

**Somerset Council Employment Policies for Approval**

**Executive Member:** Theo Butt Philip, Lead Member on Human Resources

**Lead Officer:** Chris Squire, Service Director, Workforce

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<i>Please complete sign off boxes below prior to submission to Community Governance</i>			
	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
<b>Report Sign off</b>	Legal	Jill Byron	
	Corporate Finance	Jason Vaughan	
	Human Resources	Chris Squire	
	Executive Member	Theo Butt Philip	
	Monitoring Officer	David Clarke	
	<b>Summary:</b>	This report provides details of the policies for the new Somerset Council which are ready for consideration and if appropriate, approval, by the HR Committee. As agreed previously at HR Committee, 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 Service Director - Workforce.	
<b>Recommendations:</b>	<b>The members of the HR Committee are asked to: Formally approve the new Pensions Discretions Policy.</b>		
<b>Reasons for Recommendations:</b>	To ensure that a pre-agreed list of key employment policies are in place for the new Somerset Council.		
<b>Links to Priorities and Impact on Service Plans:</b>	Part of the People Workstream for Local Government Reorganisation.		
<b>Financial, Legal and HR Implications:</b>	<b>Financial</b> – there are a handful of employment policies that have clear financial implications. As previously agreed therefore, any		

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

**1 Background**

- 1.1 As agreed previously, 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 the former 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 former policy is 'flagged' for the HR Committee's awareness.
- 1.3 All other policies will be approved via delegated authority, by the Service Director, Workforce.
- 1.4 Based on the criteria above, the policy now ready for the HR Committee's consideration and if appropriate, approval, is:
- Pensions Discretions
- 1.5 This report should be read in conjunction with the HR Committee report circulated alongside and regarding two additional non-mandatory pension discretions.
- 1.6 It should be noted that the decision of the HR Committee in respect of the two additional non-mandatory discretions as outlined in the report circulated alongside this one, will be incorporated into the new Pensions Discretions policy.

## **2 Options Considered**

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

## **3 Consultations Undertaken**

- 3.1 This policy has been consulted upon informally with trade union representatives in weekly working group meetings and has been approved subject to the decision made in the report circulated alongside (regarding the two additional non-mandatory discretions). If the recommendations in the report circulated alongside are not approved, this policy will require further consultation with trade unions.

#### **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. If the Committee does not approve this policy, the former Somerset County Council's policy will continue to be used post vesting day, due to SCC being the continuing authority.

#### **5 Background Papers**

- 5.1 Appendix 1 Summary table  
Appendix 2 – Pensions Discretions Policy