

Human Resources Committee

Tuesday 13 December 2022

2.00 pm Luttrell Room - County Hall,
Taunton



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, Strategic Manager - Governance and Risk and Monitoring Officer - 5 December 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 Tuesday 13 December 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 on 17 November 2022 (Pages 7 - 14)

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 LGR HR Policies for approval

- Policies to be considered to follow:
 - o Parental Bereavement Leave
 - o Fostering
 - o Disclosure
 - o Recruitment of Ex-Offenders
 - o Flexible Working Requests

6 Local Government Reorganisation - People Workstream update

- To consider the presentation on the day

7 Any other urgent items of business

The Chair may raise any items of urgent business.

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 Thursday 17 November 2022 at 2.00pm

Present: Cllr L Leyshon (Chair), Cllr E Pearlstone, Cllr L Redman, Cllr M Stanton, Cllr D Rodrigues, Cllr A Kendall, Cllr S Wakefield, Cllr G Oakes, Cllr T Robbins.

Other Members present: None

Committee members attending virtually: Cllr A Dingwall.

Other members attending virtually: Cllr S Coles, Cllr R Woods, Cllr M Lovell, Cllr B Height, Cllr B Revans, Cllr D Johnson.

Absent: Cllr D Fothergill, Cllr M Healey

Cllr Liz Leyshon, lead Member for Finance and Resources, welcomed all to the meeting and explained that the Committee would meet as required and report to Full Council. The principal function of the Committee is to determine, monitor, review and amend staffing policies and practices to secure the best use and development of the Council staff, including the delegated power to deal with all matters relating to staff terms and conditions.

The Chair acknowledged the late publication of some of the reports relating to this meeting and explained that the Chief Executive was aware, this had been addressed with Lead Officers and that she would consider any requests to defer items on the agenda to the next meeting.

12. Apologies for absence

Cllr S Aujla, Cllr A Dingwall

13. Declaration of Interest

- a) Cllr Leyshon and Cllr Kendall declared a personal interest as members of the Local Government Pension Scheme.
- b) Chris Squire declared a personal interest in item 5, Chief Officer Pay Award, and item 7, LGR HR Policies for approval (Sickness Absence and change to senior leadership).

14. Minutes from the previous meeting held on 11 October 2022

The minutes were approved as a true and accurate record.

15. Public Question Time

There were no public questions, statements, or petitions.

16. Chief Officer Pay Award

The Committee received a report from the Strategic Manager – HR Business Partner the Lead Officer – Cherry Russell.

The following points were highlighted:

- The paper outlined the process of recruitment to grade 2 and 3 appointments and sought a decision on the grade 1 salary (Chief Executive).
- Green Book pay award approved 1 November 2022 – no decision required as a payment of £1925 pro rata and weighted to lower salary grades had been accepted. This Council had previously put in place agreement to vary some pay and conditions for Somerset Grade 8 and above.
- Any post paid above the maximum of the pay spine but graded below Deputy Chief Officer were in the scope of the national awards, as part of the Green Book terms and conditions (part 2, para 5.4). Therefore the £1925 pay award would additionally apply to grades 4 to 8.
- SCC have opted out of the national agreement on Chief Officer and Chief Executive pay, therefore the committee was required to make a recommendation to Full Council.
- It was asked, that if by accepting, this would lead to a disparity of pay that may be disadvantageous in attracting and retaining good quality staff. In response it was noted that it was each authority's decision whether to agree the national award. SCC had recently undertaken salary benchmarking on some roles to compare regional and national levels. Other role comparison work was currently being undertaken and would be reported to the Committee in due course.
- Clarification was requested of the financial impact of the pay award and it was noted that the £1925 did not include on-costs (tax and pension contributions). The Pay Award was budgeted at 2.5% and the actual cost would be above budget. The pay award constitutes a 10.5% increase for the lowest grades and approx. 1.5% for the highest grades. An additional £3.4m had been allocated from the Corporate Contingency budget and it was likely that the same average of 2.5% will be used for the 2023-24 Medium Term Financial Plan (MTFP). It was Members stated that it was unusual for a flat rate to be applied to each pay scale and that as a result of the national living wage increasing to £10.42, the lowest SCC hourly rate will now be £10.50.
- Members welcomed the over-arching policy of a higher pay award for those most in need of financial help.
- The Officer proposed (para 1.7) that the Green Book Pay Award will be implemented in November pay for pay grades 17 to 4 (not grades 1 to 4). Chief Officer pay should also be adjusted for November. The Officer said that a further report will be brought to this Committee before April 2023 relating to annual leave. Grade 17 will be removed from April 2023, which mainly affects school staff. In addition, reference was made to the Leader

of the Council's pledge to Citizens Somerset to endeavour to work towards the new Somerset Council becoming accredited as a real living wage employer.

- A Councillor spoke about need to reduce the multiplier between the salary of the lowest paid and the Chief Executive, as well as the need to consider the differences between this in the districts.

The Committee agreed to note the nationally agreed Green Book pay award for 2022/23 as outlined in the updated Somerset salary rates for grades 17 to 4.

The Committee agreed 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.

- There was a discussion about the recommendation regarding no pay increase for the recently appointed Chief Executive, and it was noted that the post holder was in agreement with the recommendation. It was asked if there was a national pay award and whether the recommendation of not increasing the Chief Executive's pay would be in line with other and/or neighbouring authorities. Members heard that the national pay award for Chief Executives was determined by the national agreement framework, which was the same as the Green Book offer, and that the recent appointment of the Chief Executive constituted exceptional circumstances.

The Committee agreed that no pay increase be awarded to the recently appointed Chief Executive Somerset (Grade 1) for the financial year 2022/23.

The Committee agreed that a report is submitted to Full Council on 23 November 2022 to approve the recommendations of the Committee on a pay increase backdated to April 2022 for Somerset Grades 2-3.

17. LGR People Workstream Update

The Committee received a presentation from the Director of Customers, Digital and Workforce – Chris Squire as the Lead Officer of the LGR People Workstream.

The following points were highlighted:

- Behaviour and Culture Workshops had been delivered with staff, although this paused in the late summer/early autumn as the new Chief Executive joined the authority in early October. The second round of workshops would commence with the support of the Chief Executive. Results would be fed into the People Strategy of the new Somerset Council which in turn would help influence the emerging Corporate Plan.

- Diversity and Inclusion is a key workstream which is working on policies and issues such as disability confidence, gender pay gap etc.
- All five councils had conducted work on lone worker safety devices, for example lanyards, mobile apps to give security to frontline staff to enable the new authority to procure a standardised contract. Consultation is ongoing with trade unions to update policies to take effect from 1 April 2023.
- Hybrid working principles would be included in the Dynamic Working Strategy.
- Wellbeing Strategy had been drafted and was with the trade unions and be reported to the Committee in early 2023.
- Staff survey to be launched soon to staff in the five councils.
- Organisation development had run a Young Employee Conference (16-25) with 130 staff members attending as well as joint meetings with UNISION.
- All districts will have access to online training via the Learning Centre and there had been an increase in learning activities.
- Support will be in place for staff at risk of redundancy.
- Tier 2 and 3 restructuring consultation was launched last week with trade union engagement. 48 posts at risk of closure, with 16 appointments to be made. Recruitment partner has been commissioned who will receive applications and offer advice to Appointments Committees. It was asked what notice is given to the 48 employees at risk of redundancy and it was noted this would be their contractual notice period. Individual consultations with unsuccessful candidates would commence after this date, before notice is served.
- There was a question on if consideration would be given to part-time/split working and it was highlighted that section 6 of the framework set out options to mitigate against job losses and redundancies and part-time working would form part of this mitigation. Children's Services, Adult Services and Health had been excluded from the restructuring and four further substantive posts.
- It was noted that all District staff would transfer via TUPE regulations to consult on changes to details such as pay date, change of work location, change to benefits package. Thanks were relayed to all payroll staff for already successfully migrating two districts to the SCC payroll system.
- A Temporary Labour Contract had been formally agreed for the new council from 1 April 2023 with a significant saving expected from the £18m spend. There would be a single electronic recruitment system and a new combined careers website from early 2023. The current Disclosure and Barring Scheme system will be reviewed to bring alignment for April.

- It was noted that transformation processes in the corporate world, payroll harmonisation were huge projects and were one of those things that people don't notice, if it goes well. There was acknowledgement of the amount of work involved and the HR Director agreed to pass on these comments to the Payroll Team.
- It was explained that tier 2 posts would be confirmed at Full Council in February before progressing to tier 3 appointments.
- There was a question about protecting employee's wellbeing at all stages of LGR and recognising the pressure staff and councillors were working under and what reassurance was available to show that mental wellbeing concerns were paramount. In response it was stated that staff wellbeing was monitored with data on stress, anxiety and psychological disorders as well as sickness absence being reported to SLT. In addition, all staff receive the weekly staff bulletin highlighting a range of activities including volunteering opportunities and other initiatives such as a recent meeting of the Menopause Café.

The Officer was thanked for the update.

18. LGR HR Policies for Approval

The Committee received a report from the Service Manager HR Policy and Projects – Sarah Welland, and Strategic Manager HR Practice – Sari Brice.

The following points were highlighted:

- Mrs Welland apologised for the late submission of the report. It was suggested that, if necessary, a request be put by this Committee to the Executive or to the Chief Executive to ensure staff were adequately supported to meet deadlines. The Chair suggested that additional time be given to consider these policies, and all members indicated they were happy to proceed.
- An overview was provided of Appendix 1 to the report that showed where policies differ significantly from the existing district policies:
Adoption Leave Policy - Contractual adoption pay issue had been excluded (also applicable to the maternity policy) which was still under consultation and would be reported to the Committee in due course. SCC pre-appointment entitlement will be maintained and therefore an enhanced provision was proposed by maintaining the SCC offer. Members welcomed the levelling up of provision for the new Somerset Council regarding adoption arrangements. It was confirmed that entitlement will begin from day 1.
The Committee agreed to accept this policy.

Compassionate Leave Policy – The proposed change would be favourable for district employees, as it proposed 10 days compassionate leave in a 12-month rolling period as standard entitlement with further provision under exceptional circumstances at manager discretion. Current SCC policy applies this leave to a near relative and to serious illness. There was a discussion around manager discretion.

The Committee agreed to accept this policy.

Emergency Time Off for Dependents – It is proposed to offer the statutory entitlement to a limited time of unpaid leave to deal with an emergency or unforeseen circumstances involving a dependent/s. The proposal will be a detrimental change for Sedgemoor employees where there is an additional entitlement. Trade unions had challenged this change and an agreement had been reached with the enhanced entitlement to compassionate leave. In addition, the proposed policy suggested managerial consideration of dynamic ways of working ahead of granting unpaid leave and this would apply to any person who relied on an employee for emergency care in the short-term which may cover a neighbour with no other means of support; an employee's child sent home from school, with flexible working solutions used where possible to avoid the use of paid leave. It was asked if data was available on the number of Sedgemoor employees who had use the additional entitlement and it was noted that this had been requested but was not available, but a further request could be made. It was asked if the differing terminology used in district policies was causing comparison difficulties and it was stated that there had been contextual differences in how each district applies certain policies.

The Committee agreed to accept this policy.

Standards of Conduct Policy – It is proposed that there is no restriction on second jobs, which are currently not permitted at certain grades in two districts and there will be a requirement to declare second jobs and discuss suitability. It was asked if there was a policy for how employees with an unsuitable second job would be considered. It was explained this was included within the policy and if this (second job) continued to impact on the primary job, then performance measures would be taken. It was asked how a retained firefighter's role would be considered and it was agreed that additional information would be provided after the meeting. It was stated that the Fire Service usually required a letter from the employees' employer before appointment as a Retained Firefighter. It was noted that regarding the issue of Territorial Army Reserves, School Governors, and other voluntary work that the Council may wish to support, more information would be reported to the Committee.

The Committee agreed to accept this policy.

- **Capability and Performance Management Policy** – It is proposed to remove the first level, recorded verbal warning, as recommended by ACAS. It was explained that the Recorded Verbal Warning can often be used incorrectly which causes confusion and issues will continue to be resolved informally if possible. The change was welcomed. It was explained there would be a requirement for clear written records at each stage on any capability and performance procedure and that formal capability proceedings would be conducted in a similar way to disciplinary proceedings. It was asked if there might be an increase in formal proceedings due to removal of verbal warnings and this was not thought to be likely.
The Committee agreed to accept this policy.
- **Maternity Policy** – It was noted that this policy did not cover contractual maternity pay (as Adoption Policy above) and would be reported separately in due course. The proposal was to add to the current policy so that it included entitlement to neonatal leave which was likely to become statutory from 2023. It is also proposed to offer paid time off for those who are breastfeeding and/or expressing milk on their return to work. A Councillor asked if there would be a time-limit on this entitlement and if there were facilities to enable staff to breastfeed/express milk and it was noted that facilities were available in County Hall. It was stated that policies such as these were important to give employees choice and there was a request for gender-neutral language in all policies.
The Committee agreed to accept this policy.
- **Paternity Policy** – The proposed policy would be an enhancement for all employees with the addition of entitlement of two paid antenatal appointments for either the father, second parent or other supporting adult. It was suggested this, and other entitlements should also be offered if an employee was joining a family, as well as starting a family. It was also suggested the term co-parenting be used in place of paternity, and to reflect a co-parent of either gender who was not the biological parent which could include civil partners and others.
The Committee accepted the use of gender-neutral language, and subject to gender-specific amendments, the Committee agreed to accept this policy.
- **Sickness Absence (Contractual Sick Pay)** – It was proposed that contractual sick pay entitlement be amended for the top three tiers to bring it in line with Green Book conditions. It was asked about the financial impact of this change, and it was noted that in general terms, the additional maximum costs were known and accepted by the Finance Director.
The Committee agreed to accept this policy.

The Committee agreed these new employment policies, noting they meet the previously agreed criteria, and approved their use in the new Somerset Council with effect from 1 April 2023.

19. Any other urgent items of business

There were no items of urgent business.

Meeting closed at 4.10pm

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