



# HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

AGENDA

<b>DATE:</b>	<b>Thursday, 6 July 2023</b>
<b>TIME:</b>	<b>7.30 pm</b>
<b>VENUE:</b>	<b>Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

**MEMBERSHIP:**

**Councillor Chapman BEM (Chairman)**  
**Councillor Calver (Vice-Chairman)**  
**Councillor Amos**  
**Councillor Guglielmi**

**Councillor Morrison**  
**Councillor Skeels Jnr.**  
**Councillor G Stephenson**

**Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.**

**This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio record and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.**

**If you have any queries regarding webcasting or the recording of meetings by the public, please contact Bethany Jones Email: [bjones@tendringdc.gov.uk](mailto:bjones@tendringdc.gov.uk) or Telephone on 01255 686587**

DATE OF PUBLICATION: Wednesday, 28 June 2023

## AGENDA

### **1 Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2 Minutes of the Last Meeting (Pages 1 - 8)**

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Thursday 23 February 2023.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Introduction to the Human Resources Team**

Following the recent District Council elections and for the benefit of new Members, the Committee will receive an introduction to the Council's Human Resources Team.

### **6 Apprenticeship update**

The Committee will receive an oral update on apprenticeships within the Council.

### **7 Report of Assistant Director (Partnerships) - A.1 - WHISTLEBLOWING POLICY & PROCEDURE (Pages 9 - 26)**

To update the Human Resources & Council Tax Committee on the review of the Council's Whistleblowing Policy in line with identified best practice and employment legislation.

### **8 Report of Assistant Director (Partnerships) - A.2 - WORKFORCE UPDATE REPORT (Pages 27 - 36)**

To provide Members of the Human Resources and Council Tax Committee with an update on current staffing statistics.

### **9 Report of Head of Democratic Services and Elections - A.3 - HUMAN RESOURCES SUB-COMMITTEE PANEL - APPOINTMENT OF THE NAMED SUB-COMMITTEE MEMBER AND NAMED SUBSTITUTE SUB-COMMITTEE MEMBER FROM A POLITICAL GROUP THAT IS NOT REPRESENTED ON THE CABINET (Pages 37 - 38)**

To enable the Committee to appoint a named member and a named substitute member from a political group that is unrepresented on the Cabinet to serve on the Human Resources Sub-Committee Panel.

**10 Exclusion of Press and Public**

The Committee is requested to consider passing the following resolution:-

“That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 11 and 12 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.”

**11 Report of Director (Planning) - B.1 - A MARKET FORCES REPORT FOR POSTS WITHIN THE PLANNING SERVICE (Pages 39 - 48)**

To put forward proposals for the re-introduction of the Market Forces Supplement, previously agreed by Human Resources and Council Tax Committee, to support the recruitment and retention of qualified Planning staff.

**12 Report of Corporate Director (Operations and Delivery) - B.2 - MARKET FORCES REPORT FOR POSTS WITHIN THE PROPERTY & PROJECTS TEAM (Pages 49 - 62)**

To put forward proposals for a Market Forces Supplement to support the recruitment of officers within Building and Public Realm, specifically the posts of Principal Surveyor and two Assets Surveyors based in the Property and Projects service area. Post qualification experience and up to date Continued Professional Development will be necessary for both service areas.

### **Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Thursday, 12 October 2023.*

## **Information for Visitors**

### **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX  
COMMITTEE,  
HELD ON THURSDAY, 23RD FEBRUARY, 2023 AT 7.30 PM  
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Chapman BEM (Chairman), Griffiths (Vice-Chairman), Amos, Baker, Calver, S A Honeywood and Morrison
<b>Also Present:</b>	Councillor P B Honeywood
<b>In Attendance:</b>	Carol Magnus (Organisational Development Manager), Richard Bull (Corporate Finance Manager & Deputy Section 151 Officer)(except items 27 - 31), Ian Ford (Committee Services Manager), Katie Wilkins (Human Resources and Business Manager), Jo Williams-Lota (Senior Human Resources Advisor), Debiann Messenger (Work Based Learning Manager) and Keith Durran (Committee Services Officer)

**21. CHAIRMAN'S ANNOUNCEMENT**

The Chairman was delighted to inform the Committee that the Council's Human Resources Team had been nominated for a Public Services People Managers Association (PPMA) Service Superstars Team Award. The awards ceremony would be held at the PPMA's national conference in April 2023.

Members marked this achievement with a round of applause.

**22. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence submitted or substitutes appointed on this occasion.

**23. MINUTES OF THE LAST MEETING**

It was moved by Councillor Baker, seconded by Councillor Amos and:-

**RESOLVED** that the Minutes of the last meeting of the Committee, held on Tuesday 11 October 2022, be approved as a correct record and be signed by the Chairman.

**24. DECLARATIONS OF INTEREST**

Councillor Griffiths stated for the public record that he was a member of the GMB union and a Shop steward but that he had no involvement with Tendring District Council in that capacity.

**25. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

No Questions on Notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

26. **REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.1 - FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2023/24 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES**

The Committee had before it a report of the Assistant Director (Finance & IT) (report A.1) which set out and sought its confirmation of the final Council Tax amounts for 2023/24 including the precepts issued for 2023/24 by Essex County Council and the Police, Crime and Fire Commissioner for Essex.

Members were aware that, at its meeting held on 14 February 2023, Full Council had considered the Executive's Budget and Council Tax proposals for 2023/24 and, as part of that process, the Council Tax for District and Parish / Town Council Services had been approved at that meeting.

Members were also aware that, once the precepts were received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2023/24. The total Council Tax for the year was made up of the District and Parish / Town Council amounts and the corresponding amounts agreed by the major precepting authorities. Legislation required this formal confirmation even though the process was dictated by legislative formulae and there was no actual judgement or choice to be made. The precepts from the major precepting authorities for 2023/24 had resulted in the final Council Tax amounts, as set out in Appendix C to the aforementioned report, for formal confirmation by the Committee.

In order to confirm the Council Tax amounts for 2023/24 in accordance with the Local Government Finance Act 1992:-

It was moved by Councillor Baker, seconded by Councillor Griffiths and:-

**RESOLVED** that -

- (a) the precepts issued by Essex County Council, Essex Police and Essex Fire, as set out in Appendix A to item A.1 of the Report of the Assistant Director (Finance & IT), be noted; and
- (b) the amounts of Council Tax for 2023/24 for each of the categories of dwellings, as shown at Appendix C to the aforesaid report, be confirmed.

27. **CAREER TRACK AND APPRENTICESHIPS - ORAL UPDATE**

The Committee received a presentation from the Work Based Learning Manager (Debianne Messenger) updating it on the work of the Council's Career Track and Apprenticeship provision section.

The presentation covered the following matters:-

- (i) Background to Career Track Apprenticeships provision;
- (ii) OfSTED Framework;
- (iii) Response to OfSTED Inspection in 2021;



- 
- (iv) OfSTED monitoring visit in 2022: Purpose of their visit; Questions asked of TDC; Outcome including positive acknowledgement of the Direction of Travel;
  - (v) Next Steps: Self-Assessment Report; Quality Improvement Plan; Governance Meetings on areas of focus; preparation for OfSTED Full Inspection;
  - (vi) National Apprenticeship Week - February 2023: \$0 years of Career Track at TDC; celebration of individuals' success.

The Committee noted the contents of the presentation.

**28. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - PAY POLICY STATEMENT 2023/2024**

The Committee gave consideration to a report of the Assistant Director (Partnerships) (A.2) which presented the Council's Pay Policy Statement for 2023/24.

Members were aware that the Localism Act 2011 Section 38 (1) required the Council to prepare a Pay Policy Statement each year. The Pay Policy Statement had to articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or 'Chief Officers') and its lowest paid employees.

The matters that had to be included in the statutory Pay Policy Statement were as follows:

- *A local authority's policy on the level and elements of remuneration for each Chief Officer.*
- *A local authority's policy on the remuneration of its lowest-paid employees (together with its definition of "lowest-paid employees" and its reasons for adopting that definition).*
- *A local authority's policy on the relationship between the remuneration of its Chief Officers and other Officers.*
- *A local authority's policy on other aspects of Chief Officers' remuneration: remuneration on recruitment increases and additions to remuneration, use of performance related pay and bonuses, termination payments and transparency.*

The Committee was informed that the Pay Policy Statement 2023/24 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. This framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework also aimed to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

The Conditions of Employment with Tendring District Council, including pay, in the main, conformed to those established for local government generally by the National Joint Committee (NJC). Agreements reached by the NJC were 'collective agreements'.

The Committee recalled that the Council had worked with the East of England Local Government Association in 2022 to carry out an independent review of the Council's pay structure. This had led to some options to support best use of the NJC pay spine in alignment with the employment market. Those had included salary and benefits benchmarking, improved marketing of vacancies and employment offer and expanding

---

the Council's well established "grow your own" ethos. Those options were currently being considered as part of the Assistant Director level change programme.

Members were made aware that there was limited change reported in the 2023/24 Statement with the exception of the application of the agreed 2022/23 pay award. There were particularly significant changes at the bottom end of the pay spine following agreement between the national Employers and national Unions of an increase of £1,925 on all NJC pay points 1 and above (*a percentage increase of between 10.5% and 4.04% across the pay spine*).

Furthermore, as part of the 2022/23 pay award, the NJC had agreed that, from 1 April 2023, Spinal Column Point (SCP) 1 would be permanently deleted from the NJC pay spine. Therefore, any employees currently placed on SCP 1 would be assimilated across to SCP 2 from that date.

It was re-iterated that, In determining the pay and remuneration of all of its employees, the Council would comply with all relevant employment legislation.

The Council ensured its pay structures and all pay differentials could be objectively justified through the use of the NJC job evaluation mechanism (*with the exception of Chief Officer remuneration*) which directly determined the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

Members were aware that, since 2018, the Council had been required to publish mandatory gender pay gap reporting in order to meet the requirements of the Equality Act 2010 (*Specific Duties and Public Authorities*) Regulations 2017.

Data for the 2023/24 reporting period showed the following:-

- *At an organisational level, male and female employees represented 43% and 57% respectively.*
- *Each reporting quartile was broadly representative of the overall staff ratio for the organisation, within a tolerance of 3%.*
- *There was no material disparity at each pay level within the organisation, when viewed within the context of the UK average (ONS October 2021).*

The Committee was advised that the Council's pay gap would continue to be subject to review and that, if any substantial gaps were identified as the Council interpreted its data, a suitable action plan would be prepared.

The Committee also noted that work was underway to update the Council's Allowances Policy, specifically around out of hours' responses to emergency incidents.

Members were reminded that Schedule 2 of Part 3 of the Constitution delegated to Full Council the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

Supplementary provisions within that Act relating to Statements included that -

- 
- “(1) A relevant authority’s Pay Policy Statement must be approved by a resolution of the authority before it comes into force.*
- (2) Each Statement must be prepared and approved before the end of the 31 March immediately preceding the financial year to which it relates.*
- (3) A relevant authority may by resolution amend its Pay Policy Statement (including after the beginning of the financial year to which it relates).*
- (4) As soon as is reasonably practicable after approving or amending a Pay Policy Statement, the authority must publish the Statement or the amended Statement in such manner as it thinks fit (which must include publication on the authority’s website).”*

In order to comply with the requirements of the Localism Act 2011 (Section 38 (1)):-

It was moved by Councillor S A Honeywood, seconded by Councillor Griffiths and:-

**RESOLVED** that this Committee recommends to Full Council that the Pay Policy Statement 2023/24, as set out in Appendix A to item A.2 of the Report of the Assistant Director (Partnerships), be adopted.

**29. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - VOLUNTEER POLICIES**

The Committee considered a report of the Assistant Director (Partnerships) (A.3) which introduced to it a suite of proposed policies to support the volunteering activities within the Council namely, a Volunteer Policy and an Employee Volunteering and Public Duties Policy, which, if agreed, would be implemented by the Council.

Members were informed that the purpose of introducing a suite of Volunteer Policies was to outline the Council’s commitment to encouraging members of the local community to undertake voluntary roles within the Council and to support existing employees who wished to undertake voluntary work within the local community, or for charitable institutions.

The Council recognised that by encouraging and supporting volunteers, it was able to increase the services it offered, help build relationships with the local community, develop employees/ volunteers and improve how the Council was perceived within the local community.

It was felt Employees who volunteered could share the skills that they had developed at work to help the community and also learn new skills through volunteering. This might include, for example, leadership qualities and improved morale, physical health and work-life balance.

The Policies outlined:-

- the Council’s commitment to volunteering, volunteers and employees who volunteered in our local community;
- the recruitment, induction and management of volunteers;

- 
- conflict of interest considerations where existing staff requested to volunteer for external bodies in the local community;
  - guidance on time off or changing working hours for existing staff who wished to volunteer; and
  - key policies and procedures that needed to be considered when supporting volunteers.

Unison had been consulted on the full suite of Volunteer Policies and had offered agreement and support for their implementation.

Furthermore, consultation on the Volunteer Policy had taken place with Payroll (*for insurance purposes*), Public Realm (as a significant host of volunteers) and Health & Safety colleagues (*for Risk Assessment purposes*). All of whom had offered agreement and support of its implementation.

During the discussion of this item, members of the Committee raised points of issue on the following matters:-

#### Volunteer Policy

- (a) Section 3 (Status of Volunteers) – implication that Ward Members would not be able to use any involvement for political promotion;
- (b) Section 6.4 (Problem Solving and Complaints) – suggestion that an amendment be made in order to allow a Volunteer to have the facility to involve a third party in support in making/defending a complaint;
- (c) Section 7 (Volunteers who are under 18 years old) – suggestion that an amendment be made to strengthen requirement for DBS checks; and
- (d) Appendix F (Volunteer Induction Checklist) – Include issues around various forms of Insurance as part of the induction process.

#### Employee Volunteering and Public Duties Policy

- (e) Section 5.4 (Special Constables) – Expand this section to also include Retained Firemen.

Having duly considered the Council's statutory obligations with regard to the engagement of volunteers, and employees who undertook voluntary public duties:-

It was moved by Councillor Baker, seconded by Councillor Amos and:-

#### **RESOLVED** that –

- (a) the Volunteer Policy (January 2023) and the Employee Volunteer and Public Duties Policy (January 2023), as set out in Appendices A and B respectively to item A.3 of the Report of the Assistant Director (Partnerships), be adopted, subject to the Officers taking on board the issues raised by Members at the meeting (as detailed above) and making the appropriate amendments to the Policies, as required; and
- (b) the Policies, as amended, be circulated to all members of the Committee for their further comments which comments will be taken into account by the Assistant Director (Partnerships) in finalising, adopting and publishing the Policies.

**30. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor Baker, seconded by Councillor S A Honeywood and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 10 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 4 of part 1 of Schedule 12A, as amended, of the Act.

**31. EXEMPT MINUTES OF THE LAST MEETING**

It was moved by Councillor Baker, seconded by Councillor S A Honeywood and:-

**RESOLVED** that the Exempt Minute of the last meeting of the Committee, held on Tuesday 11 October 2022, be approved as a correct record and be signed by the Chairman.

The meeting was declared closed at 8.12 pm

**Chairman**

This page is intentionally left blank

## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

6 JULY 2023

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### A.1 WHISTLEBLOWING POLICY & PROCEDURE

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To update the Human Resources & Council Tax Committee on the review of the Council's Whistleblowing Policy in line with identified best practice and employment legislation.

###### EXECUTIVE SUMMARY

Tendring District Council is committed to high standards of openness, integrity, and accountability in the provision of quality services for the benefit of the local community and is fully committed to being fully accountable for those services.

The Council has set in place rules, regulations, quality standards and procedures to ensure that high standards of conduct and commitment to service are observed, but it recognises that malpractice can occur.

Whistleblowing is the action someone takes to report wrongdoing at work. For example, where there has been suspected misconduct, illegal acts, or failure to act within the Council's established governance frameworks.

The Whistleblowing Policy and Procedure document makes it clear that employees can raise concerns without fear of victimisation, subsequent discrimination, disadvantage or dismissal. It is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking the problem or "blowing the whistle" outside of the organisation.

The Policy applies to all:-

- employees of Tendring District Council;
- employees of contractors working for the Council, for example agency staff;
- employees of suppliers;
- those providing services under a contract or other agreement with the Council; and
- voluntary workers working with the Council.

Disclosures against Elected Members are dealt with under a separate procedure and the Council's Monitoring Officer should be contacted directly in this regard.

The recently published "*Lessons from Public Interest Reports and other interventions Report*" (Part II) by Grant Thornton (*a professional services network which provides assurance, tax and advisory services to privately held businesses, public interest entities, and public sector entities*) outlines a number of recommendations to encourage best practice and mitigate risk.

A number of the recommendations from the report specifically relate to 'Whistleblowing' and the Council's Policy on these matters as follows:-

- Cultivate an open and transparent culture;
- Ensure staff can raise concerns/whistle blow, and that this practice is encouraged and is independently investigated. Formal channels must be in place for the involvement of both the s151 and Monitoring Officers;
- Embed an active review of all complaints and a zero-tolerance approach to inappropriate behaviours;
- Undertake regular training to ensure officers are aware of the Officer code of conduct and that they understand their roles;
- If not already in place, councils should consider the introduction of regular reviews of key governance policies such as their, whistleblowing and confidential reporting, fraud prevention and anti-corruption policies.

Therefore, the review of the Council's Whistleblowing Policy, considers these recommendations, specifically the reporting and investigation mechanisms for dealing with, and responding to, Whistleblowing concerns, and the roles and responsibilities of those involved, as outlined under the 'Procedure for Making a Disclosure' heading.

Furthermore, the 'Monitoring & Review' heading outlines the Council's approach to the monitoring of disclosures, including the introduction of regular reporting of the number of disclosures made to the Audit Committee as part of the usual Table of Outstanding Issues reporting process.

As a result the Audit Committee will evaluate the effectiveness of this policy to ensure that the Policy fulfils its objective of providing a clear, transparent, and robust procedure to deal with disclosures and that Whistleblowers are supported and confident in the procedure.

Finally, the information held in the central disclosure record will be evaluated and reviewed periodically by the Council's Statutory Officers, to establish whether current policies, procedures and protocols need to be reviewed and whether any further action must be taken by the Council.

**RECOMMENDATION(S)**

**It is recommended that the Human Resources & Council Tax Committee approves and adopts the Council's updated Whistleblowing Policy & Procedures.**

**REASON(S) FOR THE RECOMMENDATION(S)**

As it is considered that the changes made to the Whistleblowing Policy and Procedure go beyond the delegated authority that the AD for Partnerships has to make Minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice, it is considered appropriate that the HR & CTAX Committee approves these changes in line with Part 3 of the Council's Constitution.

**ALTERNATIVE OPTIONS CONSIDERED**

There is no alternative option to consider, as this Policy outlines the Council's statutory obligations with regard to the handling of Whistleblowing Disclosures or 'making a disclosure in the public interest'.



## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Council's Whistleblowing Policy & Procedures support the authority's governance framework and provides assurance to the residents of Tendring that the Council has set in place rules, regulations, quality standards and procedures. This will ensure that high standards of conduct and commitment to service are observed by officers, thus, contributing to the Corporate Plan 2020/24 priority requirements of '*strong finances and governance*' and the '*delivering high quality services*'.

### LEGAL REQUIREMENTS (including legislation & constitutional powers)

Whistleblowing was introduced by the Public Interest Disclosure Act 1998 (PIDA), now Part IVA of the Employment Rights Act 1996. The legislation provides the legal protection given to Whistleblowers when specific criteria is satisfied. An employee or worker must not be subject to disciplinary action, dismissed or subjected to any other detriment if, in good faith, they have made a "protected" or "qualifying" disclosure.

Other relevant legislation is as follows:

- Public Interest Disclosure (Compensation) Order 1999;
- Public Interest Disclosure (Prescribed Persons) Order 1999 and amendments 2003, 2004 and 2005; and
- Enterprise and Regulatory Reform Act 2013.

### FINANCE AND OTHER RESOURCE IMPLICATIONS

No specific risks have been identified. This is a policy review and update which is needed to ensure best practice and continued legal compliance. This work sits within existing budgets.

### USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Whistleblowing Policy & Procedure captures disclosures relating to financial irregularities as well as other areas of malpractice.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The revised Whistleblowing Policy & Procedure forms part of the Council's governance framework. It provides a mechanism to ensure that employees can voice legitimate concerns without fear of; victimisation, subsequent discrimination or disadvantage. This in turn ensures that the highest possible standards of openness, probity and accountability are maintained.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As a major employer in the district, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice.  Tendring District Council is also An 'Anchor' organisation – Anchors play a key role in shaping and developing the skills of the local workforce.

<b>MILESTONES AND DELIVERY</b>
<ul style="list-style-type: none"> <li>(a) Agreement by Management Team 13 June 2023</li> <li>(b) Human Resources &amp; Council Tax Committee 6 July 2023</li> <li>(c) Officer Decision 7 July 2023</li> <li>(d) Publication to TDC intranet 10 July 2023</li> </ul>
<b>ASSOCIATED RISKS AND MITIGATION</b>
The updated Whistleblowing Policy & Procedure will ensure that the authority meets its statutory obligations with regard to the handling of Whistleblowing Disclosures.
<b>OUTCOME OF CONSULTATION AND ENGAGEMENT</b>
Full consultation has taken place with the local Unison Branch Executive, and they are fully supportive of the recommended approach ( <i>in line with best practice</i> ) to the reporting & monitoring of disclosures.
<b>EQUALITIES</b>
<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.</p> <p>The Council is committed to being an inclusive employer and a 'Disability Confident Leader', in all of its people policies and practices.</p> <p>The revised Whistleblowing Policy &amp; Procedure will ensure that the Council continues to comply with all relevant employment legislation and identified best practice.</p> <p>The Whistleblowing Policy &amp; Procedure is explicit in that all cases will be dealt with in a non-discriminatory and consistent way and in accordance with the Council's Diversity and Equality Policies.</p> <p>Having undertaken an Equality Impact Assessment, the conclusion is that the proposal does not impact on the protected characteristics.</p>
<b>SOCIAL VALUE CONSIDERATIONS</b>
<p>The Council aims to lead by example as a major local employer. This includes following recognised best practice and ensuring full compliance with legislation.</p> <p>Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.</p> <p>The Council is also an Anchor organisation. Anchor organisations are usually large organisations which are local to place and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core business (for example health and education) and the linkages they have to the place they operate.</p>
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>
This report has no direct implication on the Council's aspiration to be net zero by 2030.

<b>OTHER RELEVANT IMPLICATIONS</b>	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
<b>Crime and Disorder</b>	Not applicable
<b>Health Inequalities</b>	Not applicable
<b>Area or Ward affected</b>	Not applicable
<b>ANY OTHER RELEVANT INFORMATION</b>	
None	

### **PART 3 – SUPPORTING INFORMATION**

<b>BACKGROUND</b>
<p>The Council's Whistleblowing Policy has undergone a comprehensive review.</p> <p>The revised document provides more clarity on the terms used by including a section entitled 'definitions', and guidance on the procedure that should be followed.</p> <p>The amended policy and procedure offers a fair and consistent approach to all employees and workers. It gives clear guidance what alleged concerns and 'wrongdoings' are covered by the policy, and what procedure should be followed where someone wants to make a 'protected' disclosure about that concern or 'wrongdoing'.</p> <p>It also highlights when it is appropriate to use other internal policies and procedures such as the Grievance, Harassment and Bullying, Equality and Diversity, Job Evaluation and Complaints policies and procedures.</p> <p>Timescales have also been added to the procedure as a guide to ensure the prompt investigation of concerns.</p> <p>The updated policy contains the new contact details for the charity Protect (previously known as Public Concern at Work) and other appropriate support and advice for employee and workers.</p>
<b>PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.</b>
The original Whistleblowing Policy was introduced in 2015.
<b>BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL</b>
There are no background papers or published reference material associated with this report.
<b>APPENDICES</b>
Appendix A – Whistleblowing Policy & Procedure June 2023

REPORT CONTACT OFFICER(S)	
<b>Name</b>	Jo Williams-Lota
<b>Job Title</b>	HR Manager
<b>Email/Telephone</b>	<a href="mailto:jwilliams-lota@tendringdc.gov.uk">jwilliams-lota@tendringdc.gov.uk</a>



# WHISTLEBLOWING POLICY AND PROCEDURE

**Issued by – Human Resources**  
**Reviewed - July 2023**

## A.1 APPENDIX

### TENDRING DISTRICT COUNCIL

#### **Contents**

INTRODUCTION .....	3
THE LEGAL POSITION.....	4
DEFINITIONS .....	4
AIMS AND SCOPE OF THE POLICY.....	5
PROCEDURE FOR MAKING A DISCLOSURE.....	6
SUPPORT AVAILABLE TO THOSE WHO HAVE MADE A DISCLOSURE .....	8
CONCERNS RAISED ANONYMOUSLY .....	8
IF THE MATTER IS NOT SATISFACTORILY RESOLVED .....	9
PROTECTION UNDER THE PIDA.....	9
FALSE, MALICIOUS AND UNTRUE ALLEGATIONS.....	9
DATA PROTECTION AND CONFIDENTIALITY .....	9
MONITORING AND REVIEW.....	10
FURTHER ADVICE AND SUPPORT .....	10

## **A.1 APPENDIX**

### **WHISTLEBLOWING POLICY AND PROCEDURE**

#### **INTRODUCTION**

Tendring District Council is committed to high standards of openness, integrity, and accountability in the provision of quality services for the benefit of the local community and is fully committed to being accountable for those services.

The Council has set in place rules, regulations, quality standards and procedures to ensure that high standards of conduct and commitment to service are observed, but it recognises that malpractice can occur. Employees are often the first to realise that there may be something wrong. However, they may not express their concern because they feel that speaking up would be disloyal to their colleagues or the Council, or for fear of recrimination.

In this policy, "Whistleblowing" is the action someone takes to report wrongdoing at work. For example, where there has been suspected misconduct, illegal acts, or failure to act within the Council's established governance frameworks.

It is expected that most employees would initially raise concerns with their line manager. However, there are a range of other options for employees, which are explained in this policy.

This policy document makes it clear that employees can raise concerns without fear of victimisation, subsequent discrimination, disadvantage or dismissal. It is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking the problem or "blowing the whistle" outside.

The Whistleblowing Policy is not intended to replace existing procedures, and if the matter of concern should be treated as a grievance and/or complaint, then as well as reporting through the line management structure, employees are asked to consider whether the application of these procedures is appropriate.

The Policy applies to all:

- employees of Tendring District Council;
- employees of contractors working for the Council, for example agency staff;
- employees of suppliers;
- those providing services under a contract or other agreement with the Council;
- and
- voluntary workers working with the Council.

Disclosures against elected Members are dealt with under a separate procedure and the Council's Monitoring Officer should be contacted directly in this regard.

Members of the Public may make a disclosure by following the Council's Anti-Fraud and Corruption Strategy or Complaints Procedure.

The Council has a dedicated Whistleblowing helpline, [whistleblowing@tendringdc.gov.uk](mailto:whistleblowing@tendringdc.gov.uk) which all those wishing to make a disclosure may

## A.1 APPENDIX

use. This includes employees, volunteers, contractors, suppliers, those providing a service to the Council and members of the public. This email address is monitored by the Partnership Support Team.

### **THE LEGAL POSITION**

Whistleblowing was introduced by the Public Interest Disclosure Act 1998 (PIDA), now Part IVA of the Employment Rights Act 1996. The legislation provides the legal protection given to Whistleblowers when specific criteria is satisfied. An employee or worker must not be subject to disciplinary action, dismissed or subjected to any other detriment if, in good faith, they have made a “protected” or “qualifying” disclosure.

Other relevant legislation is as follows:

- Public Interest Disclosure (Compensation) Order 1999;
- Public Interest Disclosure (Prescribed Persons) Order 1999 and amendments 2003, 2004 and 2005; and
- Enterprise and Regulatory Reform Act 2013.

This policy has been drafted taking account of guidance on best practice from the charity Protect (previously known as Public Concern at Work), the Chartered Institute of Personnel and Development (CIPD) and Government guidance.

### **DEFINITIONS**

#### ***Definitions used in this policy:***

**Whistleblowing** means raising concerns about the types of wrongdoing as listed below:

- A criminal offence has been committed, is being committed or is likely to be committed;
- that a person has failed, is failing or is likely to fail to comply with any legal obligation;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of any individual has been, is being or likely to be endangered;
- that the environment has been, is being or is likely to be damaged; or
- that information intended to show any matter falling within any one of the above has been, is being or is likely to be deliberately concealed.

Whistleblowing is more formally known as ‘**making a disclosure in the public interest**’.

**Making a disclosure** is when an individual makes a report to the Council or an external body about a ‘reasonable belief’ that one of the things above is taking place. It could also be that it is believed that it will take place in the future. The individual must believe it is in the public interest to disclose it.

**Reasonable belief** means that the individual does not have to be right about what they report. They just need to believe it is true or have a good reason to think that disclosing it is in the ‘public interest’.



## A.1 APPENDIX

Repeating gossip or making allegations dishonestly or spitefully is not considered Whistleblowing.

**Public interest** means that the individual should not make a disclosure for personal gain but reasonably believe they are acting in the public interest in making the qualifying disclosure.

**Good faith** means that when the employee makes a disclosure, they must believe it is substantially true. They must not act maliciously, make false allegations, or seek any personal gain.

**Prescribed person / body** is the correct body for an individual to raise their issue, if they decide to make a disclosure known outside the Council.

Not all forms of disclosure are covered by the PIDA. Therefore, those who are thinking of making concerns known outside the Council should be encouraged to seek legal or professional advice.

### **AIMS AND SCOPE OF THE POLICY**

The Policy applies to all employees of the Council but also to a wider category of “workers”. This includes casual workers, contractors, trainees, suppliers, volunteers, and consultants of Tendring District Council who engage with the Council (*hereinafter all categories of workers are referred to as "employees" for ease of reference*). Elected Members of the Council are not covered by the Policy, and therefore, should they wish to raise matters of concern, that would fall within the scope of Whistleblowing, they should refer to the Member Officer Relations Protocol and ultimately, the Head of Paid Service, the Chief Executive.

This Policy aims to: -

- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice;
- Provide avenues for employees to raise those concerns and receive feedback on any action taken;
- Ensure that employees receive a response to concerns and that they are aware of how to take further action if they are not satisfied; and
- Reassure employees that they will be protected from possible reprisals or victimisation, if they have a reasonable belief that they have made any disclosure in good faith.

There are existing procedures in place to enable employees to lodge a grievance relating to employment matters; for example, the Grievance Procedure, Bullying and Harassment Policy and Complaint Procedures, which are outside the scope of this policy.

Any serious concerns that employees have about the conduct of Members of the Council should be referred to the Monitoring Officer.

## **A.1 APPENDIX**

If an Officer has serious concerns about any aspect of service provision or the conduct of Officers, this should be raised with their line manager in the first instance, or via the

Council's dedicated Whistleblowing helpline email at [whistleblowing@tendringdc.gov.uk](mailto:whistleblowing@tendringdc.gov.uk).

This may be something that: -

- Makes an employee uncomfortable in terms of known standards, experience of the standards they believe the Council subscribes to;
- Is against the Council Standing Orders and Financial Regulations or policies;
- Falls below established standards of practice; or
- Amounts to improper conduct.

They may include: -

- Conduct which is an offence or a breach of law;
- Disclosures relating to miscarriages of justice;
- Health and safety risks, including risks to the public as well as other employees;
- Damage to the environment;
- The unauthorised use of public funds;
- Possible fraud and corruption;
- Sexual, physical, financial or emotional abuse of clients; or
- Other unethical conduct.

### **PROCEDURE FOR MAKING A DISCLOSURE**

The Council is committed to good practice and high standards and wants to be supportive of employees.

Wrongdoing within the Council could have significant financial and/or legal risks for the Council and could damage its reputation within the Community. Therefore, employees and managers should remain vigilant and report any concerns.

The Council seeks the full co-operation of all employees who become aware of or suspect malpractice in the Council's services to report this as quickly as possible. Every appropriate step will be taken by the Council to minimise any difficulties an employee may experience as a result of raising a concern. This will include signposting to counselling via the Council's Employee Assistance Programme and advice as appropriate.

This procedure is to be used in respect of major concerns, which fall outside the scope of procedures already in place to deal with issues relating to employment or financial matters. For example, the Equality and Diversity Policy, Grievance Procedure, Harassment and Bullying Policy, and Job Evaluation Maintenance are the appropriate procedures to deal with issues relating to employment and, likewise, the Internal Audit Section within Finance and IT will deal with issues in respect of their normal audit role.

## **A.1 APPENDIX**

All cases will be dealt with in a non-discriminatory and consistent way and in accordance with the Council's Diversity and Equality Policies.

Employees are encouraged to discuss the disclosure they wish to make informally with their direct line manager in the first instance. If at this point a disclosure is formally made, it is the line manager's responsibility to escalate the disclosure within the scope of this policy.

However, employees also have the option of discussing concerns with their Head of Service/Assistant Director/Corporate Director, one of the authority's statutory officers, the Assurance and Resilience Manager, a representative from Human Resources, or a Trade Union Representative before raising their concern formally. This is a judgement that should be made by the employee based on the circumstances of the case.

At any stage an employee may email their disclosure to the Council's dedicated Whistleblowing helpline ([whistleblowing@tendringdc.gov.uk](mailto:whistleblowing@tendringdc.gov.uk)), which is monitored by the Partnerships Support Team.

If the disclosure is received through the Whistleblowing helpline email, a member of the Partnerships Support Team will acknowledge its receipt as soon as possible, usually within three working days. Any disclosures made directly to an employee's line manager (*or another*) must be acknowledged by them in line with this timescale and then passed to the Partnerships Support Team to be recorded via a central record. This central record will be kept securely, and maintained, with access limited to the Partnerships Support Team.

If the allegation relates to a member of the Partnership Support Team, then the disclosure should be made to the Head of People.

In all instances, an assessment will be undertaken to decide whether the disclosure should be investigated under any of the Council's other policies and procedures and by whom. At this stage, an initial meeting may be required with the Whistleblower to gain further information and establish whether an investigation is necessary. Any meeting under this policy can be arranged away from the workplace, if the Whistleblower prefers, and they may be accompanied by a work colleague or Trade Union Representative for support.

Following the initial assessment, the matter may:-

- be investigated by management, internal audit, or through the Bullying and Harassment Policy, Disciplinary Policy and Procedures or Grievance Policy and Procedure or any other Policy and Procedures;
- be referred to the Police;
- be referred to and dealt with under the Council's Safeguarding Procedures;
- form the subject of an Independent Inquiry; or
- be considered whether the Whistleblower's disclosure may be resolved via other mechanisms such as mediation, training or review or any other form of dispute resolution.

## **A.1 APPENDIX**

The Whistleblower is to be told within ten working days whether the matter is to be investigated.

If it is determined that the disclosure made should be investigated, details of the proposed action to be taken will be reported back, ideally within twenty working days of the initial notification of the disclosure. If, in exceptional circumstances, this deadline cannot be achieved because of complicating factors, e.g., the absence of staff involved, the Whistleblower will be kept informed of the date by which the investigation should be completed.

The Council will not tolerate any harassment, bullying or victimisation (*including informal pressure*) and will take appropriate action to protect employees when issues of concern have been raised in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect the Whistleblower.

The timescales included in this procedure are a guide. However, the Council is committed to investigating concerns raised thoroughly and promptly.

Adequate resources will be made available for the investigation of any disclosures of malpractice in accordance with the Whistleblowing procedures.

### **SUPPORT AVAILABLE TO THOSE WHO HAVE MADE A DISCLOSURE**

The Council recognises that the decision to make a disclosure can be difficult. The Council will do what it can to minimise any difficulties that employees may experience as a result of making a disclosure.

The Council will consider what support it can put in place to support the employee throughout the investigation. If appropriate, the Council will consider temporarily redeploying an employee during the investigation.

For those who are not Council employees, the Council will endeavour to provide appropriate advice and support, where possible.

The employee will be kept informed of the progress and outcome of any investigation. However, sometimes the need for confidentiality may prevent the Council from sharing specific details of the investigation or any disciplinary action taken as a result.

### **CONCERNS RAISED ANONYMOUSLY**

Employees are encouraged to put their name to their concern, whenever possible. This usually means a more effective investigation can take place. It is important to note that it may prove more difficult or impossible to investigate the concern without the ability to have a two-way dialogue with the Whistleblower. Anonymous Whistleblowers may not also be able to receive feedback or updates on the actions that have taken place because of their anonymity.

## **A.1 APPENDIX**

### **IF THE MATTER IS NOT SATISFACTORILY RESOLVED**

If the employee is not satisfied that their concern is being properly dealt with, they may raise it with the Assistant Director, Corporate Director, or another Officer designated to undertake this role. When these internal procedures are exhausted, the employee may raise the matter with the relevant government department, Police, External Auditor, the Health and Safety Executive (*this list is not exhaustive*).

The Department for Business, Energy and Industrial Strategy (BEIS) [Whistleblowing: list of prescribed people and bodies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-list-of-prescribed-people-and-bodies) publishes a list of the prescribed bodies to whom employees can make a protected disclosure.

Before taking this final course of action, the Whistleblower is encouraged to seek legal or professional advice before making a public disclosure, i.e., employment contacts, a solicitor or advice agency.

An official record will be kept of all aspects of the investigation, which will be kept on file for five years.

### **PROTECTION UNDER THE PIDA**

An employee who feels that they have been penalised for making a protected disclosure can make an application to an Employment Tribunal.

The Advisory, Conciliation and Arbitration Service (ACAS), Citizens' Advice, the Whistleblowing charity 'Protect', and the unions can provide further advice and information.

The employee must raise any claim of unfair dismissal within 3 months of their employment ending.

There are no qualifying service periods for taking a case to an Employment Tribunal. Compensation will be determined in accordance with regulations in force at the time.

### **FALSE, MALICIOUS AND UNTRUE ALLEGATIONS**

The Council will take very seriously any frivolous or repeated, false, or malicious allegations which it receives. The making of any frivolous, false, or malicious allegations by any employee of the Council will be regarded as a very serious disciplinary offence, which could in some circumstances be deemed to be gross misconduct in accordance with the Council's disciplinary procedure.

If an employee makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against the employee.

### **DATA PROTECTION AND CONFIDENTIALITY**

The Council will process any personal data collected as part of the Whistleblowing process in accordance with its data protection policy. Information collected from the

## **A.1 APPENDIX**

point when a Whistleblower raises a concern is held securely and accessed by and disclosed to individuals only for the purposes of dealing with the disclosure.

All concerns will be treated in confidence and every effort will be made not to reveal the employee's identity - at the appropriate time, however, employees may need to come forward as a witness. The employee will be kept fully informed if their identity needs to be revealed and their wishes will be respected. Employees may be accompanied by a recognised Council trade union official or a work colleague at any meeting held.

### **MONITORING AND REVIEW**

In line with best practice, the Council will maintain in its central record held by the Partnership Support Team, the number and nature of Whistleblowing disclosures it receives, as well as the date and content of feedback provided to the Whistleblower.

The information held in the central record will be evaluated and reviewed periodically by the Council's Statutory Officers, to establish whether current policies, procedures and protocols need to be reviewed and whether any further action must be taken by the Council.

The Council will conduct regular surveys to ascertain the satisfaction of Whistleblowers.

Regular updates of the number of disclosures made will be reported to the Audit Committee on a 6 monthly basis as part of the usual Table of Outstanding Issues Reporting.

Protocols for reporting and evaluating the effectiveness of this policy will be developed by the Council's Audit Committee to ensure that the Policy fulfils its objective of providing a clear, transparent and robust procedure to deal with disclosures and that Whistleblowers are supported and confident in the procedure.

### **FURTHER ADVICE AND SUPPORT**

The Council recommends that if employees wish to report a concern they contact Protect (*previous known as Public Concern at Work*) who provide free, confidential whistleblowing advice.

Website – [www.protect-advice.org.uk/](http://www.protect-advice.org.uk/)

Telephone (general enquiries and helpline) - 020 3117 2520 Monday to

Friday

Or via email through the website.

In addition, employees might want to contact ACAS or the Citizens Advice:

#### **ACAS helpline**

Website [www.acas.org.uk/advice](http://www.acas.org.uk/advice)

Telephone: 0300 123 1100, Monday to Friday, 8am to 6pm

#### **Citizens' Advice (CAB)**

Website [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## **A.1 APPENDIX**

Details of our local CAB:

18 Carnarvon Road, CLACTON-ON-SEA, Essex CO15 6QF

<https://cabtending.org/>

01255 377080

This page is intentionally left blank



## HUMAN RESOURCES & COUNCIL TAX COMMITTEE

6 JULY 2023

### REPORT OF ASSISTANT DIRECTOR (PARTNERSHIPS)

#### A.2 WORKFORCE UPDATE REPORT

##### PART 1 – KEY INFORMATION

###### PURPOSE OF THE REPORT

To provide Members of the Human Resources and Council Tax Committee with an update on current staffing statistics.

###### EXECUTIVE SUMMARY

The analysis of workforce data provides Members with statistics relating to the staff employed within the Council and how this compares to the Tendring district and national averages. This is a standard report that is provided to the Human Resources and Council Tax Committee periodically.

At the time of writing, Tendring District Council has 486 full-time equivalent (FTE) employees. The FTE figure equates to 681 workers in total (including casual workers and learners). This is made up of 377 full-time and 304 part-time staff.

As previously reported, amongst the fully contracted staff there are several employees who are undertaking external apprenticeships, including those at degree level (Level 6) and above.

Over the last 12 months, officers have achieved degrees in the following areas:

- Human Resources
- Chartered Surveying
- Chartered Management
- Digital & Technology Solutions.

Other professional apprenticeships include Accountancy, Audit, Town Planning (*Technical Support*), and Operational Management. The above are only examples; this list is not exhaustive.

Tendring District Council has always encouraged organic progression (*growing our own*). However, we have several vacancies (*technical and non-technical*) that remain unfilled due to a lack of suitable candidates.

However, this recruitment challenge is also a growing trend nationally and has been

recognised by EELGA (East of England Local Government Association), who report that 78% of Councils have recorded recruitment and retention challenges.

Some posts require qualified individuals that are increasingly scarce or where the market attracts higher pay scales than those currently adopted by Tendring District Council. This may have a detrimental impact on the retention of the Council's existing staff and future recruitment opportunities.

However, some of the HR & Council Tax Committee may recall that the Council worked with the EELGA last year to carry out an independent review of our pay structure. This led to some options to support best use of the NJC pay spine in alignment with the employment market. These included, salary and benefits benchmarking, improved marketing of vacancies and employment offer and expanding our well-established "grow your own" ethos. These options have been considered as part of the Assistant Director change programme.

The commitment of Tendring District Council employees 'to go the extra mile' continues despite the challenges identified above and should be noted.

#### **RECOMMENDATION(S)**

**It is recommended to the Human Resources & Council Tax Committee that the content of this report be NOTED.**

#### **REASON(S) FOR THE RECOMMENDATION(S)**

The analysis of workforce data provides Members with statistics relating to the staff employed within the Council and how this compares to the Tendring district and national averages. This is a standard report that is provided to the Human Resources and Council Tax Committee periodically.

#### **ALTERNATIVE OPTIONS CONSIDERED**

There is no alternative option to consider, as this is an update report on the Council's staffing establishment.

### **PART 2 – IMPLICATIONS OF THE DECISION**

#### **DELIVERING PRIORITIES**

Flexible working opportunities have also ensured that the gender balance of the workforce is in line with the district trend. Such positive profiles demonstrate our intention to '*recognise the diversity and equality of individuals*' as detailed in our '*Values*' within the Corporate Plan.

**LEGAL REQUIREMENTS (including legislation & constitutional powers)**

The Council must ensure compliance with Employment Legislation, the Equalities Act 2010, and the Working Time Directive.

The Council has a legal duty of care to employees to ensure their health and safety at work, as set out in the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 and other related legislation.

**FINANCE AND OTHER RESOURCE IMPLICATIONS**

There are no direct financial implications.

**USE OF RESOURCES AND VALUE FOR MONEY**

It is envisaged that this report does not require additional resources.

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The regular monitoring of the authority's workforce ensures that the authority is able to monitor its spend on staffing resources, ensuring sufficient resource to maintain adequate service delivery.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Regular monitoring of the workforce and review of the authority's people practices and policies in line with recognised best practise, ensures compliance with Employment Legislation.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	As a major employer in the district, the Council's ambition is to contribute to building a more prosperous local community by modelling good employment practice.  Tendring District Council is also An 'Anchor' organisation – Anchors play a key role in shaping and developing the skills of the local workforce.

**MILESTONES AND DELIVERY**

- (a) Management Team 13 June 2023
- (b) Human Resources & Council Tax Committee 6 July 2023

**ASSOCIATED RISKS AND MITIGATION**

Failure to monitor the authority's staffing levels and demographic, including vacancies, could impact upon the authority's ability to meet service demand.

<b>OUTCOME OF CONSULTATION AND ENGAGEMENT</b>	
The local union branch executive is consulted on all staff change management programmes and is regularly updated on the authority's staffing levels.	
<b>EQUALITIES</b>	
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.	
In line with the Public Sector Equality Duty, public bodies such as the Council must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.	
The Council is committed to being an inclusive employer in all its people policies and practices, which it extends to volunteers.	
As a Disability Confident Leader, and an Anchor organisation, the Council will proactively identify and facilitate ways to recruit individuals who may experience barriers to employment. The Council will also take an active leadership role in encouraging and working with local communities and employers to do the same.	
Having undertaken an equalities impact assessment, the conclusion is that the proposal does not impact on the protected characteristics.	
<b>SOCIAL VALUE CONSIDERATIONS</b>	
The Council aims to lead by example as a major local employer. This includes following recognised best practice and ensuring full compliance with legislation.	
Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.	
The Council is also an Anchor organisation. Anchor organisations are usually large organisations which are local to place and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core business (for example health and education) and the linkages they have to the place they operate.	
<b>IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030</b>	
This report has no direct implication on the Council's aspiration to be net zero by 2030.	
<b>OTHER RELEVANT IMPLICATIONS</b>	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
<b>Crime and Disorder</b>	Not applicable

<b>Health Inequalities</b>	Not applicable
<b>Area or Ward affected</b>	Not applicable
<b>ANY OTHER RELEVANT INFORMATION</b>	
There are no background papers associated with this report.	

### **PART 3 – SUPPORTING INFORMATION**

#### **BACKGROUND**

Human Resources currently work with a software package called Teamspirit. This database allows us to capture employee's personal data and enables regular monitoring of the workforce profile. As Teamspirit is also used by the Council's Payroll Services, the information is integrated between both employment and payroll functions. The database monitors the workforce, capturing data on all 'employees' which includes Career Track Learners and workers on Casual contracts. There are plans to replace this software over the coming 12 months to ensure maximum efficiency is achieved in working practices.

#### **Workforce Statistics**

The Council's workforce of 681 staff (*of which, 537 are fully contracted staff, 9 are Apprentices in full-time employment, and 135 staff are engaged on a casual basis*).

Of our workforce, 402 are female\* (59%) and 279 are male\* (41%).

\*The terms 'female' and 'male' throughout this report refers to how individuals have identified themselves.

Of the total workforce of 681, Tendring currently employs/engages 377 full-time staff. The gender balance of the full-time staff is: 188 males\* (50%), 189 females\* (50%), and 91 males\* (30%) and 213 females\* (70%) for the remaining 304 part-time staff.

It is encouraging to see from the statistics above that the Council has an equal gender balance. This demonstrates that the Council's employment practices support families and individual's work-life balance.

The Council has also been recognised for its supportive family friendly policies and practices by being accredited by the Essex County Council Charter Accreditation Scheme for Family Friendly Employers. The application process involved an assessment of the Council's policies and procedures and case studies to show how the policies work in practice.

Under legislation that came into effect in April 2017, UK employers with over 250 employees

are required to publish their gender pay gap. The gender pay gap is a mathematical indicator of the gender balance within an organisation. It measures the difference between the average earnings of all male and female employees, irrespective of their role or seniority.

The Council's gender pay gap figures for 2022/23 have been calculated in line with the regulations set out in the gender pay gap reporting legislation using a snapshot date of 31 March 2022.

We are pleased to report that the figures demonstrate that our gender pay gap remains significantly lower than the most recently reported UK average 15.4% (ONS October 2021).

Trending's figures for 2022/23 are as follows: -

The male\* mean\*\* hourly rate is 5.8% (£0.78) higher than the female\* mean hourly rate.

The male and female median\*\*\* hourly rates are equal for this reporting period.

*\*\*The mean or average is determined by adding all the data points in a population and then dividing the total by the number of points.*

*\*\*\*The median is determined by arranging all the observations in order, from smallest to largest value, and the median is the middle value.*

The analysis of our gender pay gap figures tells us the following: -

- Each reporting quartiles is broadly representative of the overall staff ratio for the organisation, within a tolerance of 3%.
- Our data shows there is no material disparity at each pay level within the organisation, when viewed within the context of the UK average (ONS October 2021).

### **Age Profile**

As we are measuring a complete workforce, we can see a wider spectrum of ages across the organisation, with the employee age range being from 16 to 84. The highest proportion of staff falls within the 51 to 60 age brackets, with the next highest age range being 41 to 50 years. However, this is closely followed by the age range of 21 to 30 years. This indicates that the Council is retaining staff at all ages.

A summary of the above age profiles, by department, can be found in Appendix C.

### **Disability Profile**

Of the 537 fully contracted staff (*excluding apprentices*), 21 have self-declared that they have a disability.

The Council is one of the only organisations in the Tendring district to be awarded \*Disability Confident Leader Status, (*awarded to the authority in 2017 and most recently in May 2021*). This requires an employer to be Disability Confident as recognised by their peers, the local community, and disabled people. As a 'Disability Confident Leader', Tendring has made a commitment to support other employers in the district to become 'Disability Confident'.

*\*Disability Confident encompasses a number of voluntary commitments to encourage employers to recruit, retain, and develop disabled staff, such as offering work experience opportunities and implementing a flexible recruitment process. This replaced the Two Ticks Disability accreditation, which the Council was awarded since 1998.*

We will retain our Leader Status until April 2024, at which point we will again be required to go through the re-accreditation process.

### **Ethnicity Profile**

Of those staff who have declared their ethnicity, 8 declared they were of an ethnic origin other than 'White British'. The 2021 Census statistics show that in Tendring 6.5% of residents declared themselves as being from a minority ethnic group.

### **Sickness Absence**

The reported absence figure for the Council in 2022/23 was 8.80 days absence per employee. Long-term absence was reported at 6.69 days and short-term absence at 2.11 days, which shows the rate to be slightly above the reported national level at 5.7 days, according to the National Office of statistics. However, Xpert HR's Sickness Absence Rates and Costs Survey 2022 details an average number of days' absence per employee, for public sector of 8.7 days.

The Council's current absence figure of 8.63 days per employee demonstrates a slight upward trend in staff absence. This figure is broken down into 6.42 days of long term and 2.21 days of short-term absence.

Employees' general health and well-being continues to be supported through a fully funded Employee Assistance Programme (*which offers a holistic approach*), greater flexible working options, Corporate Gym Membership, flu vaccinations and access to an Occupational Health Specialist.

The authority is also committed to promoting the well-being of its employees. Including: working in partnership with a number of 3<sup>rd</sup> parties (*bulleted below*) to provide staff with a range of resources, training a number of Mental Health First Aiders and Livewell Champions amongst the workforce, and raising awareness amongst management and the general workforce.

- Provide (a 'Community Interest Company' with a focus on health);
- Health in Mind (provides access to a wide range of talking therapy treatments for adults with common mental health problems in and around Colchester and Tendring);
- Anglia Community Enterprise (ACE) (NHS Community Health Services, such as health checks, My Weight Matters);
- Remploy / Able Futures (funded by the Department for Work and Pensions, available to any employee with a mental health issue which may be affecting their work);
- Regional Employers (seeking best practice for managing absence).

The authority is holding physical health checks for its staff in June. As referenced in the Menopause Policy, a programme of training and support is being developed to support those who experience the menopause, their colleagues, and their line managers.

**PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.**

Not applicable.

**BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL**

ONS Ethnic group, England and Wales: Census 2021  
 Xpert HR's sickness absence rates and costs survey 2022

**APPENDICES**

Appendix A – Staffing Data  
 Appendix B - A Summary of Highest Ratio Age Profiles by Department

**REPORT CONTACT OFFICER(S)**

<b>Name</b>	Jo Williams-Lota
<b>Job Title</b>	HR Manager
<b>Email/Telephone</b>	jwilliams-lota@tendringdc.gov.uk

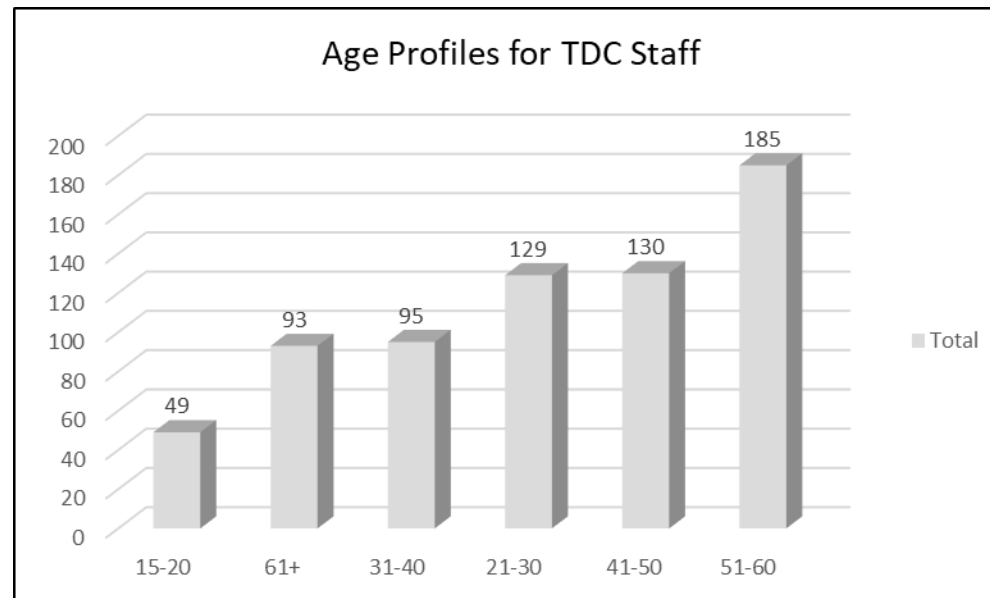
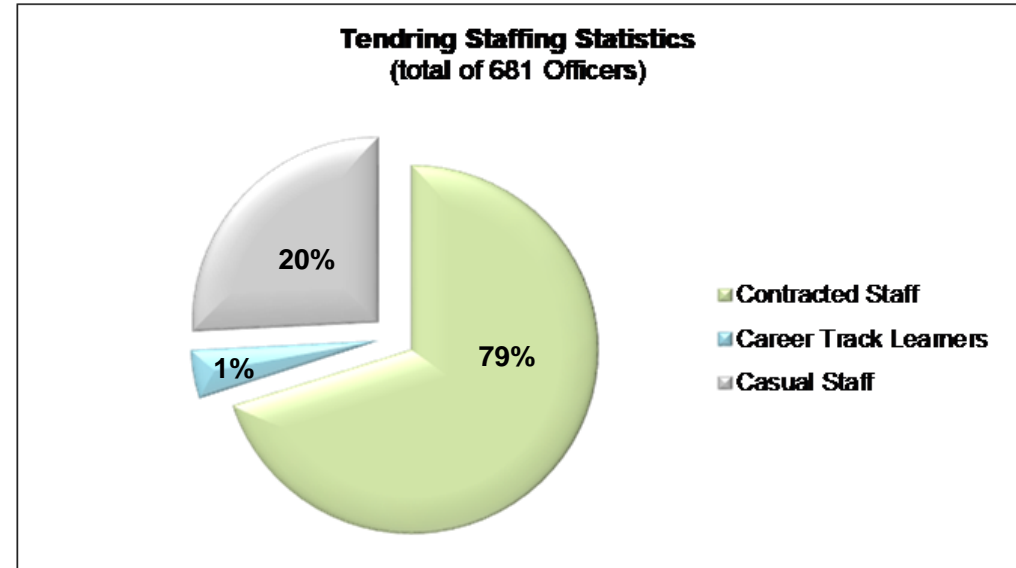


**Number of Employees (including Career Track Learners)**

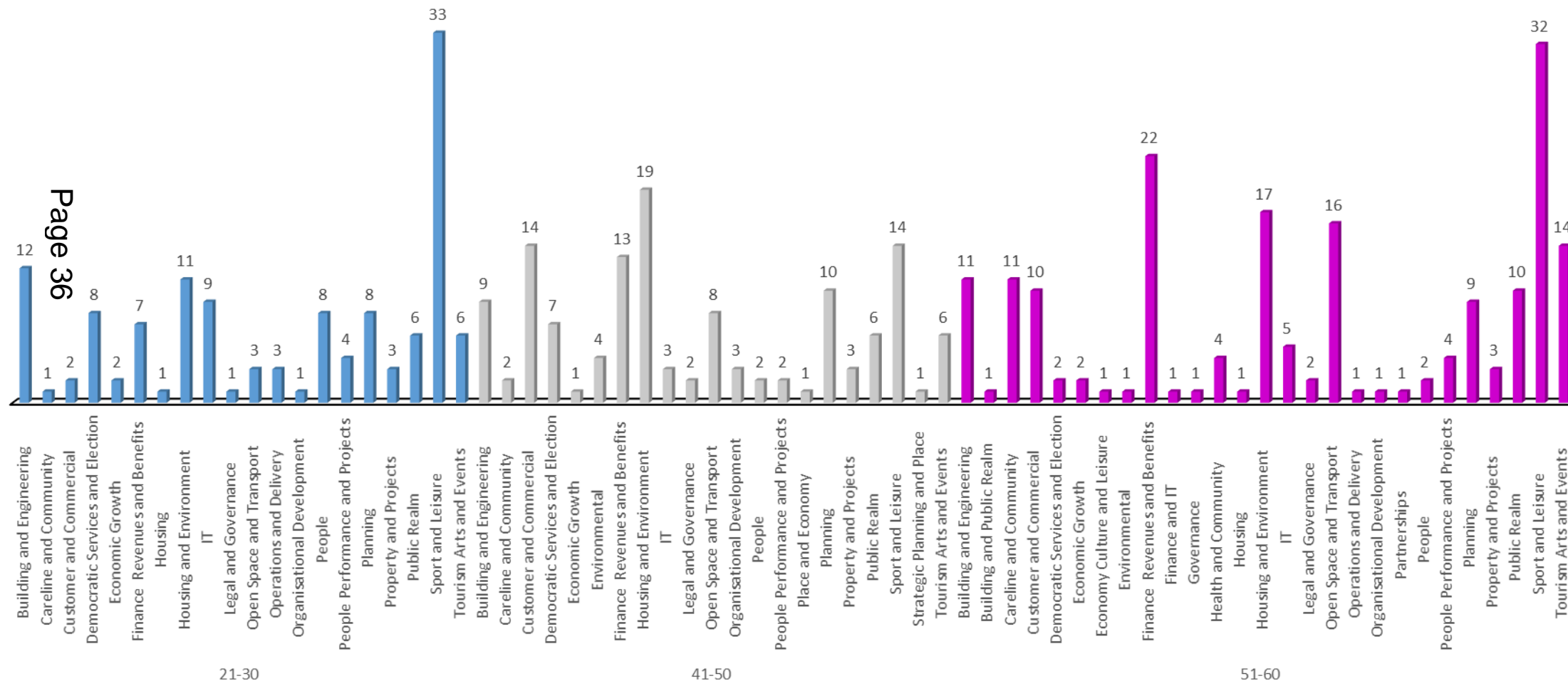
<b>Total workforce</b>	681	
<b>Female</b>	402	<b>59%</b>
<b>Male</b>	279	<b>41%</b>

<b>Full Time</b>	377	
<b>Female</b>	189	<b>50%</b>
<b>Male</b>	188	<b>50%</b>

<b>Part Time</b>	304	
<b>Female</b>	213	<b>70%</b>
<b>Male</b>	91	<b>30%</b>



## Highest Ratio Age Profiles (51-60, 41-50, 21-30) for TDC Staff Broken Down by Department



## HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

6 JULY 2023

### REPORT OF HEAD OF DEMOCRATIC SERVICES & ELECTIONS

#### **A.3 HUMAN RESOURCES SUB-COMMITTEE PANEL – APPOINTMENT OF THE NAMED SUB-COMMITTEE MEMBER AND NAMED SUBSTITUTE SUB-COMMITTEE MEMBER FROM A POLITICAL GROUP THAT IS NOT REPRESENTED ON THE CABINET**

(Report prepared by Ian Ford)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To enable the Committee to appoint a named member and a named substitute member from a political group that is unrepresented on the Cabinet to serve on the Human Resources Sub-Committee Panel.

##### **BACKGROUND**

The Council has in place a Sub-Committee Panel of the Human Resources Committee, which is duly constituted to form part of the recruitment, dismissal and disciplinary process for the appointment of Senior Officers. This includes the Chief Executive and other Statutory Chief Officers (Section 151 and Monitoring Officer posts), Chief Officer posts (Corporate Directors, Directors and Assistant Director (Partnerships)) and all Deputy Chief Officers (Assistant Directors and other such Senior Officers as defined within the Regulations).

The Panel undertakes the final interview of those applicants for Senior Officer posts who have successfully been shortlisted and have undertaken the necessary technical interviews and assessments. Having taken into account the views and professional advice given by the relevant officers, the Panel will notify the Assistant Director (Partnerships) of the name of the person to whom the post is to be offered and any other matter relevant to the appointment. In the case of the Chief Executive and Monitoring Officer, the Panel will recommend to Council to approve the appointment before an offer is made.

The Panel is comprised of three members normally consisting of:-

- 1) A Portfolio Holder, as determined by the Leader of the Council;
- 2) The Chairman or Vice-Chairman of the Human Resources & Council Tax Committee; and
- 3) A named committee member from a political group that is not represented on the Cabinet.

Following the District Council Elections held in May 2019 the Committee appointed Councillor Calver as the named member from a political group that was unrepresented on the Cabinet and Councillor Morrison as the named substitute member from a political group that was not represented on the Cabinet. They served throughout that four-year term.

Following the District Council elections in May 2023 the Committee is now required to re-appoint the named committee member and the named substitute committee member from a political group that is unrepresented on the Cabinet.

In making these appointments the Committee is therefore permitted to choose from the following members of the Committee:-

Councillor Chris Amos  
Councillor Carlo Guglielmi  
Councillor Mick Skeels

**RECOMMENDATION(S)**

**It is recommended that the Committee -**

- (a) appoints one of Councillor Amos or Councillor Guglielmi or Councillor Skeels to be the named committee member from a political group not represented on the Cabinet on the Human Resources Sub-Committee Panel; and**
- (b) subject to (a) above, appoints one of Councillor Amos or Councillor Guglielmi or Councillor Skeels to be the named substitute committee member from a political group not represented on the Cabinet on the Human Resources Sub-Committee Panel.**

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank