave/Parental Support Leave and Shared Parental Leave if they satisfy the qualifying criteria. For further information please refer to the Paternity Leave Policy ([add link](#)) and the Shared Parental Leave Policy ([add link](#)).

Only one period of leave per adopter will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Pre-Placement Entitlements

Somerset Council offers paid time off for up to five adoption appointments for both the primary and secondary adopter in an adoption or foster to adopt scenario. For those becoming parents via a parental order due to surrogacy the primary adopter is

offered two paid appointments to accompany the surrogate to antenatal appointments.

Ahead of adopting, individuals are required to undertake training and assessments over several months. Employees are expected where possible to make appointments for training and assessment outside of paid working hours. Where there is no alternative but to attend training or assessment during working hours managers must offer paid time off to assist the employee in attending these appointments.

Leave Entitlements

Primary adopters are entitled to 26 weeks Ordinary Adoption Leave (OAL) followed immediately by up to 26 weeks Additional Adoption Leave (AAL), a total of 52 weeks leave.

Employees can choose to start their leave:

- from the date of the child's placement, or
- from a fixed date which can be up to 14 days before the expected date of placement.

Adoption leave can start on any day of the week.

In Foster to Adopt cases the primary adopter can choose when they would like to use Adoption Leave, this can either be when the child is first placed or when the child is adopted. Employees in this situation should be made aware that SAP is paid based on the final 8 weeks salary before taking leave and therefore if they choose to take unpaid leave and then Adoption Leave the SAP received would be affected. For further information on fostering please consult the Fostering Policy ([add link](#)).

Adopting a Child from the UK

Employees must provide proof to show that matching with a child has taken place through an approved adoption agency within the UK. This will usually be in the form of a matching certificate. [Adopt South West](#) is available to provide advice on what constitutes an approved agency, should there be any queries.

Employee's must make their manager aware that they want to take Adoption Leave as soon as reasonably practicable after being told that they have been matched with a child for adoption. The employee must complete an [Adoption Leave Application Form](#) as soon as possible and return to their line manager. This will include the notification date from which SAP calculations are made.

Adopting a Child from Abroad

Employees adopting a child from abroad must follow the process outlined above as well as the following process: When initially making their manager aware of the upcoming adoption the employee must provide:

- the date on which they received official notification in relation to the child that they will be adopting
- the date on which their child is expected to enter the UK

Employees can choose to start their leave:

- on the day on which the child enters the UK
- on a chosen date no later than 28 days after the child enters the UK

Employees adopting from abroad must also complete an [SC6 form](#) and return to their **Line Manager**.

Time off will not normally be authorised to allow parents to travel abroad in relation to overseas adoptions; annual leave should be used to cover this.

Pay – UNIONS WISH TO CONSULT MEMBERS ON PAY THEREFORE THIS SECTION IS CURRENTLY OUT OF SCOPE FOR APPROVAL

Statutory Adoption Pay

SAP will be paid for up to 39 weeks. To be eligible for SAP the employee must be on adoption leave and:

- have had average weekly earnings in the 8 weeks ending with the notification week equal to or greater than the lower earnings limit for NI
- have 26 weeks continuous service with Somerset Council by the end of the notification week
- have elected to receive adoption pay
- expect to have a child placed with them for adoption

SAP will be payable for the first 6 weeks at the SAP rate or at 90% of the employee's average weekly earnings if this is less.

Contractual Adoption Pay

Employees with one year's continuous service at the time of adoption will be entitled to Contractual Adoption Pay (CAP). The contractual scheme provides adoption pay for 18 weeks. The first six weeks are paid at 90% of a week's pay. However, the CAP due will be offset by any SAP paid during the first 6 weeks of adoption leave.

For each of the next 12 weeks, half pay will be received plus SAP (provided that this combination does not exceed the employee's normal weekly pay) on condition that the employee has previously declared their intention to return to work for 3 months

following adoption leave. The return to work is inclusive of agreed holiday and is unaffected by any change to the hours worked on return.

If an employee fails to return to work for a minimum of 3 months, HR Admin and Payroll Services will take the appropriate steps to recover the 12 weeks half pay element of CAP as necessary.

Neonatal Leave

An employee is eligible for neonatal leave if their baby requires neonatal care within 28 days of their birth (and is in hospital for 7 days or more) or is born prematurely (more than 4 weeks early). The employee will be offered special leave (and pay at the statutory parental leave rate) of one week off per week that the baby receives neonatal care up to a total of 12 weeks, this is to be taken after adoption leave.

Keeping in Touch (KIT)

Whilst on adoption leave reasonable contact between the employee and the Council is encouraged. In addition, the employee may request, or be offered (without obligation) up to 10 days paid work. These are known as 'Keeping in Touch' days (KIT) and mirror the maternity KIT day provisions. The operation of these days is detailed in the Maternity Leave Policy ([add link](#)).

Annual Leave

An employee's annual leave entitlement, including bank holidays, will accrue throughout their adoption leave. If an employee does not return to work, they will be paid in lieu any leave accrued but not taken.

Where employees are taking adoption leave which crosses the leave year, they will be able to carry over automatically the outstanding leave. It is expected that the manager and the employee will discuss and agree in writing prior to adoption leave starting, how leave can best be taken.

Employees on term-time only contracts

Employees on term-time contracts receive an extra payment incorporated into their salary which is paid in lieu of holiday entitlement. Consequently, instead of accruing holiday during adoption leave this element of salary will be paid on a pro-rata basis according to the period of adoption leave taken.

Pension

If the employee is a member of the Local Government Pension Scheme, deductions for pension will be made automatically on all SAP received during the paid period of Adoption Leave. Consequently, periods of paid leave will count towards pension.

If an employee wishes, they can elect to pay contributions for the unpaid period of additional SPL when they return to work in order that the period of additional leave can be counted for pension purposes. Further information on this can be found in the Pensions Policy ([add link](#)) or by contacting Peninsula Pensions ([add contact details](#)).

Return to Work

Employees are entitled to return to work at the end of AAL without giving prior notice; it is assumed that the employee will take their full entitlement unless they give written notice to the contrary.

Employees returning from OAL are entitled to return to the same job, on terms no less favourable than if they had not been away.

After AAL employees have the right to return to the job in which they were employed before their absence unless:

- there is a redundancy, in which case they are entitled to be offered employment in a suitable alternative vacancy, where one exists. The work must be both suitable in relation to the employee and appropriate for them in the circumstances, location, and capacity in which they are employed. The terms and conditions of employment must not be substantially less favourable.
- it is not reasonably practicable for the employer to permit this, in which case employees must be offered suitable alternative work, on terms and conditions that are no less favourable than would have applied if the employee had not been absent.

If the employee wishes to return to work earlier than the original notified date the employee may do so by providing the following written notice:

- Return before the end of OAL by giving at least 7 days' notice
- Return after OAL has ended, but before the end of AAL by giving at least 21 days' notice

Less notice may be given, but the Council reserves the right to postpone return so that the minimum notice period is achieved.

Redundancy During Adoption Leave

Employees at risk of redundancy during maternity, adoption, or shared parental leave are to be offered potential redeployment ahead of other employees. For further information please consult the Redundancy Policy ([add link](#)).

Disrupted Placement

In the case of adopted children failing to be placed or the placement ending for any reason the adoption pay period will cease 8 weeks after the end of the week in which the disruption occurs. If the disruption occurs after the end of the adoption pay period, the employee will not receive any additional pay, but they will be able to take a further 8 weeks leave or their remaining entitlement to adoption leave if this is less.

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New Somerset Council

Standards of Conduct

Introduction

Somerset Council's reputation, trust, and confidence in its integrity is of vital importance. It must discharge its day-to-day responsibilities with openness and honesty, this philosophy is captured in this code. These principles are presented to assist staff in carrying out their day-to-day responsibilities in accordance with legal requirements placed upon them and any policies adopted by the Council. The Council has a responsibility to take appropriate action where employees feel that they are subject to inappropriate action by a third party.

Provisions relating to the conduct expected of local government employees are also embodied in national agreements such as the 'Green Book' [\(add link\)](#) for Local Government Services Employees. These are further supported by the codes of ethical behaviour of various professional bodies.

This document may be supplemented by departmental or sectional practice notes, which will give more detailed guidance on particular areas. If further guidance is needed on any aspect of these Standards, it can be obtained initially by approaching a manager.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Status of these Standards of Conduct

These Standards are based on a document drawn up by the Local Government Management Board on behalf of the local authority associations. They were adopted in 1993 after consultations with Chief Officers and employee representatives. Whilst not themselves amounting to a disciplinary code, any failure to follow the standards set in this document may, depending upon circumstances, give rise to disciplinary action.

Who are the Standards aimed at?

The Standards apply to all employees of Somerset Council, except for those employed under Teachers Terms and Conditions to which separate standards apply.

Employees must provide services or advice to the best of their ability, within the rules of their relevant professional conduct of any relevant professional or trade body.

Employees should consistently offer objective professional and technical advice and always carry out their responsibilities in an impartial manner. Employees are entitled

to expect that no Officer or Member of the Council will seek to pressure or persuade them to do otherwise. Where it is alleged that such action has taken place, the Council will investigate the allegation if requested to do so under the appropriate procedures.

There may be occasions when employees, carrying out their duties for the Council, find themselves at odds with national government advice or guidance. In such circumstances it is particularly important that they are seen to behave with complete objectivity and impartiality obtaining managerial and professional advice and guidance where appropriate. Employees are entitled to expect to receive the unequivocal support of senior managers in so doing.

Guiding Principles

In conducting Council business employees should act in accordance with three key guiding principles:

- Ensure that their conduct complies with this Protocol, the spirit of this Protocol, the Council's policies, and the law
- Ensure that their conduct is never influenced by personal gain
- Ensure that their conduct could not give anyone reason to question their motive

Confidentiality and Openness

In general, employees should act on the presumption that open government serves the public better than secrecy.

Wherever it might be relevant to their job, employees should be aware of and implement relevant statute and common law that provides for either confidentiality or rights of access to information for Councillors, auditors, and citizens (and in some cases regulatory bodies and government departments).

Any express or implied responsibility to keep information confidential should be respected by employees and there should be awareness that such responsibility might arise from the nature of the information itself, for example, its commercial or personal sensitivity. It will be extremely rare that employees will be entitled to accept confidences in the course of their duties that cannot be shared with their manager.

Employees should not use information obtained in the course of their employment for personal gain or benefit nor should they pass it on to others who might use it in such a way. When employees obtain confidential information belonging to the Council then they must not disclose that information to any person not authorised to receive it. When employees receive from Councillors information not belonging to the Council or information belonging to the Council, which is confidential, then they

must not disclose that information without the appropriate consent of a **Senior Leadership Team Manager** or **Strategic Manager**.

In their dealings with employees, Councillors and **Chief Officers** should ensure that communication is as open and informative as possible within the constraints imposed by the law, by their terms and conditions of employment, by the Council's Constitution, policies, procedures, protocols, commercial considerations, and personal sensitivity.

Protection of Public Funds

Employees must use public funds entrusted to them to the best advantage of the Council and the community they serve, always trying to ensure value for money for the local taxpayer.

Political Neutrality

It is important for the proper functioning of the Council that all Members have trust and confidence in the political impartiality of employees **(except in the case of political assistants/political support officers if the Council decides to have such post holder(s))**.

All employees of the Council are required to be politically neutral in the completion of their duties and certain posts are politically restricted or politically sensitive. This means that employees in politically restricted or politically sensitive roles may not participate in any formal political activity. The controlling political group may change, and it is important that employees show no bias or personal preference, whatever their personal political beliefs may be.

Employees need to know whether their post is subject to the political restrictions placed on certain post holders by the Local Government and Housing Act, 1989 this can be found in the Recruitment Policy **(add link)**. Relevant employees should be aware of the nature of those restrictions and ensure that they abide by them.

Relationships

All employees must comply with the Member/Officer Protocol and, in this context, particularly the section relating to Personal and Family relationships. Similarly, all employees must comply with the Officer Code of Conduct. For further information or clarification in relation to this issue, please contact the **Strategic Manager – Governance & Risk & Monitoring Officer, Council Solicitor, or Deputy Monitoring Officer**.

Elected Councillors

Employees are responsible to the Council. For many, their job is to give advice to Councillors and the Council and all are there to carry out the Council's work. Mutual

respect between Councillors and staff is essential to good local government. Close personal familiarity between individual Councillors and employees should be avoided as it can damage the relationship and prove embarrassing to other Councillors and employees (National Code of Local Government Conduct paragraphs 23 to 25).

The Local Community and Service Users

Employees should remember their responsibilities to the community they serve and ensure courteous, high quality, efficient, and impartial service delivery to all groups and individuals within that community. Such courtesy and efficiency should be shown to all persons with whom employees deal remembering that all opportunities need to be taken to enhance the reputation of the Council whether locally, nationally, or internationally.

Appointments and Employee Relationships

Employees should ensure that appointments are made based on merit and in accordance with the Council's policies and procedures. Merit is determined by matching the chosen candidate with the job specification and ignoring all other extraneous considerations. Employees in the course of their duties should not be involved in the appointment, pay adjustment, approval of expenses, promotion, or discipline of partners, relatives, or close friends.

Close personal relationships between employees should not be permitted to influence the way services are provided if that is or could be detrimental to services.

Employees should not be put under pressure by work colleagues, particularly those in a position of seniority, or Councillors to act or not to act so as to breach these standards or any other national, local, or departmental rules of conduct. If such pressure is exerted, it should be reported to the relevant **Chief Officer**.

Contractors

Relationships with contractors or potential contractors should be made known in accordance with the legal requirements to declare financial interests (Section 117 Local Government Act 1972). Advice on this can be obtained from the **Monitoring Officer**.

Contracts must be awarded on merit in fair competition against other tenders and no favouritism should be shown to businesses run by friends, partners, or relatives, nor should there be improper discrimination against individuals, groups, or sections of the community. Employees who monitor the performance of contractors should behave in a fair and equitable fashion towards all contractors, including in-house contractor organisations, and should not show favouritism to, or improperly discriminate against, any contractor or breach any duty of confidentiality.

Employees who engage or supervise contractors for the Council and who wish to engage a contractor with whom they previously had or currently have a relationship in a private or a domestic capacity should declare that relationship. Employees should not use, in a private or domestic capacity, a contractor with whom they have had official dealings as employees of the Council, without declaring it to his/her Corporate Manager. Similarly, Contractors should be required to disclose private or domestic relationships with any officer or Member. The Council will seek to ensure that the attention of contractors is drawn to the requirements of the Local Government Act 1972 and these Standards.

Other Employments

Any employee considering additional employment should discuss this with their line manager to determine whether there may be a conflict of interests, consider whether the additional role is manageable, and whether this may negatively affect the employee's wellbeing. If a potential conflict of interest, working times regulations issue or wellbeing concern is found, please contact HR Advisory to discuss this further. Employees will be required to complete the Register of Officer Interests ([add link](#)).

Equal Opportunities

All employees must comply with both the spirit and letter of the Equality Act 2010 and the Council's Equal Opportunities policy ([add link](#)), treating all members of the public and colleagues with respect and fairness.

Health and Safety

The Council has a legal obligation to protect the health and safety at work of all its employees and others in the workplace. Equally, employees should always be aware of, and fulfil, their legal responsibility to protect their own and others health and safety at work ([add link](#)).

Post-Employment Duties

The duty of fidelity which each employee owes to the Council, and which requires an employee to act in an honest fashion and not in a manner which will harm the Council, may in certain respects, continue following the end of that employee's employment. For example, even though the Council no longer employs them, a former employee must not disclose trade secrets or confidential information that belongs to the Council.

Certain employees may have access to intellectual property (such as copyrighted materials), which belong to the Council. An employee might even have contributed to the creation of that intellectual property during the period of employment. However, where part or whole of that property belongs to the Council it cannot be

used by a former employee for any purpose without the Council's written agreement. Such intellectual property rights may sometimes be difficult to define but Council or departmental guidance will be issued to cover specific categories.

Personal Interests

An employee must declare as soon as reasonably practicable, to their line manager and **Chief Officer** any personal interest (whether financial or otherwise) which they have which may conflict, or may be perceived reasonably as conflicting with, the interests of the Council. The Registration of Officers Interests Form ([add link](#)) must be completed by the employee, this will then be sent to the line manager and **Chief Officer** to confirm the interest has been officially registered.

Personal interests may be financial, relate to property or concern any other matter; they may concern the employee themselves, family members, or close associates or they may relate to any body including, external organisations, individual persons, or the Council itself.

The obligation to disclose a personal interest only applies when the employee is aware of it or ought reasonably to have been aware of, it may, in some cases, be unreasonable to expect an employee to be aware of or to research the employment, business interests and other activities of family members and close associates. However, employees must not ignore the existence of interests, which, from the point of view of the reasonable person, they should have been aware. Employees are therefore under an obligation to make such inquiries as a reasonable person would think prudent in the circumstances.

Disclosable Interests

Employees must, in accordance with any Council arrangements, register membership of any organisation not open to the public which requires of members any form of commitment or allegiance, and which has secrecy about rules, membership or conduct.

Gifts and Hospitality

There is a separate policy for Registering Gifts and Hospitality ([add link](#)).

Interpretation

Several parts of this protocol refer to a reasonableness test. **The Chair of the Council's Standards Committee** shall be the ultimate arbiter of what is reasonable in relation to the operation of this protocol.

The "proper business and/or interests of the Council" may include but are not limited to: carrying out the proper functions of the Council and doing anything which is incidental or conducive to carrying out the proper functions of the Council.

The following meanings have been adopted which are consistent with national guidance on the Members' Code of Conduct:

- A "family member" should be given a very wide meaning. It includes a spouse, civil partner or an individual an employee lives with in a similar capacity, parents, parents-in-law, children or stepchildren, grandparents, grandchildren, nephews and nieces and the spouses or partners of these people.
- A person with whom you have a "close association", as defined above, is someone that you are in contact with, regularly or irregularly, and who is more than just an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disfavour. It may be a friend, colleague, business associate, or someone you know through general social contacts.

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Relevant Legislation	Local Government Act 1972 Equality Act 2010 Working Time Regulation 1998 National Code of Local Government Conduct

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New Somerset Council

Paternity/Parental Support Leave Policy

Paternity/Parental Support Leave (PSL) provisions are designed to allow employees to take a leave of absence from work to undertake responsibilities associated with childcare and to encourage their return to work with Somerset Council. Paternity/PSL is available for the father, partner, civil partner/spouse, or nominated person who will provide care to the expectant individual, to take up to two weeks' paid leave at (or around) the time of birth/placement of a child.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Appointments

The employee is entitled to take paid time off to attend up to two antenatal appointments with the birth parent. There is a separate entitlement for those who are adopting which can be found in the Adoption Leave Policy ([add link](#)).

Statutory Paternity Leave

An employee qualifies for Statutory Paternity Leave (SPL) of up to two weeks (pro rata for part time employees) as a day one right as long as the following criteria is met:

- The absence from work is for the purpose of caring for the child or supporting the individual who has given birth/the primary adopter
- The employee must have or expect to have responsibility for the upbringing of the child
- They must be the second biological parent, the partner of the individual who has recently given birth, the child's secondary adopter or the spouse or partner of the child's adopter
- Leave must be taken within 56 days after the child is born or within 56 days of the child's placement and can be taken in blocks of either one week or the full two weeks (pro rata)

Special arrangements apply if the baby is born prematurely.

An employee is not entitled to additional Paternity/PSL if they are expecting more than one child. This also applies to multiple adoptions that occur in a single placement.

Statutory Paternity Pay (SPP)

For an employee to qualify for Statutory Paternity Pay (SPP), they must have 26 weeks continuous service by the end of the 15th week before the Expected Week of Childbirth (EWC) or they must have been employed up to and including the week they are matched with a child for adoption. The following must also apply:

- The employee must continue to work for Local Government without a break, up to the date the child is born or placed for adoption
- The employee's average weekly earnings must be equal to or more than the lower earnings limit (before tax)

SPP is paid for one or two consecutive weeks at the current SPP rate or 90% of their average weekly earnings if this is less.

Notification

To notify the employer the employee must complete the **Statutory Paternity Pay, Paternity Leave and Maternity (change to Parental) Support Leave Application Form** (including a copy of the Mat B1 form as evidence) handing to their manager by the end of the 15th week before EWC or as soon as possible after being made aware that they have been matched with a child for adoption.

An employee who has given notice of their intention to take a period of Paternity/PSL must, if asked to do so by the employer, sign a declaration confirming the nature of their relationship with the child and the individual who gave birth to the child/primary adopter. Asserting that they have responsibility for the child's upbringing.

Employees may adjust the date on which they intend to start their leave but must provide details of the amended start date at least 28 days before the date in question (or as soon as is reasonably practicable).

Parental Support Leave

Contractual PSL (previously known as maternity support leave) of five days full pay (pro rata for part time employees) will be granted to the child's second biological parent, or the partner, civil partner/spouse, or nominated person who will provide care to the expectant individual at or around the time of birth.

PSL is not available to employees in cases of adoption.

There is no service qualification for this entitlement.

Options Available

Paternity/PSL are corresponding rights. This means that an eligible employee is not entitled to take both in full but can take advantage of the best parts of each. Two different people may not take the leave.

Depending on eligibility the options that are open to employees are:

- One week's PSL (up to five days paid leave pro rata) or
- Two weeks statutory paternity leave (paid at SPP) or
- One week's PSL (up to five days paid leave pro rata) and one week's statutory paternity leave (paid at SPP)

Regardless of the option selected the maximum leave that is available to an employee is a total of two weeks.

Neonatal Leave

An employee is eligible for neonatal leave if their baby requires neonatal care within 28 days of their birth (and is in hospital for 7 days or more) or is born prematurely (more than 4 weeks early). The employee will be offered special leave (and pay at the statutory parental leave rate) of one week off per week that the baby receives neonatal care up to a total of 12 weeks, this is to be taken after paternity leave.

Shared Parental Leave

New Parents and Adoptive Parents are entitled to statutory Shared Parental Leave if they meet certain eligibility requirements. Shared Parental Leave enables an employee to commit to ending their Maternity or Adoption Leave and pay at a future date and to share the untaken balance of leave and pay with their partner, or to return to work early from Maternity or Adoption Leave and opt in to Shared Parental Leave and Pay at a later date. Further information can be found in the Shared Parental Leave Policy ([add link](#)).

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Relevant Legislation	Paternity and Adoption Leave Regulations 2002

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Maternity Leave Policy

This policy is designed to support employees to transition through pregnancy, maternity leave, and returning to work.

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Fertility Treatment

Employees will be granted reasonable leave with pay to attend medical appointments for reasons connected with fertility, this includes appointments for scans, tests etc. Further information can be found in the Special Leave Policy ([add link](#)).

Notification

It is advised that employees notify their [line manager](#) of their pregnancy as soon as practicable to discuss their options for maternity leave.

A completed maternity leave application form ([add link](#)) must be returned to the [line manager](#) by the 15th week before the Expected Week of Childbirth (EWC). This form includes:

- confirmation of the pregnancy evidenced by a MATB1 Form
- the expected week of childbirth
- the date the employee would like to commence maternity leave

The [line manager](#) will complete the form and pass to [HR Admin and Payroll](#) who will respond within 28 days providing details of the employees expected date of return.

Antenatal Care

A pregnant employee has the right to paid time off to attend antenatal care. This includes medical appointments, as well as relaxation and parenting classes recommended by a doctor, health visitor, or midwife. The employee must produce evidence of these appointments if requested to do so.

Health and Safety Provisions

Pregnant employees, employees who have recently given birth, and those that are breastfeeding are covered by additional health and safety provisions. This protection applies from the time the employee notifies the manager that they are pregnant until six months after childbirth, or until they stop breastfeeding, whichever is latest.

Risk assessments must be carried out to consider any health and safety implications for the employee and their child. Template risk assessments and the Health and Safety Policy can be found here ([add link](#)).

Leave Entitlement

All expectant employees regardless of service are entitled to a total of 52 weeks maternity leave. Maternity leave comprises of 26 weeks Ordinary Maternity Leave (OML) followed by a further period of 26 weeks Additional Maternity Leave (AML).

The leave can commence at any time from the eleventh week before the EWC. If an expectant employee is away from work due to pregnancy-related sickness in the 4 weeks before the EWC their maternity leave and pay will automatically begin.

Compulsory maternity leave refers to the two weeks commencing with the day of childbirth, when an employee who has given birth is not allowed to work by law. This forms part of the OML period.

Pay – UNIONS WISH TO CONSULT MEMBERS ON PAY THEREFORE THIS NEXT SECTION IS CURRENTLY OUT OF SCOPE FOR APPROVAL

Statutory Maternity Pay (SMP)

The eligibility criteria for SMP are that the employee:

- is pregnant (or the baby has been born) 15 weeks before the EWC
- has been employed by the Council for 26 weeks continuing into the 15th week before the EWC
- has earned average weekly payments equal to or more than the lower earnings limit for payment of National Insurance Contributions
- has provided their manager with notification of the pregnancy and the date they intend to start OML

NOTE: Returning to work is not an eligibility criterion for SMP.

An employee placed in legal custody will no longer be entitled to SMP.

SMP Rates

SMP is paid at two rates (higher and standard). For the first six weeks of maternity leave, SMP will be equivalent to 90% of the employee's average weekly earnings for National Insurance Contributions. This is known as the higher rate.

For the following 33 weeks, SMP is paid at a fixed standard rate, which is set by the Government and is reviewed annually (If 90% of weekly earnings is less than the fixed

amount, then the lower amount will be paid). Statutory Maternity Pay is paid for 39 weeks in total.

Maternity Leave Pay Timeline – Statutory Maternity Pay	
First 6 weeks	90% of normal weekly pay
Following 33 weeks	SMP
Final 13 weeks	Unpaid

Contractual Maternity Pay (CMP)

Contractual Maternity Pay is available to employees who have completed one year's continuous service by the 11th week before the EWC.

The contractual scheme provides maternity pay for 18 weeks. The first six weeks are paid at 90% of a week's pay. However, the CMP due will be offset by any SMP paid during the first six weeks of maternity leave.

For each of the next 12 weeks, half a week's pay will be received plus SMP (provided that the combination of these two elements does not exceed the normal weekly pay) on condition that the employee has previously declared their intention to return to work for a minimum of three months following maternity leave. The return to work is inclusive of agreed holidays and is unaffected by any change to the hours worked on return.

Maternity Leave Pay Timeline – Contractual Maternity Pay	
First 6 weeks	90% of normal weekly pay
Following 12 weeks	50% of normal weekly pay plus SMP
Following 21 weeks	SMP
Final 13 weeks	Unpaid

If the employee is unsure whether they will return to work, they can opt to receive the 12 weeks half pay on their return to work. In which case the employee will receive SMP only and upon returning to work the half pay element of CMP will be paid.

If an employee fails to return to work for a minimum of three months, HR Admin and Payroll Services will automatically take the appropriate steps to recover the 12 weeks half pay element of CMP as necessary.

Maternity Allowance

Those who do not qualify for SMP/CMP may be eligible for Maternity Allowance paid directly from the [Department of Work and Pensions](#).

Salary Sacrifice Schemes

If an employee is participating in a Salary Sacrifice Scheme their maternity pay calculation will be based on their reduced salary after the salary sacrifice has been

deducted. Salary sacrifice will continue throughout OML and AML, including the period in which the employee is not receiving a salary. The value of the salary sacrifice can be deducted from any CMP as long as the employee is receiving at least the value of SMP.

If the employee has a lease car, they will be allowed to retain this for the duration of their OML and, if appropriate, AML. The employee will be required to maintain their level of contribution to the private use of the car for this period. Deductions will be made from maternity pay for this purpose however, it may be necessary to make a lump sum deduction to cover the period of unpaid leave or where the maternity pay does not meet the full cost of the contribution.

For further information please consult the Salary Sacrifice Guides ([add link](#)) or contact the [Payroll team](#).

Neonatal Leave

An employee is eligible for neonatal leave if their baby requires neonatal care within 28 days of their birth (and is in hospital for 7 days or more) or is born prematurely (more than 4 weeks early). The employee will be offered special leave (and pay at the statutory parental leave rate) of one week off per week that the baby receives neonatal care up to a total of 12 weeks, this is to be taken after maternity leave.

Annual Leave

An employee's annual leave entitlement, including bank holidays, will accrue throughout their maternity leave. If an employee does not return to work, they will be paid in lieu any leave accrued but not taken.

Where employees are taking maternity leave which crosses the leave year, they will be able to carry over automatically the outstanding leave. It is expected that the manager and the employee will discuss and agree in writing prior to maternity leave starting, how annual leave can best be taken.

Employees on term-time only contracts

An employee on a term-time contract is in receipt of an extra payment, incorporated into their salary, which is paid in lieu of holiday entitlement. Consequently, instead of accruing holiday during maternity leave this element of salary will be paid on a pro-rata basis according to the period of leave taken.

Keeping in Touch

It is mutually beneficial for contact between the employee and the Council to be maintained throughout maternity leave; to keep the employee informed of any changes and to better support their return to work. This is encouraged under the reasonable contact arrangements of the Maternity Regulations.

An employee can request or be offered (without obligation) a maximum of 10 days work during their maternity leave without bringing the leave period to an end. These days are known as Keeping in Touch (KIT) days. Working part of a day counts as one full day for KIT purposes, any pay received (paid at the employee's normal hourly rate) will be offset against any SMP (daily rate) or CMP (hourly rate). KIT days should be as close as possible in duration to a full working day, as such a manager should not agree to a KIT day being worked for less than the equivalent of two thirds of the normal working day other than in exceptional circumstances.

KIT days may not be worked during the two weeks compulsory maternity leave period.

Employees should use the Keeping in Touch days form ([add link](#)) to record any KIT days worked.

Return to Work

An employee, regardless of length of service, has the right to return to the job in which they were employed prior to taking OML (the initial 26 weeks leave). Employees returning from AML (more than 26 weeks leave), have the right to return to their previously held job or in cases where this is not possible (due to redundancy or reorganisation) to a job on terms and conditions no less favourable than if they had not been absent. "Job" for this purpose, means the nature of the work, which they are employed to do, and the capacity and place in which they are employed.

Redundancy Protection

Employees at risk of redundancy during maternity, adoption, or shared parental leave are to be offered potential redeployment ahead of other employees. For further information please consult the Redundancy Policy ([add link](#)).

Establishing a Return Date

An employee is not formally required to provide notice of the intended date of return if it is at the end of 52 weeks maternity leave. However, the employee is encouraged to give an indication of their anticipated return to work date. If an employee does not do this it is automatically assumed that they will return following their full entitlement of leave (after 52 weeks).

Early Return to Work

An employee must provide 8 weeks' notice if they wish to return to work early. If the required notice period has not been given or a change in circumstances make this return date unmanageable, a discussion should take place to agree a mutually convenient date that is no later than the end of the AML.

An employee's return to work cannot be delayed providing they have given formal notice to return as outlined above or the return date is the end of their full entitlement (52 weeks).

Not Returning to Work

An employee may decide not to return to work. If they are not returning, they should provide the appropriate written notice.

Sickness on Return Date

If the employee is unable to return after AML due to ill health as certified by a doctor, their employment continues as if they had returned from maternity leave. The absence will be treated as sick leave and handled in accordance with the Sickness Absence Management Policy ([add link](#)).

Career Breaks

Employees seeking a career break directly following maternity leave will, if possible, let the Council know of their intention before going on leave. Employees are advised not to resign and commit to a career break until after the birth. Further information on career breaks can be found by consulting the policy ([add link](#)).

Flexible Working Requests

All employees have the right to request flexibility in working arrangements. Further information can be found in the Flexible Working Policy ([add link](#)).

Breastfeeding

An employee planning to continue breastfeeding upon their return to work should make their line manager aware so that arrangements can be made, and a further risk assessment completed. The risk assessment ([add link](#)) ensures that the employee is not exposed to conditions that may affect them or their child. While breastfeeding and/or expressing, paid time off will be granted as required. The Council has facilities for breastfeeding and/or expressing milk. Further information on this can be found in the Breastfeeding Guidance ([add link](#)).

Pension

If the employee is a member of the Local Government Pension Scheme, deductions for pension will be made automatically on all SMP received during the paid period of maternity leave. Consequently, periods of paid leave will count towards pension.

If an employee wishes, they can elect to pay contributions for the unpaid period of AML when they return to work in order that this period can be counted for pension purposes. Further information on this can be found in the Pensions Policy ([add link](#)) or by contacting Peninsula Pensions ([add contact details](#)).

Shared Parental Leave

New Parents are entitled to statutory shared parental leave (SPL) if they meet eligibility requirements. Further information can be found in the Shared Parental Leave Policy ([add link](#)).

Bereavement

Parents who experience the death or still birth of a child will be supported through the Somerset Council Parental Bereavement Leave Policy ([add link](#)). In circumstances where the baby dies or is still born after the 24th week of pregnancy then normal maternity entitlements will apply.

Where miscarriage or still birth occurs earlier than the 24th week of pregnancy, sympathetic consideration will be given to compassionate leave ([add link](#)). In the event of a miscarriage the employee's protected period, as laid out in the Equality Act 2010 ([add link](#)), will last for two weeks.

The Pregnancy and Early Infant Loss Managers Guide ([add link](#)) contains information, guidance, and signposting to supporting organisations for both employees and managers.

Version	1
Date	
Relevant Legislation	Equality Act 2010 The Maternity and Parental Leave Regulations 1999

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Emergency Time off for Dependents Policy

Policy Statement

All employees regardless of length of service are entitled to a short period of unpaid time off, during working hours, to make arrangements to deal with specific unexpected circumstances involving a dependant.

An employee and manager should explore other options to unpaid leave wherever possible, such as dynamic working, flexible working arrangements or other leave.

A reasonable amount of unpaid time off during working hours should be authorised depending upon the circumstances. It should be sufficient to deal with the immediate problem and to arrange alternative longer-term care, if necessary. In most cases, one or two days will be sufficient.

A dependant is defined as the employee's spouse, child, parent, or a person living with the employee in the same household for whom they have parental responsibility as a foster or kinship carer (but not as an employee, tenant, lodger, or boarder). A dependant may also refer to anyone who reasonably relies on the employee for help in an emergency.

If there are three or more instances of emergency time off in a twelve-month period a discussion must be held between the employee and line manager to discuss whether other options such as a flexible working arrangement may be beneficial.

Process

1. The employee must inform their line manager of the reason for their absence as soon as reasonably practicable including the expected length of time needed to resolve the issue.
2. The line manager should establish, through discussion with the employee, whether they wish to take the time off using annual leave or flexible working arrangements, as an alternative to unpaid time off.
3. Only unpaid time off for dependants must be recorded using SAP and stated as unpaid leave.
4. Payroll must be informed of any periods of unpaid time off to care for dependants, so that the appropriate pay is deducted. [\(link to Pension info\)](#)

Version	1
Date	
Relevant Legislation	Employment Rights Act 1996.

Compassionate Leave Policy

Policy Statement

Somerset Council recognises the importance of providing employees with paid time off work to deal with the death or serious illness of a close relative. Therefore, all employees (no minimum length of service necessary) may be granted by their Line Manager, up to a maximum of 10 working days (pro rata for part-time staff) leave with pay for compassionate reasons, in any rolling 12-month period.

An employee is entitled to compassionate leave in the event of the loss or serious illness of a near relative. Near relative means spouse, partner, child, parent, grandparent, brother, sister or parent-in-law of the employee (this is not a definitive list and managers should give sympathetic consideration to all requests made under this policy). Reasons for compassionate leave include the following (again, this is not an exhaustive list);

- To deal with a bereavement, this includes making funeral arrangements and/or attending the funeral
- To spend time with an individual who is taken seriously ill

Circumstances should be considered on an individual basis both in terms of who is defined as a close relative and the reasons for which compassionate leave may be granted. Advice should be sought from HR where a manager is unsure whether compassionate leave applies in a particular situation.

Should an employee require more than 10 working days absence (pro rata for part time staff), their line manager may make a request for a paid or unpaid extension of this period to their Senior Manager using the Compassionate Leave Request Form. In these situations, managers should seek advice from HR.

Process

1. The employee contacts their line manager making them aware of the situation and the need for them to take compassionate leave.
2. The line manager and employee discuss and agree the amount of compassionate leave to be taken and completes the Compassionate Leave Request Form.
3. The line manager and HRAP keep a note of compassionate leave taken by the employee to refer to in case of further need within the 12-month period.

4. When the employee returns to work the line manager will discuss any further support and assistance as required (links to be added).

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Relevant Legislation	Employment Rights Act 1996

Add links to relevant policies and guides e.g., Parental Bereavement Leave Policy

New Somerset Council

Capability

Somerset Council is committed to ensuring that all employees have the appropriate skills, knowledge, competencies and aptitude to undertake their role effectively. The council seeks to support and encourage all employees to achieve and maintain high standards of job performance. However, there may be occasions when an employee is having difficulty fulfilling the requirements of their post. Managers are expected to discuss with employees when they have not met the required standards, setting targets for improvement.

This policy applies to all employees other than the following exempt groups:

- Employees who are in their probationary period
- Employees who are bound by Teachers Terms and Conditions for whom a separate procedure applies based on national guidelines (schools are encouraged to adopt this policy for support staff)

Section 98(3) of the Employment Rights Act defines capability as the assessment of an employee 'by reference to skills, aptitude, physical or mental health, other qualities or characteristics as required by the post'. The term 'capability' as used within this procedure is based on this definition.

This policy aims to ensure that capability issues will be managed in a fair and consistent way. The Council will ensure that all appropriate support is offered to the employee to enable them to improve their performance.

If there is mutual agreement that the employee is unsuited to their current post, the manager may seek opportunities to retain the services of the employee, with appropriate support, in a capacity more suited to their abilities.

If an employee develops a disability during their employment which has an impact on their performance, managers should consider reasonable adjustments or redeployment opportunities. Refer to the Employment of People with a Disability Policy ([add link](#)).

It is important to clarify what is causing the employee's inability to perform to the required standard. Poor work performance may be due to a range of factors such as a lack of skills and knowledge, a training or development need, inadequate supervision, changes to their role, their health, or changes in personal circumstances.

Alternatively, an employee may have the skills necessary to undertake the duties of the post but fails to apply them due to lack of effort or interest. If it is established

that there is a behavioural or conduct issue, this should be dealt with through the Disciplinary Procedure ([add link](#)).

This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.

Process

The Informal Process

This informal stage provides the opportunity for the line manager and employee to explore the specific aspects of their performance that are causing concern and to discuss how this affects the work of colleagues, the department, and the service provided to clients and members of the public. At this stage, the line manager provides support to assist the employee in meeting the desired targets.

Many capability concerns are dealt with at this informal stage with no need to begin a formal process. The opportunity to rectify any capability concerns at this stage should be exhausted before a formal process is considered. Refer to the Capability Guidance Document for further information including a template Performance Improvement Plan ([add link](#)).

In the most serious situations, the informal process may be bypassed, before doing so please liaise with [HR Advisory](#) for guidance.

The Formal Process

Before a formal hearing is arranged the manager should seek advice from the [HR Advisory Team](#) to review the informal action taken to date.

A nominated Officer, usually the line manager who has been managing the employee's performance is required to gather all the documentary evidence of the unsatisfactory performance to present at the hearing. The evidence may include:

- A short report on the informal action taken and any advice received
- Performance Improvement Plan
- Notes from supervision/one to one meetings
- Examples of the employee's work – letters, reports etc
- Letters of complaint

The Formal Hearing

Where a decision to progress to the formal procedure is made, the employee must be invited in writing, with a minimum of 5 working days' notice of the date of the hearing, providing details of the unsatisfactory performance, a copy of this procedure, the supporting documentary evidence as above, whether any witnesses will be present to give evidence, and notification of the right to representation.

The hearing should be chaired by a **manager with the appropriate authority** as set out below. The manager should be accompanied by an Officer from the **HR Advisory Service**.

During a hearing, adjournments may be called at any time by either party.

The employee has the right to be accompanied. This may be by a trade union representative or a Somerset Council work colleague of the employee's choice. The representative will be allowed to address the hearing to:

- Put forward the employee's case and ask questions on behalf of the employee
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the hearing

The representative has no right to answer questions on the employee's behalf, to address the hearing if the employee does not wish it, or to prevent the employee from explaining their case.

If an employee (and/or their representative) cannot attend a meeting, they must inform the Council in advance. If there is a justifiable reason for a hearing to be re-arranged, this will normally take place within 5 working days of the original date. If an employee fails to attend a hearing without good cause, then a decision may be taken in their absence.

Formal Warnings

Depending on the level and impact of the employee's unsatisfactory performance, the manager chairing the hearing may decide to award any level of warning from a first written warning to dismissal. Any warning will include an improvement note setting out:

- The performance problem
- The improvement required
- The support the employer will provide to assist the employee
- An appropriate timescale for achieving the improvement
- The review date
- The right to appeal

The continuance of an employee's underperformance will result in the cumulative application of this procedure. If an employee's unsatisfactory performance – or its continuance – is sufficiently serious it may be justifiable to omit a stage of the warnings or reduce the timeframe of the improvement periods.

The employee will be required to acknowledge receipt of the warning letter and improvement note confirming that its implications are understood. Warnings will be placed on the employee's file for the duration of the time limit of the warning after

which they will be disregarded. If it is evident that the employee has made little or no improvement before the agreed review date the review date may be brought forward, and a further hearing arranged.

Stage 1 - Written Warning

If the issue is a more serious one, or if there is a continuance of underperformance, a formal disciplinary warning letter will be given to the employee following the formal disciplinary hearing. This will provide details of the complaint, the improvement required and the timescale, as well as the period for which the warning will remain valid. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the employee's right to appeal. A copy of this written warning will be placed in the employee's file and kept by the line manager. The warning will normally be spent after a minimum of six months and a maximum of twelve months.

Recommended management level: Team Manager/Service Manager

Stage 2 - Final Written Warning

If there is still a failure to improve, and performance is still unsatisfactory, or the case is sufficiently serious, a final disciplinary warning letter will be given to the employee following a formal disciplinary hearing. This will provide details of the complaint, and the period for which the warning will remain valid. It will warn that dismissal will result if there is no satisfactory improvement. The employee must be advised of their right to appeal. A copy of the final written warning will be placed in the employee's file and kept by the line manager. The warning will normally be spent after a minimum of twelve months and a maximum of eighteen months. In exceptional cases the period may be longer.

Recommended management level: Service Manager/ Strategic Manager

Stage 3 - Dismissal

When dismissal is a possible outcome, the **Director of HR and Organisational Development** must be informed before the formal disciplinary hearing.

If, at a further formal hearing, performance is still unsatisfactory and the employee continues to fail to reach the prescribed standards, dismissal with notice or payment in lieu of notice, will normally result. The employee will be provided with written reasons for dismissal, the date of termination and the right of appeal, including details of to whom any appeal should be made and the timeframe for submission.

Recommended Management Level: Strategic Manager/ Senior Leadership Team Manager/ Director

Appeals

Employees must be informed that they have the right to appeal against any formal disciplinary penalty imposed by informing the appropriate level of management in writing within 10 working days. For further information please consult the Appeals Policy ([add link](#)).

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Relevant Legislation	Employment Rights Act 1996

Process Map

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