

Human Resources Committee
Tuesday 24 January 2023
2.00 pm Luttrell Room - County Hall,
Taunton



SUPPLEMENT TO THE AGENDA

To: The Members of the Human Resources Committee

We are now able to enclose the following information which was unavailable when the agenda was published:

Item 6	Chief Officers Annual Leave Entitlement (Pages 3 - 16) - To consider report.
--------	---

Published on 23 January 2023

Democratic Services, County Hall, Taunton

This page is intentionally left blank

Somerset County Council

Human Resources Committee

Paper
Item No.**NJC Green Book, Chief Officer and Chief Executive Annual Leave Entitlement with effect from April 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 Partner

Contact Details: 01823 355085. Cherry.russell@somerset.gov.uk*Please complete sign off boxes below prior to submission to Community Governance*

Report Sign off	Seen by:	Name	Date
	Legal	Honor Clarke	16/01/2023
	Corporate Finance	Jason Vaughan	16/01/2023
	Human Resources	Chris Squire	13/01/2023
	Cabinet Member	Cllr Liz Leyshon	16/01/2023
	Monitoring Officer	Scott Wooldridge	23/01/2023
Summary:	<ul style="list-style-type: none"> The Report sets out the changes to NJC Green Book annual leave entitlement with effect from 1 April 2023, as a result of the national agreement on the 2022/23 pay award. The Report seeks a decision to amend an existing local collective agreement covering annual leave entitlement for all staff on Green Book terms and conditions Somerset Grades up to Grade 4, to enable the NJC national agreement to be implemented. The Report seeks a decision on the proposed increase in annual leave entitlement for the Chief Executive and Chief Officer Grade 1 to 3, in line with NJC Green Book changes from 1 April 2023. 		
Recommendations:	<p>The members of the Human Resources Committee are asked to:</p> <ol style="list-style-type: none"> Note the nationally agreed NJC Green Book increase of one day to annual leave entitlement from 1 April 2023 as outlined in paragraph 1.1, 1.2 below and Appendix 1. Give the Director of Customers, Digital and Workforce, authority on behalf of this Committee and the Council to agree with the Green Book recognised trade unions, an amendment to the local collective agreement on annual leave entitlement for all staff on Green Book terms and conditions Somerset Grades up to grade 4, in order to implement the increase agreed nationally for NJC Green 		

	<p>Book staff, as recommended in paragraph 2.2 below.</p> <p>3. To agree the proposed increase in annual leave entitlement by one day (pro-rata) for the Chief Executive and Chief Officers Grade 1 to 3, with effect from 1 April 2023, in line with NJC Green Book changes, as recommended in paragraph 2.3.2 below.</p> <p>4. If recommendation 3 above is agreed, request that a report is submitted to Full Council on 22 February 2023 to approve the recommendations of this Committee relating to the proposed increase in annual leave entitlement for Somerset Grades 1 to 3.</p>
<p>Reasons for Recommendations:</p>	<p>The National Joint Council (NJC) for local government services has agreed that from 1 April 2023, all employees covered by this National Agreement (known as Green Book), 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 Green Book staff, regardless of existing local arrangements.</p> <p>Somerset has a local collective agreement relating to the Somerset pay and grading structure that covers annual leave entitlement, so an amendment to this agreement will be required in order to implement the nationally agreed additional annual leave entitlement for Green Book staff.</p> <p>As from 1 April 2012, the Council opted out of national negotiations for Chief Officers and the Chief Executive. From this date determination of any terms and conditions (including annual leave entitlement) for the Chief Executive Grade 1 and Chief Officer Grades 2 and 3, is undertaken by the HR Policy Committee (now renamed Human Resources Committee). In recent years annual leave entitlement for Grade 1 to 3 have mirrored Green Book staff on Somerset Grade 8 and above.</p>
<p>Links to Priorities and Impact on Service Plans:</p>	<p>Appropriate terms and conditions of employment 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.</p>
<p>Financial, Legal and HR Implications:</p>	<p>Annual leave is a condition of employment for staff covered under the NJC and it is expressly stated in their Statement of Written Particulars that their terms and conditions of employment will be in accordance with collective agreements negotiated from time to time by the National Joint Council for Local Government Services (commonly known as the Green Book) as supplemented by local collective agreements reached with the trade unions recognised by the Council.</p>

	There is no impact on productivity from the proposed change to the Chief Executive and Chief Officer annual leave, given working arrangements for senior officer. There will be no backfill required for an additional day's leave.
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 changes to annual leave entitlement. There are also no direct impacts on sustainability, health and safety, community safety or privacy aspects as a result of the recommendations
Risk Assessment:	
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. In addition, **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.

1.2 The National Agreement (Green Book) Part 2, para 7.2, with effect from 1 April 2023, will be amended to reflect this change 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."

Part 2 of the Green Book outlines key national provisions which are for application

by all local authorities to all employees covered by the NJC.

- 1.3** In May 1999 a local framework agreement took effect in respect of Part 3 of the local government services national agreement on pay and conditions of service, known as the Green Book. Part 3 of the Green Book outlines other provisions which may be modified by local negotiation. Appendix 3 of this agreement outlines the details of annual leave entitlement aligned to spinal column points, scales and grades.
- 1.4** In January 2002 a further local collective agreement in respect of Part 3 of the national agreement was adopted to implement a revised pay and grading structure in Somerset for staff employed under Green Book terms. Under 13.2 of this agreement annual leave entitlement was aligned to the new Somerset Grade structure.
- 1.5** In subsequent years the Green Book National Agreement outlined minimum paid annual leave entitlement under Part 2 of the agreement and so all local authorities must apply this minimum standard for all employees covered by NJC Green Book terms and conditions. Somerset grades 17 to 13 annual leave entitlement match the minimum requirement set by the National Agreement. Annual leave entitlement aligned to Somerset Grade 12 and above are determined by the local collective agreement dated 1 January 2002 and have been more favourable than the National Agreement minimum, prior to the 2022 pay award agreement.

- 1.6** The Council's current annual leave entitlement is as follows:

Somerset Grades	With less than 5 Years' Continuous* Service (inc 2 Statutory Days)	With more than 5 Years' Continuous* Service (inc 2 Statutory Days)
Grades 17 – 13 Up to spinal column point 11	24	27
Grade 12 (spinal column points 12 – 19)	27	27
Grades 11 – 9 (spinal column points 20 – 35)	29	29
Grades 8 and above (upto Grade 4 scp 52)	32	32

- 1.7** All Somerset staff grades 17 to 4 terms of conditions of employment are in accordance with collective agreements negotiated from time to time by the National Joint Council for Local Government Services (commonly known as the Green Book) as supplemented by local collective agreements reached with the trade unions recognised by the Council. In order to implement the nationally

agreed additional annual leave entitlement for Green Book staff an amendment to a Somerset local collective agreement relating to part 3 of the Green Book will be required. The NJC's full expectation is that the additional day's leave will be applied for all NJC staff, regardless of existing local arrangements.

- 1.8** Although the changes to Green Book annual leave entitlement will take effect on 1 April 2023, as this agreement relates to the 2022 pay award, each Somerset District Council will take responsibility for implementing the change in accordance with their current governance arrangements and instruct HR Admin and Payroll services accordingly.
- 1.9** A separate report will be presented to this Committee, at a later date, in relation to the Annual Leave entitlement and policy for the new Somerset Authority.
- 1.10** Determination of any terms and conditions for the Chief Executive Grade 1 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. Current annual leave entitlement for Chief Officer and Chief Officers grade 1 to 3 is 32 days (including 2 Statutory days) regardless of length of service, which matches that of Green Book staff Somerset Grade 8 and above prior to the 2022 pay award agreement. As a comparison the annual leave entitlement for similar roles across the Somerset District Councils varies from 32 days up to 37 days.

2. Options Considered

- 2.1** No alternatives are available in relation to the application of the minimum annual leave entitlement for Green Book staff as this is outlined in Part 2 of the national agreement.
- 2.2** As part of the 2022 nationally agreed pay award for NJC Green Book staff it was 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.

In Somerset we have aligned annual leave entitlement to the pay and grading structure which was agreed under a local collective agreement in May 2002.

It is therefore recommended the Director of Customers, Digital and Workforce, is given authority on behalf of this committee and the Council to agree with the Green Book recognised trade unions, an amendment to the local collective agreement on annual leave entitlement for all staff on Green Book terms and

conditions Somerset Grades up to grade 4, in order to implement the increase agreed nationally for NJC Green Book staff, as outlined above below:

The Council's current annual leave entitlement would be increase by one day as follows:

Somerset Grades	With less than 5 Years' Continuous* Service (inc 2 Statutory Days)	With more than 5 Years' Continuous* Service (inc 2 Statutory Days)
Grades 17 – 13 Up to spinal column point 11	25	28
Grade 12 (spinal column points 12 – 19)	28	28
Grades 11 – 9 (spinal column points 20 – 35)	30	30
Grades 8 and above (upto Grade 4 scp 52)	33	33

2.3 In recent years the Chief Executive and Chief Officers at Somerset Grades 1-3 have received the same annual leave entitlement as managers on Green Book terms and conditions, Somerset Grades 4 to 8. Options considered are outline below:

2.3.1 Option 1: Annual leave entitlement for the Chief Executive and Chief Officers Grades 1 – 3 remain unchanged at 32 days per year (which includes 2 statutory days) regardless of length of service. This would mean the Chief Executive and Chief Officers grade 1-3 would have less favourable annual leave entitlement than the managers below them on Somerset Grade 4 to 8.

2.3.2 Option 2: Annual leave entitlement for the Chief Executive and Chief Officer Grades 1 – 3 is increased by one day to 33 which includes 2 statutory days (pro-rata for part time hours) in line with the NJC Green Book changes, with effect from 1 April 2023.

It is recommended that this option is adopted to ensure parity of annual leave entitlement across the Councils Senior Leadership and Management teams Grades 1 to 8.

3. Consultations undertaken

- 3.1** The proposal that a local agreement has to be reached, in order for the extra day annual leave entitlement for Green Book staff to be applied, will be discussed with Trade Unions at the Joint Negotiation Forum meeting to be held on 19 January 2023. Any comments received will be shared verbally at this Committee on 24 January 2023. Following this committee's approval to proceed, the local agreement document can be drawn up and signed by recognised trade union representatives and the Director of Customers, Digital and Workforce on behalf of the Council.
- 3.2** Trade Unions will be consulted on the proposal to increase annual leave entitlement by one day (pro-rata) for the Chief Executive and Chief Officers grades 1 – 3, at the Joint Negotiation Forum meeting to be held on 19 January 2023. Any comments received will be shared verbally at this Committee on 24 January 2023.

4. Implications

- 1.1** The recommendation to apply an increase of one day (pro-rata) to annual leave entitlement for the Chief Executive Grade 1 and Chief Officers Grades 2 and 3, which is in line with Green Book staff, is intended to ensure fairness and equity in terms and conditions. If the current annual leave entitlement remains unchanged, then the Chief Executive and Chief Officers grade 1 – 3 will have less favourable annual leave entitlement than the managers below them on Somerset Grade 4 to 8.

5. Background papers

- 5.1** Appendix 1: NJC Local Government Services pay agreement 2022/23 circular dated 1st November 2022 (PDF document attached separately).

This page is intentionally left blank

National Joint Council for local government services

Employers' Secretary
Naomi Cooke

Trade Union Secretaries
Rachel Harrison, GMB

Mike Short, UNISON

Address for correspondence
Local Government Association
18 Smith Square
London SW1P 3HZ
Tel: 020 7664 3000
info@local.gov.uk

Address for correspondence
UNISON Centre
130 Euston Road
London NW1 2AY
Tel: 0845 3550845
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

This page is intentionally left blank