

Somerset Council

Human Resources Committee
 - 26th March 2024

Somerset Council Employment Policies for Approval

Executive Member: Cllr Theo Butt Philip, Lead Member for Transformation and Human Resources

Lead Workforce Officer: Sari Brice, Strategic Manager – HR Practice

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<i>Please complete sign off boxes below prior to submission to Community Governance</i>			
Report Sign off	Seen by:	Name	Date
	Legal	Jill Byron	04/01/23
	Corporate Finance	Nicola Hix	03/01/2024
	Human Resources	Dawn Bettridge	22/12/2024
	Executive Member	Theo Butt Philip	05/01/2024
	Monitoring Officer	David Clark	02/01/2024
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 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.		
Recommendations:	<p>The members of the HR Policy Committee are asked to:</p> <p>Formally approve the new employment policy as detailed below which meets the previously agreed criteria and therefore requires HR Committee approval for use in the new Somerset Council.</p> <p>Note for information purposes only, the new policies listed below, which fall into the category of being a change to one or more of the former District Councils' existing policies, but have no significant change to the former SCC policy.</p>		
Reasons for Recommendations:	To ensure that key employment policies are in place for the new Somerset Council.		
Links to Priorities and Impact on Service Plans:	Part of the People Workstream for Local Government Reorganisation.		
Financial, Legal and HR Implications:	Financial – 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>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 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 in 1.1 above, and highlighted in blue on the attached summary table at Appendix 1, the policy now ready for the HR Committee's consideration and if appropriate, approval are:

- Homeworking (appendix 2)

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 or change to one or more of the District Councils' existing policies. As agreed, these are 'flagged' for HR Committee's awareness only. These are:

- Reservists (appendix 3)
- Volunteering (appendix 4)
- Career Breaks (appendix 5)
- Relocation Allowance (appendix 6)

2 Options Considered

2.1 An alternative option would have been to have not made any changes to these 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. The policies will not have retrospective effect.

3 Consultations Undertaken

3.1 These policies have been consulted upon informally with trade union representatives in weekly working group meetings and they have also been formally approved by the JNF (Joint Negotiating Forum).

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 these policies, the former SCC policies will continue to be used, due to SCC being the continuing authority. This is with the exception of employees who TUPE transferred 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
- Appendix 2 – Homeworking Policy
- Appendix 3 – Reservists Policy
- Appendix 4 – Volunteering Policy
- Appendix 5 – Career Breaks
- Appendix 6 – Relocation Allowance