



HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

AGENDA

DATE:	Tuesday, 30 July 2024
TIME:	7.30 pm
VENUE:	Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Chapman BEM (Chairman)
Councillor Calver (Vice-Chairman)
Councillor Amos
Councillor Baker

Councillor Guglielmi
Councillor Morrison
Councillor G Stephenson

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DATE OF PUBLICATION: Monday, 22 July 2024

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 5 - 12)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on, Friday, 26 February 2024.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, 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 Report of the Assistant Director (Partnerships) - A.1 - People Strategy (Pages 13 - 32)

To provide the Human Resources and Council Tax Committee with an overview of the updated People Strategy 2024 to 2029. The Committee is asked to endorse the Strategy for adoption by the organisation.

6 Report of the Assistant Director (Partnerships) - A.2 - Leave Policy (Pages 33 - 48)

To update the Human Resources and Council Tax Committee on the review of the Council's Leave Arrangements for Employees Policy following the implementation of the new Payroll and HR system and in line with identified best practice and employment legislation.

7 Report of the Assistant Director (Partnerships) - A.3 - Workforce Update Report (Pages 49 - 58)

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

8 Report of the Assistant Director (Partnerships) - A.4 - Market Forces Policy Update Report (Pages 59 - 72)

To present the revised Discretionary Market Forces Policy (*which has been updated in line with best practice and follows the advice and guidance of the East of England Local Government Association*) to the Human Resources and Council Tax Committee for approval.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 7.30 pm on Thursday, 17 October 2024.

Information for Visitors

FIRE EVACUATION PROCEDURE

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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.

**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON MONDAY, 26TH FEBRUARY, 2024 AT 7.30 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Chapman BEM (Chairman), Calver (Vice-Chairman), Amos, Guglielmi, Morrison, Skeels Jnr. and G Stephenson
In Attendance:	Anastasia Simpson (Assistant Director (Partnerships)), Katie Wilkins (Head of People), Carol Magnus (Organisational Development Manager), Richard Bull (Casual Corporate Finance Manager)(except items 29 - 34), Madeline Adger (Leadership Support Manager), Lewis Vella (Finance Officer)(except items 29 - 34), Bethany Jones (Committee Services Officer) and Hattie Dawson-Dragisic (Performance and Business Support Officer)
Also in Attendance:	Tommy Draper (Digital Communications Officer / UNISON Local Chairman)

24. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence on this occasion.

25. MINUTES OF THE LAST MEETING

It was moved by Councillor Amos, seconded by Councillor G Stephenson and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday, 12 October 2023, be approved as a correct record and be signed by the Chairman.

26. DECLARATIONS OF INTEREST

Councillor G Stephenson stated for the public record that she was a member of the Communications Workers Union (CWU) but that she had no involvement with Tendring District Council in that capacity.

Councillor Morrison stated for the public record that she was a member of Unite but that she had no involvement with Tendring District Council in that capacity.

27. 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.

28. REPORT OF THE ASSISTANT DIRECTOR (FINANCE & IT) - A.1 - FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2024/25 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES

The Committee heard that, at the meeting held on 13 February 2024, Council had considered the Executive's Budget and Council Tax proposals for 2024/25 and as part of that process the Council Tax for the District and Parish/Town Council Services had been approved.

Members were told that, once the precepts had been received from the major precepting authorities, the Human Resources and Council Tax Committee had the delegated responsibility to agree the total Council Tax for 2024/25. The total Council Tax for the year was made up of the District and Parish/Town Council amounts approved by Council on 13 February 2024 and the corresponding amounts agreed by the major precepting authorities. Legislation required that formal confirmation even though the process was dictated by legislative formulae and there was no actual judgement or choice to be made.

It was moved by Councillor Guglielmi, seconded by Councillor Amos and unanimously:-

RESOLVED that:

- (a) the precepts issued by Essex County Council, Essex Fire and Essex Police, as set out in Appendix A attached to the Officer report, be noted; and
- (b) the amounts of Council Tax for 2024/25, as shown in Appendix C to the Officer report, for each of the categories of dwellings be confirmed.

29. CAREER TRACK - UPDATE

The Committee received a verbal update on the work of the Council's Career Track service which included:-

- Good rating from Ofsted.
- 33 apprentices with 4 to start which will make the total 37 apprentices at TDC. 7 apprentices are on Level 2 Customer Service whereas the remaining apprentices are on Level 3.

30. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - PAY POLICY STATEMENT 2024/25

The Committee heard that The Localism Act 2011, Chapter 8 (*Pay Accountability*) Section 38 (1), required the Council to prepare a Pay Policy Statement each year. The Pay Policy Statement articulated the Council's approach to a range of issues relating to the pay of its workforce.

Members were told that the Human Resources & Council Tax Committee had historically overseen the preparation of a draft Pay Policy Statement for recommendation onto Full Council for approval and adoption for the subsequent financial year to ensure that remuneration was set within the wider pay context, and gave due consideration to the relationship between the highest and lowest paid in the organisation.

Officers informed the Committee that further matters that must 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 reassured that the draft Pay Policy Statement for 2024/25 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. That 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.

Members noted that 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 was also told that there was limited change reported in the 2024/25 Statement with the exception of the application of the 2023/24 pay award (*following agreement between National Employers and National Unions*), whereby there were further significant changes at the lower and mid-end of the pay spine, as follows:-

- With effect from 1 April 2023, an increase of £1,925 (*pro rata for part-time employees*) to be paid as a consolidated, permanent addition on all NJC pay points SCP 2 to 43 inclusive.
- With effect from 1 April 2023, an increase of 3.88 per cent on all pay points above the maximum of the pay spine (SCP 43) but graded below deputy chief officer (*in accordance with Green Book Part 2 Para 5.42*).
- With effect from 1 April 2023, an increase of 3.88 per cent on all allowances.

Officers also informed Members that the latest pay award meant an employee on the bottom pay point in April 2021 (earning £18,333) would have received an increase in their pay of £4,033 (22.0 percent) over the two years to April 2023.

The Committee was made aware that for an employee at the mid-point of the pay spine (pay point 22), their pay would have increased over the same period by £3,850 (13.99 percent).

Further, the draft Pay Policy Statement 2024/25 included reference to a number of updates to the Council's Allowances Policy, namely the extension of Emergency Planning payments, which now extended beyond First Call Officers to all staff supporting the Authority's response in those circumstances and the allowance paid to those Officers who attended Committee meetings, including the parameters in which payments were applied.

Officers reminded the Committee that the draft Pay Policy Statement 2024/25 included reference to updated statutory guidance with regard to Special Severance Payments.

The Human Resources and Council Tax Committee had previously requested that Senior HR Officers engaged the services of the East of England Local Government Association (EELGA) to expand on the earlier Pay Review undertaken to carry out a comprehensive, service wide review of TDC's pay structure as follows:-

- Across the whole staffing establishment (*including Chief Officers*), in the context of neighbouring (District) authorities and regionally.
- In the context of professional and technical areas – this would be an extension of the work already undertaken by EELGA and would also consider those areas in which Market Forces Supplements were currently applied.

The Committee was notified that the work was underway, and once concluded, the findings and the associated recommendations for action (*if applicable*) would be presented to a future meeting of the Human Resources and Council Tax Committee.

Members also noted that work was underway to update the Council's Career Grade Scheme and Acting Up Policy in line with the Assistant Director (Partnerships) delegations, '*to make minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice*'. Those policies supplemented the draft Pay Policy Statement; however, they were not the subject of this Officer report.

Finally, as soon as was reasonably practicable after the Pay Policy Statement was approved by Council, this Authority must publish the Statement in such manner as it thought fit (*which must include publication on the authority's website*). Therefore, the Statement would be published on the Council's website following approval by Full Council in March 2024.

It was moved by Councillor Guglielmi, seconded by Councillor G Stephenson and unanimously:-

RESOLVED that the draft Pay Policy Statement 2024/25, as set out in Appendix A of the Officer report, be endorsed and be recommended onto Full Council for its approval and adoption.

31. **REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - PROPOSED CHANGES TO HOW THE COUNCIL USES THE NATIONAL JOB EVALUATION SCHEME (LOCALISED ARRANGEMENTS)**

The Committee heard that the conditions of employment with Tendring District Council (TDC), including pay, in the main conformed to those established for Local Government generally by the National Joint Committee (NJC).

Members noted that the National Job Evaluation and Grading Scheme was used to determine job grades and pay levels for both new and existing posts and was recognised by all parties as the only mechanism within the Council for determining the pay of all posts below the Deputy Chief and Chief Officer level.

The Committee was told that the Council had adopted the National Job Evaluation Scheme more than a decade ago; at that time, the Council had applied a number of Local Conventions – *local interpretations of the wording of a job evaluation scheme, which were usually written down so that they could be applied consistently across all evaluations* – which had been negotiated and agreed upon with local union officials. Those did not add value to the evaluation score, but the intention was to provide clarity for those undertaking evaluation and moderation.

The Committee was reassured that, as part of the initial Pay Review research undertaken by East of England Local Government Association (EELGA), the Authority's use of the National Job Evaluation Scheme and its Localised Conventions had been reviewed to determine suitability in terms of the National Scheme and TDC's employment offer and wider job market.

Officers informed the Committee that EELGA had advised that, due to several updates to the National Scheme, the majority of TDC's Localised Conventions might no longer be relevant, or were now captured in the wording of the National Scheme, and therefore, those should be removed for clarity and to avoid risk of contradiction.

Members also heard that on that basis, the Authority was proposing to remove the reference to Localised Conventions, as detailed in the '*National Job Evaluation Scheme & Guidance with TDC Local Conventions*' document and to replace them with the use of the National Joint Council Factor Plan and Factor Guidance 2020 (*the latest NJC scheme*).

EELGA had further recommended that the Council adopted the use of the '*Assessment Tool for Responsibility Factors*' (*Advisory, Policy and Equivalent – 'hands off' Responsibilities*), which had been introduced as part of the updated National Scheme. That was not a separate factor or a change to the NJC Job Evaluation Scheme but, sought to act as an aid to ensuring that advisory, policy and similar responsibilities were correctly assessed and allocated to the appropriate responsibility factor.

Officers made Members aware that several key Officers, including HR Officers, Managers and Union Officials had undertaken training by EELGA that focused on the updates to the National Scheme, including the responsibility factors, so the transition to the updated scheme could be achieved successfully. Furthermore, regular 'refresher' training would continue to be delivered to those Officers undertaking evaluations on behalf of the Authority to ensure they remained compliant with scheme requirements.

The Council would continue to undertake a comprehensive local moderation process as part of its job evaluation arrangements to ensure consistency, fairness and transparency. In addition, the Authority would continue with its established 'best practice' approach of ensuring 20% of its evaluations were refreshed annually.

Members were also made aware that the proposal did not impact the existing job evaluation outcomes or grades of posts, and that the approach, once adopted, would be used to assist with future job evaluations to ensure that TDC's application of the National Job Evaluation Scheme continued to be robust.

Finally, Members heard that it should be noted that the Authority would consider revisiting the need for alternative Localised Conventions, should that be recommended as one of the outcomes of the comprehensive EELGA Pay Review.

It was moved by Councillor Skeels Jnr, seconded by Councillor Morrison and unanimously:-

RESOLVED that the Human Resources and Council Tax Committee approves the:

- a) proposed removal of the Localised Conventions, as outlined in the National Job Evaluation Scheme and Guidance with TDC Local Conventions document, in line with the recommendations made by EELGA;
- b) use of the updated National Job Evaluation Scheme, including the Assessment Tool for Responsibility Factors, for future evaluations; and
- c) need to revisit amended Localised Conventions, if recommended by EELGA, upon conclusion of the comprehensive review of the Authority's pay line.

32. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.4 - EMPLOYMENT LEGISLATION UPDATE

The Committee was told that there were several important updates to employment legislation that would take effect in 2024, including: improved rights to flexible working, a new statutory leave entitlement for carers, enhanced rights for workers, and greater employers' obligations to prevent sexual harassment.

- **Holiday pay and working time for Workers (*not employees*) – effective from 1 January 2024:** Holiday pay calculations would be simplified. Employers could now elect to implement a lawful 'rolled-up' holiday pay scheme for leave years commencing on, or after, April 2024, so long as employers used an uplift of 12.07% against a worker's normal rate of pay in the previous pay period in respect of their 5.6 weeks' statutory holiday entitlement rather than calculating and paying holiday for when it was taken.
- **Equality Act 2010 effective from 1 January 2024:** The Equality Act 2010 would be amended to incorporate certain discrimination protections derived from EU law, such as indirect discrimination by association, amended definition of disability, extension to direct discrimination protection, discrimination on the grounds of breast feeding, and equal pay comparator.
- **Paternity leave – effective from 8 March 2024:** Paternity leave would be amended to allow fathers to take the two-weeks leave in two separate blocks, extend the period within which the leave could be taken, and change the notification periods.
- **Flexible working rights – effective from 6 April 2024:** Employees would be able to request flexible working arrangements from day one of their employment. Employers would have to consider requests and provide reasons if they were rejected. Employees would also be able to make two requests per year and employers would have to respond within two months. The measures would be

supported by an updated Acas statutory Code of Practice, which would come into effect in April 2024.

- **Minimum Wage Apprentices – effective from 1 April 2024:** The National Minimum Wage would increase to £6.40 for apprentices aged 19 or over 19 and in the first year of their apprenticeship; that would increase to the National Minimum Wage thereafter.
- **Redundancy protection – effective from 6 April 2024:** Employers would have to offer suitable alternative employment, if available, to employees who were pregnant, had recently suffered a miscarriage, or were on family leave for up to 18 months from the expected week of the child’s birth, the day of the childbirth, or the date of placement. Family leave covered maternity, adoption and shared parental leave.
- **Carers Leave Act – effective from 6 April 2024:** That would introduce a statutory entitlement to one week of flexible unpaid leave per year for employees who were caring for a dependent with a long-term need. Carers Leave would be available to eligible employees from the first day of their employment. Employees would be able to take Carers Leave in either half or whole days, up to a maximum of one week per year, without providing evidence of how the leave was used or who it was used for.
- **Sexual harassment prevention – effective from October 2024:** Employers would have to take reasonable steps to prevent sexual harassment of their employees during their employment. That would include providing regular anti-harassment training, implementing clear policies and procedures, and taking appropriate action against perpetrators. This Authority already took a very strong position in that regard.
- **Workers’ right to request a more predictable contract – effective date September/October 2024:** That change would give workers and agency workers the right to request more predicable terms and conditions of work where there was a lack of predictability to their work pattern and to those on a fixed-term contract of 12 months or less. A minimum service requirement to access the right, expected to be 26 weeks, would be specified in the regulations. Employers must deal with a request in a reasonable manner and notify the worker of their decision within one month. It would be possible to make two applications in a 12-month period, and applications could be rejected on statutory grounds.

Members were reminded that the relevant people policies and procedures would be updated to reflect the above changes, in line with the delegations afforded to the Assistant Director (Partnerships), under Part 3, Schedule 2 of the Council’s Constitution, which authorised that Officer to make “*minor amendments to Human Resources Policies and Procedures necessary as a result of legislation, national guidance or best practice*”.

It was moved by Councillor Guglielmi, seconded by Councillor Skeels Jnr and unanimously:-

RESOLVED that the Human Resources and Council Tax Committee noted the contents of the Officer report, including the anticipated changes that would be made to the Authority's people policies and procedures by the Assistant Director (Partnerships), in consultation with the Chairman of the Committee.

33. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor Guglielmi, seconded by Councillor G Stephenson 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 11 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A, as amended, of the Act.

34. EXEMPT MINUTE OF THE LAST MEETING

It was moved by Councillor Guglielmi, seconded by Councillor Amos and unanimously:-

RESOLVED that the Exempt Minute of the last meeting of the Committee, held on Thursday, 12 October 2023, be approved as a correct record and be signed by the Chairman.

The meeting was declared closed at 8.17 pm

Chairman

HUMAN RESOURCES AND COUNCIL TAX COMMITTEE 30 JULY 2024

REPORT OF ASSISTANT DIRECTOR, PARTNERSHIPS

A.1 – People Strategy

(Report prepared by Carol Magnus, Organisational Development Manager)

PURPOSE OF THE REPORT

The purpose of this report is to provide the Human Resources and Council Tax Committee with an overview of the updated People Strategy 2024 to 2029. The Committee is asked to endorse the Strategy for adoption by the organisation.

EXECUTIVE SUMMARY

The organisation's People Strategy has been updated following the adoption of the Corporate Plan 2024 to 2028. The strategy complements the Corporate Plan and provides the underpinning for a number of other key strategies. It sets out the organisation's approach for ensuring it is an 'employer of choice' within the district, that it follows the required employment legislation and best practice, and that it supports its staff to enable them to perform their duties professionally and with confidence.

The strategy recognises the increasingly complex context within which Tendring District Council carries out its work and places a focus on 'getting basics right'. This includes a focus on core mandatory training, increased expectation that staff will manage their own learning by utilising online tools as appropriate, the introduction and implementation of updated employment legislation, including expected changes to the Equality Act.

The Strategy uses the framework of the employee life cycle (Joining, Staying and Leaving) with a number of subheadings within each stage.

The adoption of the People Strategy will set the focus and priorities for the next five years. It has realistic targets which recognise the current climate, and which seek to ensure the organisation's workforce is in the strongest possible position for whatever challenges come along in the coming years.

RECOMMENDATION(S)

It is recommended that:

- **The Human Resources and Council Tax Committee endorses the adoption of the People Strategy 2024 to 2029.**

REASON(S) FOR THE RECOMMENDATION(S)

The adoption of the People Strategy will set the focus and priorities for the next five years. It has realistic targets which recognise the current climate, and which seek to ensure the organisation's workforce is in the strongest possible position for whatever challenges come

along in the coming years.

ALTERNATIVE OPTIONS CONSIDERED

Not to update the expired People Strategy and continue without one. This option was rejected. The organisation recognises the importance of its workforce and continually seeks to ensure that it is meeting the legal and best practice requirements for its staff. It is appropriate therefore to develop a strategy to set out how this will be achieved.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Whilst this Strategy provides overall support for the delivery of the Corporate Plan it most specifically contributes towards:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Financial sustainability and openness

The People Strategy sets out the priorities and approach for staff employment and development and the behaviours the organisation particularly values and expects to see demonstrated across the workforce. All of this will enable staff in delivery of high-quality services for the people it serves.

Seeking to ensure that the organisation 'gets the basics right' includes ensuring that staff understand the key aspects of corporate governance requirements as they relate to their role and associated responsibilities.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Human Resources & Council Tax Committee have responsibility for the discharge of the Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers. This extends to the agreement of key personnel policies.

The Constitution Part 6, Codes and Protocols, Protocol on Member and Officer Relations 3.3 states that "Staffing matters (including discipline, training, setting and monitoring targets) are dealt with by the relevant managers, although the relevant Portfolio Holders/Cabinet Members will agree to targets in the case of the Chief Executive. All other targets are set at Officer level." The People Strategy supports managers in the discharge of this requirement.

The organisation is required under UK law to adhere to various employment Acts including but not limited to Employment Rights Act 1996; Employment Relations Act 1999; The Equality Act 2010; National Minimum Wage Act 1998; Part-Time Workers Regulations 2000; Health and Safety At Work Act 1974; Data Protection Act 2018; Working Time Regulations 1998; Maternity and Parental Leave etc Regulations 1999; Apprenticeships, Skills, Children and Learning Act 2009.

FINANCE AND OTHER RESOURCE IMPLICATIONS	
There are no implications of the proposal beyond established budgetary levels agreed year on year.	
USE OF RESOURCES AND VALUE FOR MONEY	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The proposals set out within the People Strategy will be delivered within agreed budgets.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Strategy sets out the priorities for compliance with employment law and best practice and for the core development of staff.
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.	Ensuring managers are suitably skilled alongside a focus on project management as appropriate will support the organisation's focus on effective governance, efficiency and effectiveness.
MILESTONES AND DELIVERY	
The strategy contains some carefully identified major milestones for delivery of specific activities over the period. These include a focus on mandatory training, updates to employment law, establishing an organisational approach to project management, updating and rolling out a revised Equality and Inclusion policy for staff as well as ongoing growth of apprenticeships and 'growing our own'.	
ASSOCIATED RISKS AND MITIGATION	
No significant risks for the proposed People Strategy have been identified. The implementation of the strategy acts as a mitigation against risk by ensuring the organisation remains compliant within employment law and best practice. A skilled and knowledgeable workforce also helps to mitigate risk of errors, poor practice and failures in governance.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
Informal consultation with operational managers has informed this strategy along with discussions with senior managers. The strategy has been shared with Unison and has their support.	
EQUALITIES	
Having undertaken an equalities impact assessment, the conclusion is that the proposal does not have a negative impact on the protected characteristics.	
SOCIAL VALUE CONSIDERATIONS	
<ul style="list-style-type: none"> <i>Promote Skills and Employment: To promote growth and development opportunities for</i> 	

all within a community and ensure that they have access to opportunities to develop new skills and gain meaningful employment.

The People Strategy supports the above social value area by seeking to ensure that Tendring District Council, as a major employer within the district, is seen as an employer of choice. The proposed approach for recruitment alongside the development opportunities and the 'grow our own' approach demonstrate the authority's commitment to meaningful employment and skills development. This is further supported and evidenced via the organisation's commitment to apprenticeships and its Career Track service.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

No implications have been noted.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	The Council has a statutory duty for Community Safety and to support the reduction of crime. This strategy supports this work across the Council.
Health Inequalities	Tendring is a major employer in the District of Tendring and employs 530 staff. Employment is a significant factor in supporting good health and contributes to the wider determinants of health agenda.
Area or Ward affected	N/A

ANY OTHER RELEVANT INFORMATION

N/A

PART 3 – SUPPORTING INFORMATION

BACKGROUND

This People Strategy 2024 to 2029 replaces the expired document of 2016 to 2020. Unfortunately, as a result of Covid from 2020 to 2022, it was not possible to update the document at the time. Since that time, with organisation restructures and full council elections it was decided that it would be more prudent to update the document in 2024, in line with the adoption of the Council's Corporate Plan 2024 to 2028.

The revised document follows a similar structure from the previous document by following the employee life cycle. All of the text has been fully updated to take account of the council's updated priorities and circumstances. Additionally, the document notes the changes that have taken place over the past eight years.

It notes that working practices have changed to a hybrid model where practicable, that

partnership working, especially with other public sector organisations has increased, and staffing includes more secondments and short term (less than two years) contracts. It notes that many of these changes reflect the challenging economic environment and the organisation's considerable success in gaining grants which, in part, ameliorate some of the impact of reductions in government funding.

It is noted that the use of IT has grown significantly and will continue to do so especially with the forthcoming, though as yet unknown, changes that the use of AI (artificial intelligence) will have during the coming years.

The document outlines a number of specific priorities that form part of an overarching theme of 'getting the basics right'. These priorities include ensuring mandatory training is completed, that new initiatives to establish a project management practice and an update to the council's equality and inclusion practice and policy are implemented alongside ensuring that the organisation's employment practices and policies reflect changes in policy and best practice.

The organisation's focus on developing talent via apprenticeships and 'grow our own' remains a core part of the People Strategy.

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

The previous People Strategy, 2016 to 2020 was approved by the Human Resources Committee at its meeting on 15th November 2016.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A – People Strategy 2024 - 2029

REPORT CONTACT OFFICER(S)

Name	Carol Magnus
Job Title	Organisational Development Manager
Email/Telephone	cmagnus@tendringdc.gov.uk

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Tendring
District Council



Tendring District Council People Strategy 2024-2029

Tendring District Council

People Strategy 2024 to 2029

This People Strategy sets out the Council's aims for the support and development of its staff for the next five years. It complements the agreed and published Corporate Plan covering 2024-2028.

Context

Tendring District Council (TDC) has an increasingly complex workforce made up of those staff who are employed full or part time on a permanent contract of employment; staff who are on fixed term contracts; casual and seasonal staff; apprenticeships and other training positions; staff who are on secondment into the organisation; and agency or contract staff. In addition, volunteers play an essential role in supporting a number of service functions.

In addition to the different forms of contracting, funding for posts to pay for salary and oncosts has also become more complex. As the organisation's work has increasingly become one of working in partnership with other key public sector providers (such as the NHS, other local authorities, Essex police and others) a significant number of posts are part or fully funded by these partner organisations for a fixed time period. Funding of posts from grants has also become significant. Whilst these funding opportunities are highly valued and enable the authority to carry out far more work than would otherwise be possible it has inevitably led to an increase in the number of fixed term, temporary posts.

Finally, ways of working have also become more varied. TDC has adopted a hybrid working approach where the demands of the role enable this and the majority of the workforce in what might be broadly described as 'office' roles now work from home for part of their working week. Legislative changes have also amended workers rights for flexible working arrangements and, wherever possible, these requests are accommodated. The use of digital communications and IT continues to grow and develop such that steadily more roles require increased literacy and IT proficiency.

All these changes and trends demonstrate how employment within TDC has evolved and continues to evolve. It is expected that during the course of the lifetime of this strategy the nature of employment will change further with an increase in partnership working and funding, greater use of IT, the introduction of Artificial Intelligence (AI) and changes in employment legislation which will alter and amend the rights of workers and employees.

For the purpose of this strategy, the phrase 'staff' encompasses all permanent and temporary employees (including secondees and contractors) and apprentices. Casual staff and volunteers will also be covered by the majority of the content of this strategy; however, requirements may be amended dependent upon the specific circumstances of their contract/agreement.

Thematic priorities

This People Strategy is being developed during a time of economic challenge and uncertainty. The Covid pandemic and cost of living crisis continue to echo, and it is expected that financial constraints upon the authority will continue. With this in mind, it is especially important that the organisation is confident of 'getting the basics right'.

What are 'the basics'?

The following is not an exhaustive list, it is indicative of what 'the basics' mean within the people management and development context.

Ensuring that:

- the organisation complies with the legislative and best practice requirements for employment;
- managers are appropriately knowledgeable and skilled in people management in addition to their professional expertise;
- Human Resources and Organisational Development practitioners are appropriately skilled and qualified to provide professional advice and guidance on operational and strategic development and practice;
- the behaviours valued by the organisation are clear and demonstrated in practice. These behaviours include acting with integrity, honesty, respect, professionalism, inclusion, collaboration, innovation, personal, and mutual accountability.

This Plan follows the three phases of the employee life cycle: Joining, Staying and Leaving.

Joining

The process for a person to join the organisation begins at the 'attraction' stage.

Attraction

Although Tendring is a less accessible geographic area than say, Colchester or Ipswich, it expects to attract staff, who are looking for a high-quality work life balance and who wish to contribute to the lives of residents within the District. The organisation's shift to hybrid working and the increased ability to support remote working opens up the option for increased numbers of employees to be based outside the District. This change is also helping with retention and job satisfaction reporting.

Tendring District Council will utilise its excellent 'brand reputation' as a top-performing local authority to become an employer of choice for the local community and beyond. Examples of this commitment include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder. Both of these merits demonstrate the authority's advocacy in these areas. Additionally, the Council serves as an Anchor organisation. Anchor organisations are typically large entities that are local to a specific place and have the capacity to maximise social value through their roles as workplace developers, employers, and procurers. TDC will further enhance its practice by offering flexible working conditions and a comprehensive benefits package in addition to the basic salary.

The organisation will continually review and assess its advertising methods to ensure it is seen by the greatest potential range of applicants. Ongoing use of social media, targeted recruitment campaigns via agency and recruitment specialists, as well as the continued use of more traditional means such as website, radio and professional press will all be utilised as appropriate to reach the widest possible field of potential applicants. In addition, the organisation plays an active role with the Essex 'Anchors' Network and Reverse Job Fairs to support recruitment, especially for individuals who may have additional needs such a neuro-divergence.

It is expected that the use of secondments across fellow public sector organisations will increase. A number of Memoranda of Understanding are already in place with organisations such as Essex County Council (ECC), East Suffolk District Council, North East Essex Health Alliance, University of Essex, Tendring Education Strategic Board and Essex Public Health. Secondments provide an effective means for staff to gain experience and for recruitment of specialist skills for time limited periods to be achieved. TDC has joined the [ECC Secondment Website](#).

The process for applying for posts will be periodically reviewed to ensure that the system is as streamlined as possible, there are no unnecessary barriers for applicants and that processes are appropriate for the role.

The process for the recruitment of apprentices has been significantly simplified by making use of the National Apprenticeships recruitment website. This will continue to be used and monitored for its ongoing effectiveness.

In specialist roles where recruitment is problematic, we will continue to offer 'student' opportunities for the postholder to 'earn and learn' while they train to become fully qualified. Market Forces Supplements will be used, for hard to recruit roles, where the authority is competing for recruitment in a 'job seekers' market' and it needs to offer an enhanced financial package to recruit and retain appropriately skilled and qualified staff.

The range of additional staff benefits will be kept under review and increased when appropriate.

Recruitment

Aspects of recruitment such as application sifting, interviews and pre-start contact are led by the recruiting manager with HR administrative and advisory support.

Interview assessment will assess technical knowledge, competence, relevant experience and approach for the role as well as profile 'fit'. The Universal Competency Framework will be used to help inform areas of focus at interview.

During the period between an offer of employment and commencement in post all new starters will be encouraged to complete at least some of their essential introductory induction. This will include the use of online learning material including an introduction to the organisation and local government, Health and Safety Basics, Fire Awareness, Safeguarding and Prevent.

TDC has established a Memorandum of Understanding for secondments from partner authorities and the NHS. This framework document enables the smooth transition of employees into secondments and establishes the contractual arrangements for the tripartite agreement.

Starting, the first six months.

The organisation will continue to use a six-month probationary/induction period. During this period clear performance and development targets will be set and monitored by the manager.

A positive and successful probationary/induction period is vital. In the rare instance where performance is unsatisfactory HR will support the line manager to address the issues with the employee and, on occasions, to terminate the employment.

When the applicant is an existing member of staff the 'Joining' process still applies. As part of 'Starting' there will still need to be a planned induction. It can be a mistake to assume that an existing employee already knows all about the organisation and its processes in relation to their new post. In addition, the review stages of the first six months will also be applied and can be extended if required.

When new starters are secondees, especially if they are local authority employees, it is likely that they will be able to 'hit the ground running' however care will be taken to ensure that differences in culture and procedures between the two organisations are covered to mitigate any risks of misunderstandings.

Fixed term employees will still be given an induction period; however, it will be adjusted in proportion to the length of contract and complexity of role.

Occasionally, staff will join the organisation as a result of a TUPE (Transfer of Undertakings, Protection of Employment) arrangement. In these cases, the organisation will work co-operatively with the 'handing over' employer and will endeavour to ensure that the employees concerned have a planned and structured introduction to the organisation.

Staying

Historically staff retention has not presented a challenge for the organisation as the culture of local government has been one of longevity of service. Retention rates remain high across many areas of the organisation. However, in areas of national skill shortage a higher turnover rate is experienced and is likely to continue. In the main, this applies to HR, Legal Services, Environmental Health, Surveying and Planning.

Nonetheless, a degree of turnover amongst employees is good as it provides the opportunity for new talent to join the organisation and in doing so to promote ongoing change and development. Improved flexible working arrangements are expected to contribute to retention rates in these areas.

Retention

Staff benefits

The factors that come into play for attracting staff are also key for retaining them. Therefore, the organisation will continue to develop a variety of staff benefits and promotions linked to health and well-being and flexible working. Currently the authority offers discounted corporate gym membership, free DSE eye sight tests, and numerous discounts with local businesses.

The Employee Assistance Programme, for all staff and their families is a significant benefit for all staff. Since its introduction in 2020, use has been consistent and staff accessing counselling, advice and support.

The Shared AVC (Additional Voluntary Contributions) Scheme, which was introduced in 2022, is another significant staff benefit. The scheme enables staff to make additional payments to increase their available funds upon retirement. Contributions are free of tax and NI at the point of contribution.

For posts which are especially hard to fill due to national skill shortages the organisation will seek to work collaboratively with other local authorities and the LGA to find ways to attract and retain suitably qualified staff.

Union Recognition

The organisation will continue to foster good working relations with its recognised union, UNISON. The Council is fully supportive of staff rights to utilise union membership and will continue to promote this part of its employee relations strategy.

Employment Policies and Procedures

As a responsible employer TDC takes its commitment to its staff very seriously and seeks to ensure that its policies and procedures are within the law and recognised best practice. The organisation ensures that key staff are appropriately qualified to practice within Human Resources and Organisation Development in accordance with the requirements of the Chartered Institute of Personnel and Development (CIPD).

As such, the organisation will be paying close attention to anticipated employment legislative changes to be introduced by the government. As these changes become clearer the organisation will follow best practice advice from advisory sources including East of England Local Government Association (EELGA), CIPD, HR legal updates provided by VineHR, employment law specialist solicitors and ACAS in order to implement the required changes as smoothly as possible.

Performance Management

The organisation expects that its staff will apply all reasonable endeavour to ensure that they are fulfilling their roles and duties to the best of their ability and to meet the requirements of their role in support of the organisation's aims and priorities.

In supporting staff with this duty, managers will ensure that regular one to one meetings are held with their staff to discuss targets, progress, performance and development needs. Managers will be expected to ensure that a written record of these meetings is kept (clear contemporaneous notes are acceptable) and that d targets are followed up as appropriate.

In addition, managers will meet with their staff on a one to one basis once a year to conduction to annual review.

On the occasions when performance and or conduct is unsatisfactory, the manager will, in conjunction with support and advise from HR, put measures in place to manage and address the issues raised. The organisation has appropriate polices for the management and investigation of poor conduct and performance. These will be regularly reviewed and amended in accordance with changes in the law and/or best practice.

Inclusion

In 2023 the organisation published its Equality and Inclusion Strategy and updated its approach for recording Equality Impact Assessments.

In September 2024 the Equality Act will be updated to place a responsibility upon employers to prevent and protect staff from sexual harassment. It is expected that this duty will, in time, be further extended and reinforced to cover all protected characteristics.

In 2025 the organisation's Equality and Diversity policy will be updated to reflect the changes that have taken place since it was adopted. A full programme of development will be implemented to embed the policy and ensure that all staff understand its importance and their role and responsibility in enabling the organisation to be one where inclusion is part of its culture.

Artificial Intelligence (AI)

The Council's adoption and use of AI will be lead by IT and agreed by Senior Managers and Officers and, as appropriate, Members. During the course of the People Strategy it is expected that AI will be introduced into the organisation and will play an increasing part in the fulfilment of tasks for Officers. This may include the development of reports, statistical analysis, maintenance and monitoring of data, dashboard reporting. It is also expected that key partners will increasingly utilise AI technology.

The organisation will work to ensure that its introduction is managed and secure and that staff affected will be provided with the necessary training and support to utilise it as required.

Development

TDC is fully committed to ensuring that all of its employees have access to learning opportunities to improve their technical and 'soft skills'.

Face to face training will continue to be a feature of all staff development but it is expected that this will mainly be used when subjects are complex or highly interactive. Webinars will also be utilised for development when appropriate.

The organisation will continue to embed and expand its use of e-learning. A five-year contract with Skillgate along with ongoing utilisation of the courses provided by iHasco will form the basis for staff self-development and bite-size learning across multiple subjects.

It is recognised that online learning may disadvantage and cause anxiety for those staff with literacy difficulties. As such the organisation will seek to work with partners (such as Adult Community Learning) to identify ways to support staff to increase their literacy and numeracy skills.

Managers will be given the opportunity to develop coaching skills as a standard part of their line management practice.

The organisation will continue to be an active member of the VineHR Partnership and will utilise the training opportunities it provides whenever possible.

Project Management

As part of the organisation's development, it is recognised that an increased reliance upon appropriate project management expertise is required. The organisation has been successful in gaining various significant sums of grant funding (most notably from the Ministry of Housing, Communities and Local Government) for the benefit of the

district. The management of these programmes and other projects means that the organisation needs to increase and further develop its project management resource and expertise.

From 2025 appropriate project management training will be rolled out for all relevant staff.

Contract and Delivery Management

Allied with Project Management, the organisation will introduce development for those staff with ongoing responsibility for the management and monitoring of contracts, their fulfilment and delivery. The emphasis will be on ensuring that managers have the skills and knowledge to understand the principles of contract management and negotiation along with the confidence and knowledge to proactively manage and monitor contract delivery to ensure that services are successfully delivered in accordance with agreements and within agreed timescales and budgets, including holding providers appropriately to account as and when required.

Broadening Experience

Opportunities for secondment, job swap and acting up will continue to be used whenever possible. TDC will seek to establish these opportunities not only 'in-house' but also with other authorities or partner agencies where appropriate. This will enable employees to see alternative ways of working, experience different environments and bring a fresh perspective and new skills to their own role.

Qualification Programmes

The 'Grow Our Own' approach for staff to gain professional qualifications in hard to recruit areas will continue. The organisation's sponsorship programme for qualifications will continue and apprenticeships will be utilised whenever possible. Apprenticeships up to and including Level 7 (post graduate level) are increasingly available and can be funded via the organisation's Levy, through 'levy sharing' or from the government's co-investment scheme.

Apprenticeships

Apprenticeships have become and will remain a vital part of staff development. Since the government reforms of the apprenticeship programme in 2017 the organisation has made increased use of this career development pathway. The organisation will continue to utilise Career Track as its main provider of Level 2 and 3 apprenticeship qualifications. It will use other suitable training providers for technical and higher-level professional apprenticeships. To date the organisation has utilised apprenticeships at all levels from 2 up to 7 and this strategy will continue. Apprenticeship degrees are now the main route through which staff gain the technical/professional degrees for their profession.

In areas where recruitment is difficult the organisation's 'grow our own' approach will continue and an apprenticeship pathway from Level 2 to Level 6 will be identified.

Career Track

Tendring District Council is an approved apprenticeship training provider in its own right and is registered with the Education and Skills Funding Agency (ESFA) to deliver a number of apprenticeship training programmes. As an approved training provider, Career Track (TDC) is subject to inspection from Ofsted and was awarded a 'Good' grade at its last inspection in November 2023.

TDC's apprenticeship training department is known as Career Track. Career Track was founded in 1983 and is a fundamental lynchpin for the organisation's approach to staff development.

Career Track provides apprenticeship programmes for a number of local authorities and public sector organisations within Essex, Suffolk and beyond as well as for a limited number of private sector providers within the district. At the time of writing, 56% of its apprentices are within TDC.

The Career Track service undertook a significant modernisation programme during 2022/23 with the introduction of electronic portfolios and the launch of OneFile.

The Career Track Governance Board will continue to provide oversight and quality and compliance monitoring of the service. This Board will also oversee the ongoing growth and development of the service as a corporate priority for improving education and work opportunities within the district.

The Career Track vision and mission statement can be viewed in Appendix 1 of this document.

Corporate Mandatory Training

As an organisation TDC covers a wide range of professions and areas of work. All of these areas will have their own particular requirements for staff knowledge and skills. Managers are expected to establish what these are to ensure that their own departments' mandatory training needs are met. Advice and guidance on the best approach or providers can be given by the Organisational Development Manager or HR as appropriate.

The following list covers the subject areas of identified mandatory training that apply for all or the majority of staff. This list is not exhaustive.

- *Safeguarding*

Tendring District Council has a legal and moral duty to ensure the safeguarding of all its staff (including apprentices, casual and temporary employees). The organisation has an appointed safeguarding lead and a detailed policy for how it will ensure its responsibilities are met. Safeguarding training is mandatory for all staff.

- *Prevent*

Prevent and anti-terrorism training will be provided as mandatory training for all employees engaged in supporting apprentices (especially those identified as vulnerable and under 18). It is also mandatory for staff and volunteers supporting large scale public events such as the Clacton Airshow.

- *Health and Safety Awareness and Fire Safety*

These courses are mandatory for all staff and renewable every three years. These are the very minimum requirement. Service areas (in conjunction with the health and safety team) are responsible for identifying and meeting the specific safety training needs for their teams

- *Equality, Diversity and Inclusion*

Overall awareness training covering the importance of the Equality Act and Protected Characteristics is mandatory for all staff. See 'Inclusion' for more information.

- *Cyber Security*

The organisation's reliance upon digital technology exposes it to increased risk of cyber-attack from numerous sources. Although the organisation has business continuity plans in place it is right to work on a basis that 'prevention is better than cure'. Therefore, cyber security awareness training has been made mandatory for all staff who have a @tendingdc.gov.uk email address.

- *General Data Protection Regulation (GDPR)*

Data protection training covers the fundamentals of data protection law and practical ways to apply them. It helps our staff understand how to collect and process personal data lawfully, obtain consent where necessary, and ensure effective data security.

Responsibility for the commissioning and monitoring of Cyber Security and GDPR training rests with the Information Governance and IT Services Manager.

Engagement

The extent to which staff feel able to influence their working life and to manage the demands of their role, to be heard, able to take responsibility and have the opportunity to influence change greatly affects retention. Staff engagement will therefore be a continuing priority.

TDC has worked hard to improve internal communications and staff inclusion through the increased use of Video Blogs, staff newsletters and communications updates. The organisation's Communications Strategy, 2024 to 2028 was adopted in March 2024. It includes the following objective:

Create an internal communications strategy and/or policy to regularise and formalise current approaches, by the end of 2026. This will help to bolster corporate communication with all staff and could include a section on the new Intranet.

Leaving

The vast majority of people who leave the organisation are going on to another job. From leaving forms and exit interviews, it appears that the most common reason is career development or salary. Approximately 90% of all leavers part on good terms, ensuring that the opportunity to return at some later date remains an option. To further

support the practice of 'parting well' and of being a 'learning organisation', the practice of exit interviews will continue.

As staff leave and go on to other employment, often having gained a more responsible role, we can view this as a compliment. It is a testimony to our staff development and professional expertise. It demonstrates that other employers consider Tendring to be a reputable employer. In addition, it consequently provides new employment and development opportunities for our staff and new entrants.

When the parting is not positive and the leaver is disillusioned with the organisation, then an exit interview with an independent manager is especially important for the organisation to learn from the circumstances and possibly address their concerns and so part on better terms.

Changing Roles

When staff move within the organisation as part of personal development and/or promotion, they are treated as a transferee. Dependent upon the circumstances an exit interview from their former role, may be appropriate.

Promoted staff will be provided with an induction programme and will have regular reviews throughout their first six months in post using the probationary period 'model'. In addition, staff will be actively encouraged to seek an appropriate coach or mentor from either within or outside the organisation.

Occasionally staff may leave the organisation as the result of a TUPE transfer to another employer. In these cases, whenever possible, the organisation will work closely with the 'receiving' employer to support a smooth hand over. The Council's HR department leads on this in conjunction with the relevant senior manager(s), ensuring the affected staff informed about the process and consulted as appropriate.

Organisational Change

The organisation is committed to retaining its staff but recognises that restructures can be necessary to ensure the Council is able to deliver its services effectively and cost efficiently. The organisation will seek to avoid compulsory redundancy whenever possible and, in cases where posts are lost, will try to come to a mutually agreed solution that might include some element of voluntary redundancy as appropriate.

Retirement

Staff are entitled to continue working for as long as they wish, providing that they are capable of performing their duties. Flexible Retirement is a discretionary benefit enabling staff to reduce their working hours and take their retirement benefits. This approach enables the employee to begin adjusting to a different work/life balance and the organisation to implement succession planning ready for the staff member to take full retirement when they are ready. On average, staff who take flexible retirement remain in employment for a further five years, working two or three days per week. The length of time that staff remain does, of course, vary but with an average of five

years it demonstrates this this is seen as an attractive benefit and means by which knowledge and skills are retained.

Although the organisation has several staff members who will reach their state retirement age during the period covered by this strategy, previous experience has shown that retirement has not caused the level of disruption that might be expected. This appears to be due to a number of factors: some staff have continued working past their state retirement age, some have left in advance, in some instances to pursue other opportunities, and others have either reduced their hours or reduced their hours via the Flexible Retirement Scheme. Overall, the organisation's approach and support for staff as they move from work to retirement has been successful.

To further enhance the organisation's offer, retirement planning webinars will be commissioned to cover issues such as financial planning, lifestyle changes and health and wellbeing in older age.

Performance Management

On rare occasions employees leave due to capability or conduct issues. The organisation will apply a simultaneously empathetic and robust approach to the management of long-term sickness and poor performance. Managers continue to be given the necessary training and support to manage these issues and will continue to be supported by HR. Dismissal due to capability or conduct will always be used as an action of last resort.

Appendix 1

Career Track Vision and Mission Statement

Vision

Our vision is to be known and recognised for our excellence in the provision of apprenticeships; engaging learners in the development of workplace knowledge, skills and behaviours that enable them to actively contribute to the economic, health and social wellbeing of the district.

Mission

- To educate, engage and inspire
- To inform, advise, support and mentor
- To establish and maintain high quality standards in apprenticeship training
- To safeguard and promote the welfare of our learners

HUMAN RESOURCES & COUNCIL TAX COMMITTEE
30 July 2024

REPORT OF ASSISTANT DIRECTOR OF PARTNERSHIPS

A.2 LEAVE POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Human Resources & Council Tax Committee on the review of the Council's Leave Arrangements for Employees Policy following the implementation of the new Payroll and HR system and in line with identified best practice and employment legislation.

EXECUTIVE SUMMARY

Tendring District Council is committed to developing and maintaining working arrangements that enable employees to achieve a better work-life balance. Annual leave and other types of leave are important elements in achieving a positive approach to work.

There are several types of leave entitlement, and it is essential that an employee gains authorisation for the type of leave that suits their need for absence from the workplace. All requests for leave will be dealt with fairly and consistently, in accordance with the Council's Equality and Diversity Policy (*Employment*).

The updated policy incorporates the new provision for time off for Carers which was introduced in April 2024. The new provision is intended to allow employees to provide or arrange care for a dependent with a long-term care need.

The background section of this document contains a detailed summary of the key policy changes.

The updated policy applies to all employees of Tendring District Council.

The purpose of this report is to inform the Committee of the requirements of the Carers Leave Act 2024, however the changes made to the Payroll and HR system, in respect of the administration of staff's entitlement to leave could have been done under the Officers' delegated powers.

RECOMMENDATION(S)

It is recommended that the Human Resources & Council Tax Committee: -

a) Endorses and adopts the Council's updated Leave Arrangements for Employees Policy.

b) Notes that the Human Resources team will regularly monitor and review this policy's implementation and will report to the Council's Human Resources & Council Tax Committee as part of future Workforce Reports.

REASON(S) FOR THE RECOMMENDATION(S)

As it is considered that the changes made to the Leave Arrangements for Employees Policy 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 approve these changes in line with Part 3 of the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

There is an option of not making the changes recommended, however, this would not be in line with current best practice and the current supportive culture of the Council and would not support the implementation of the new Payroll and HR System.

Furthermore, if the Council does not accept these changes, it may be at risk of breaching employment legislation.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Positive people-related practices will ensure that high standards of conduct and commitment to service are observed by officers, thus contributing to the Corporate Plan 2024-28 priorities of 'Financial Sustainability and Openness' and 'Pride in Our Area and Services to Residents'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Council must comply with relevant health and safety and employment legislation, including the Working Time Regulations 1998, which set out statutory leave provisions, and other employment laws that set out other special leave provisions.

The other relevant legislation is listed below:

- Equality Act 2010
- Carers Leave Act 2024
- Parental Bereavement (Leave and Pay) 2018
- Employment Rights Act 1996

The Human Resources & Council Tax Committee has responsibility for the discharge of Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (*Functions and Responsibilities*) (*England*) Regulations 2000 (*as amended*) and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers. This extends to the agreement on key personnel policies.

FINANCE AND OTHER RESOURCE IMPLICATIONS

No specific risks have been identified. This is a policy review and update that is needed to ensure best practice and continued legal compliance. Individual service budgets will cover these costs.

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;	By ensuring best practice is applied to our people policies and procedures, including the application of annual and special leave, the authority will ensure it attracts and retains the resources required to
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	sustain high levels of service delivery for residents.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	Regular monitoring of the implementation of this policy and review of the authority's people policies (<i>in line with recognised best practice</i>) also ensures compliance with employment legislation and NJC terms and conditions.
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. Tending 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	
<ul style="list-style-type: none"> (a) Agreement by Management Team 9 July 2024 (b) Human Resources & Council Tax Committee 30 July 2024 (c) Officer Decision 6 August 2024 (d) Publication to TDC intranet 3 September 2024 	
ASSOCIATED RISKS AND MITIGATION	
The updated Leave Arrangements for Employees Policy will ensure that the authority meets its statutory obligations with regard to employment and Health and Safety legislation.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
Full consultation has taken place with the local Unison Branch Executive, and they are fully supportive of the implementation of the updated policy and have welcomed the Council's approach to supporting Carers employed by the Authority.	
EQUALITIES	
<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, and 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 its people policies and practices.</p> <p>The revised Leave Arrangements for Employees Policy will ensure that the Council continues to comply with all relevant employment legislation and identified best practice.</p> <p>The Leave Arrangements for Employees Policy is explicit in that all cases will be dealt with in a non-discriminatory and consistent manner, 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 the protected characteristics.</p>	

SOCIAL VALUE CONSIDERATIONS	
<p>As a major local employer, the Council strives to lead by example. 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 commit the authority to be an advocate in these areas.</p> <p>The Council is also an Anchor organisation. Anchor organisations are usually large organisations that are local and have the leverage to maximise social value through their roles as workplace developers, employers, and procurers, their core business (<i>for example, health and education</i>), and the linkages they have to the place they operate.</p>	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
<p>This report has no direct implication on the Council's aspiration to be net zero by 2030.</p>	
OTHER RELEVANT IMPLICATIONS	
<p>Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.</p>	
Crime and Disorder	Not applicable
Health Inequalities	Tendring is a major employer in the District of Tendring and employs 530 staff. Employment is a significant factor in supporting good health and contributes to the wider determinants of health agenda.
Area or Ward affected	Not applicable
ANY OTHER RELEVANT INFORMATION	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The Council's Leave Arrangements for Employees Policy has undergone a comprehensive review. The amended policy offers a fair and consistent approach to all employees.</p> <p>As a result of the implementation of the new Payroll and HR system, the revised document ensures a fair approach in terms of an employee's entitlement to annual leave and other leave provisions.</p> <p>The updated sections of the Policy cover the following:</p> <ul style="list-style-type: none"> ▪ Annual leave entitlement ▪ Annual leave calculations ▪ New employees ▪ Employees who leave ▪ Bank Holiday entitlement for Part Time Employees ▪ Compassionate leave

(minor changes have been made to some of the other sections, please see below)

In addition, a new section has been added:

- Carers Leave

Although employees' terms and conditions relating to their annual leave entitlement have not changed, they will now be recorded in hours rather than days. This is a much fairer and more flexible way to record and administer leave, especially where staff do not work the same number of hours each day. Most part-time staff and some full-time staff have previously recorded their annual leave in hours for this reason.

The updated policy outlines how annual leave is calculated in hours and gives various examples to aid the explanation.

Following recent caselaw, the Council has been able to introduce 'rolled up' holiday pay for individuals who work irregular hours (*including Casual workers*). Rolled-up holiday pay is calculated at 12.07% of all pay for work done. The extra 12.07% will be paid at the same time as pay for the work done, and the holiday pay will be itemised separately on the payslip. This has been explained in the updated policy.

The updated policy allows the immediate manager to agree to up to 3 days of compassionate leave. This was previously limited to the Head of service. In addition, the definition of when compassionate leave can be granted has been expanded to include 'someone with whom the employee has a similar close relationship'. It is felt that the current definition is too limited, and this amended wording reflects the different close relationships employees may have. The Assistant Director/Head of Department (*in consultation with Human Resources*) will have the discretion to grant compassionate leave for more than 3 days.

A new provision for time off for Carers was introduced in April 2024. The new provision is intended to allow employees to provide or arrange care for a dependent with a long-term care need. The definition of 'dependent' mirrors the definition used for the right to time off for dependents. This includes a spouse, civil partner, child, parent, or a person who lives in the same household as the employee. The legislation allows for five days of **unpaid** carers leave in a 12-month rolling period. Employees must take a minimum of half a working day at a time.

There is no requirement for the employee to take five consecutive days. However, it is recommended that the Council adopt the policy that, where employees have at least one year's service, they will be entitled to five days of **paid** carers leave. This is the position that other neighbouring Councils have adopted as a measure to support this section of the workforce. A recent study by the CIPD estimated that there are 3.7 million working carers in England and Wales. These employees are often struggling to balance their jobs with the demands of their caring responsibilities. It is hoped this would not only send a positive message of support to our employees but would also result in fewer employees leaving the Council due to their caring responsibilities and taking time off work due to the stress associated with juggling the conflicting demands.

Managers would be required to record such absences due to carers leave (*both unpaid and paid*) on the new Payroll and HR system, which will enable the Council to review the impact of the new leave provision.

As mentioned earlier, minor changes have been made to some of the other sections to update reference to the change in the name of the Intranet and to require managers to record leave on the new Payroll and HR system. It is vital that we monitor when employees take special leave in order to ensure that the policy is consistently applied across the Council. In addition, we will review whether

employees are requesting certain leave and will undertake further analysis to ensure the current leave provision is meeting the needs of the employees and is not detrimental to service delivery.

To support the Policy, the HR team will be available to provide guidance and support and will develop written guidance and training for managers, if required.

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

N/A

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers or published reference material associated with this report.

APPENDICES

Appendix – Leave Arrangement for Employees Policy July 2024

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

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LEAVE ARRANGEMENTS FOR EMPLOYEES

Issued by – Human Resources
Updated – **July 2024**



TENDRING DISTRICT COUNCIL

LEAVE ARRANGEMENTS FOR EMPLOYEES

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LEAVE ARRANGEMENTS FOR EMPLOYEES

1. Introduction

Tendring District Council is committed to developing and maintaining working arrangements which enable employees to achieve a better work-life balance. Annual leave and other types of leave are an important element in achieving a positive approach to work.

There are several types of leave entitlement, and it is essential that an employee gains authorisation for the type of leave that suits their need for absence from the workplace. All requests for leave will be dealt with fairly and consistently, in accordance with the Council's Equality and Diversity Policy (*Employment*).

2. Annual Leave Entitlements

The purpose of annual leave is to provide employees with time away from the workplace to rest. The Council's leave year currently runs from 1 April to 31 March; however, the Council reserves the right to review this arrangement. All leave must be properly requested on either the Self-Service system or an annual leave card, and authorisation **must be obtained** from the appropriate manager. The Council reserves the right to refuse applications for leave if requested at an inappropriate time.

The Council's Staff Handbook confirms that the standard paid holiday entitlement for all staff is a minimum of 23 days. This allocation of leave increases depending on the employees Spinal Column Point on the Council's Salary Scale. There is also an increase when an employee has completed more than 5 years' service at the start of a leave year.

SCP	Basic Entitlement	Including B/H*	After 5 Years	Including B/H*
2 - 22	170.2 hours <i>(23 days)</i>	229.4 hours	199.8 hours <i>(27 days)</i>	259 hours
23 - 34	192.4 hours <i>(26 days)</i>	251.6 hours	207.2 hours <i>(28 days)</i>	266.4 hours
35 - 43	214.6 hours <i>(29 days)</i>	273.8 hours	229.4 hours <i>(31 days)</i>	288.6 hours
44 +	229.4 hours <i>(31 days)</i>	288.6 hours	244.2 hours <i>(33 days)</i>	303.4 hours

*This is based on a standard 8 bank holidays; this amount could differ depending on the number within the year.

As full-time hours are 37 per week, a standard day is classed as 7 hours 24 mins (or 7.4 in decimal time). As i.e. 23 days of 7.4 standard day is 170.2 Hours (23x7.4).

Please note that 0.1 is the equivalent of 6 minutes. Therefore, for example, if the leave states 22.2 hours, the employee would have 22 hours and 12 minutes. This is due to the conversion from days to hours and will be recorded as such in the Payroll and HR system. There are various online calculators available for hours to decimals, including:

The Council's offices are closed between the Christmas and New Year period. For those Services where employees have to work over the Christmas period e.g., Careline, Theatre & Leisure Services, employees will gain Time Off in Lieu, which may be taken at a later date in agreement with their manager, this will need to be taken before the end of the financial year. The Council reserves the right to review this practice from time to time and vary this arrangement after consultation.

The Council records annual leave in hours rather than in days, as this is a fairer and more equitable way is to support the administration and calculation of annual leave.

In addition, there is an entitlement to statutory Bank Holidays per year, which include:

- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday
- August Bank Holiday
- Christmas Day
- Boxing Day
- New Years Day

If a Public Holiday falls on a Saturday or Sunday, the following Monday or Tuesday is usually designated as a general public holiday. Employees are entitled to a normal day's pay for each public holiday as it occurs, irrespective of length of service.

Employees are entitled to take their annual leave in full days, half days, or part days. All leave should be requested through the Payroll and HR system.

3. Annual Leave Calculations

All employee's annual leave entitlement is calculated in hours and is based on the full-time amount for their grade (SCP) and their length of service. For staff who work part-time, their annual leave is pro rata'd based on the hours they work.

Annual is calculated as follows: -

Leave Entitlement + Bank Holidays / 5 (*days in working week*) x Contracted Hours

Example 1: 23 days + 8 days = 31 days / 5 = 6.2 (*weeks*) x 37 = 229.4 hours

Example 2: 23 days + 8 days = 31 days / 5 = 6.2 (*weeks*) x 20 = 124 hours

Example 3: 31 days + 8 days = 39 days / 5 = 7.8 (*weeks*) x 15 = 117 hours

All employees should check that the work pattern held in the Employment section of the Payroll / HR system – Employee Self Service (click on current position) correctly reflects their days and hours worked each week. Any discrepancies should be reported to their Line Manager as this will affect their annual leave entitlement.

For individuals who work irregular hours (*including Casual workers*), rolled-up holiday pay will be paid. Rolled-up holiday pay is calculated at 12.07% of all pay for work done. The extra 12.07% will be paid at the same time as pay for the work done, and the holiday pay will be itemised separately on the payslip.

4. New Employees

Employees who start part of the way through a leave year are entitled to a proportion of annual leave depending on when they commenced in post. Their annual leave entitlement will be calculated from the day they started with the Council.

5. Short Term Contracts

Employees with a Fixed-Term Contract should calculate their leave entitlement in the same way as permanent employees. It should be proportioned accordingly if the fixed-

term contract is due to expire at any time other than the end of a leave year (*i.e.*, 31st March).

6. Employees who Leave

The Council will calculate an employee's annual leave entitlement up to the date of their employment termination.

As outlined in Section 7 below, there may be certain circumstances where an employee is unable to use their annual leave entitlement before their employment ends. In these circumstances, any outstanding entitlement should be included on the Termination Form submitted by their manager. This will allow Payroll and Payments to ensure the employee is paid for any untaken leave. However, in all cases, every effort should be made to take annual leave.

Where an employee has taken more leave than they would have accumulated at the date their employment ends, this should also be recorded on the Termination Form by their manager so that Payroll and Payments can claim any overpayment back in their final pay.

7. Payment in Lieu of Untaken Leave

There are certain circumstances in which it is not possible for employees to take their outstanding leave entitlement before the date of leaving. In these circumstances, the Council will award payment in lieu of leave untaken.

The particular circumstances are:

- (a) Long term sickness absence and maternity leave from the date absence started (*including annual leave not taken in the previous annual leave year up to a maximum of 5 days*) and up to the date of leaving.
- (b) Any situation where the member of staff is required to work up to the date of leaving due to the demands of the service.
- (c) In redundancy situations.
- (d) Short term temporary contracts where it would be impractical for the employee to be absent from the workplace.

It should not extend to situations where the employee has deliberately chosen not to take the balance of annual leave to which **they are** entitled.

8. Carrying Over of Annual Leave

Employees may carry over 3 days of untaken Annual Leave from one leave year to the next (*pro-rata for part-time staff*). In exceptional circumstances, and with the agreement of their Head of Department/Assistant Director, employees may carry over 5 days of untaken Annual Leave (*pro-rata for part-time staff*).

9. Recording Leave

Managers are responsible for maintaining all leave records of their employees. Staff are reminded to make sure that they have the appropriate approval before making bookings for holidays/making arrangements for time off. The Council reserves the right to refuse annual leave if there are too many other members of staff off at the same time, or if it is requested at an inappropriate time from a workload point of view.

10. Bank Holiday Entitlements for Part Time Employees

There is an entitlement to Statutory Bank Holidays each year. Part-time employees, regardless of whether they would normally workdays on which public holidays fall, receive an entitlement on a pro rata basis.

The actual entitlement for each of these days will be based on the ratio of the hours worked by the individual part timer, to those contracted to be worked by their full-time equivalents. Therefore, for those part-time employees who regularly work each day of the working week, with the same number of hours worked each day, public holidays will be taken as they fall.

Part-time employees annual leave includes their entitlement to Bank Holidays, which will automatically be deducted from their annual leave entitlement. If a part-time employee agrees with their manager to work on a different day instead of their usual day, which falls on a bank holiday, their manager should ensure that their annual leave entitlement is amended to reflect this.

11. Compassionate Leave

From time to time, because of bereavement, illness, and other domestic problems, staff may need time off other than for the purpose of annual leave. It is the responsibility of the individual employee to discuss the matter with their Head of Department/Manager and in certain circumstances, compassionate leave of up to 3 days may be granted. Extensions beyond this amount will require consultation with Human Resources.

The agreed criteria within each Department for the approval of requests for compassionate leave are as follows:

- a) Immediate approval by the **manager** can be given for compassionate leave of up to 3 days duration to an employee following **the death of an employee's close family member or dependant (or someone with whom the employee has a similar close relationship)**.
- b) Compassionate leave **for more than 3 days** may also be awarded at the discretion of the Assistant Director/Head of Department (*in consultation with Human Resources*).
- c) Parents who suffer the loss of a child under the age of 18 or a stillbirth from the 24th week of pregnancy are entitled to two weeks' Statutory Parental Bereavement Leave (SPBL), and Statutory Parental Bereavement Pay (SPBP) will be available to employees with 26 weeks of continuous employment with the Council. Please refer to Section 12 of this policy for further details.
- d) Sudden and very serious illness amongst immediate members of an employee's family, as determined in (a) and (b) above, may also warrant compassionate leave. The approval procedure applies as above.
- e) Any long-term "life partner" of an employee should be given equal consideration. Again, approval applies as in (a) and (b) above.

Special Leave can be granted by the Assistant Director/Head of Department in consultation with Human Resources. An employee may request paid, unpaid, or a combination of both for exceptional circumstances.

Human Resources should always be informed of Compassionate Leave or Special Leave and will maintain a record on the employee's personal file and **the Payroll and HR System**.

12. Statutory Parental Bereavement Leave & Pay

- a) Statutory Parental Bereavement Leave (SPBL) is available to all **employees** who are 'bereaved parents' (*which means they were the primary carer for a child who has died under the age of 18*).
- b) Leave will be available for all employees from Day 1 (*there is no minimum service needed*).
- c) Statutory Parental Bereavement Pay (SPBP) will be available to employees with 26 weeks of continuous employment with the Council (*at the week before the week in which the child dies; as long as they are still employed by the Council on the day on which their child dies*) and where their normal weekly earnings in the 8 weeks up to the week before the child's death are not less than the lower earnings limit for National Insurance contributions purposes.
- d) This entitlement will also be available to adults with parental responsibilities for children, who are not their birth parents, i.e., adoptive parents, those who are fostering to adopt, legal guardians, and most foster parents (*except those in short-term fostering arrangements*).
- e) It also applies to parents who have suffered a stillbirth 24 weeks or more into pregnancy.
- f) Where more than one child dies, the parent will have a statutory entitlement to leave and pay in respect of each child.
- g) The leave must be taken in units of 1 week (*it cannot be taken as individual days*) – so it can be taken as a single block of 2 weeks, or 2 separate blocks of 1 week at different times.
- h) The leave can be taken at any time up to 56 weeks from the date of the death of the child. (*This timescale is deliberate as, for example, it would allow an employee to take leave at the first anniversary of the child's death, and the bereavement leave can be added onto the end of a 52-week maternity leave*).
- i) After the child's death, employees can take bereavement leave immediately. If this leave is not taken straight away (*or all of it is not taken straight away*), then employees will be required to give 1 week's notice to the Council that they will be taking this leave.

13. Carers Leave

- a) **Employees are entitled to apply for Carer's leave from the first day of their employment.**
- b) **It is intended to allow the individual to provide or arrange care for a dependent with a long-term care need. The definition of 'dependent' mirrors the definition used for the right to time off for dependents. This includes a spouse, civil partner, child, parent, a person who lives in the same household as the employee.**

c) Employees with less than one year's service are entitled to five days of unpaid carers leave in a 12-month rolling period. Employees must take a minimum of half a working day at a time. There is no requirement for the employee to take five consecutive days.

d) Employees with at least one year's service will be entitled to five days of paid carers leave in a 12-month rolling period, rather than this being unpaid. Employees must take a minimum of half a working day at a time. There is no requirement for the employee to take five consecutive days.

e) Employees are required to provide reasonable notice, although this does not need to be in writing. This should either be twice the length of the time being requested or three days, whichever is the longest. However, short-notice requests will be considered in exceptional circumstances.

Human Resources should always be informed of Carers Leave and will maintain a record on the employee's personal file and the Payroll and HR System.

14. Unpaid Leave

In some circumstances, it may be appropriate for an employee to be granted unpaid leave. A formal request should be made to the manager in consultation with Human Resources. Once approved, this should be recorded, and Payroll and Payments should be notified. This would apply to a request outside the criteria for 'Time off for Dependants'. Requests for sabbaticals will be considered on a case-by-case basis.

15. Medical and Dental Appointments

The Council will view time off sympathetically for such appointments where it is not possible for them to be arranged outside working hours. If the employee has control over the timing of such appointments, however, they are asked to arrange them in such a way as to cause minimum disruption to their normal working day, e.g., at the beginning or end of a working day. The Council reserves the right to ask staff to make this time up. The employee should, where applicable, utilise the Flexible Working Hours Scheme for such appointments and arrange appointments outside of core time.

16. Jury Service /Court Attendance

If an employee is called for jury service or is required to attend court, please ensure they claim from the Court for loss of earnings, as this amount will be deducted from their salary. The employee must advise their manager as soon as they are called for jury service or to attend court. For further guidance, please refer to the Court Attendance Bulletin on [the Council's Intranet](#) or available from Human Resources.

17. Public Duties

Staff who are involved with the local community will be provided with reasonable time off for public duties, subject to the prior written agreement of their Assistant Director/Head of Department, e.g., Justice of the Peace or School Governor. **Such time off should be recorded on the employee's personal file and the Payroll and HR System.**

Employees should refer to the Employee Volunteering and Public Duties Policy, which can be found on the Council's intranet.

18. Flexi-Leave

Where the Flexible Working Hours Scheme is operating within a department, flexi-leave should be requested in the same manner as annual leave. Flexi-leave should be authorised by the appropriate Manager.

Entitlement to flexi leave is explained in more detail in the 'Flexible Working Hours Scheme'. A copy can be obtained from [the Council's Intranet](#).

19. Study Leave for Employees Under Sponsorship

Employees who have entered into an agreement with the Council for sponsored qualification training will be entitled to pre-examination study leave. The current entitlement is a maximum of one day per examination and a maximum of three days per academic year (*subject to change*). Additional time off to attend residential's, field work, or examinations should be negotiated with the employee's Manager/Head of Department.

20. Time to Train

From the 6 April 2011, the right for time out of the workplace to train was extended to include all employees, not just young people. Employees have a statutory right to make an application to undertake study or training which, will improve their effectiveness in their job, and the performance of the Council. This does not need to result in a formal qualification and can include shadowing a work colleague. There is no right to be paid for any time needed outside of the workplace, and any request should be made in writing to the employee's Assistant Director/Head of Department for consideration in consultation with Human Resources.

21. Other Types of Leave

It is essential that an employee gains authorisation to take leave from the workplace for the right reason. There are several types of authorised leave available, and further advice on the following can be found on [the Council's Intranet](#).

- Maternity leave (*Maternity Policy*)
- Paternity leave (*Maternity Policy*)
- Adoption leave (*Maternity Policy*)
- Parental leave (*Guidance on Parental Leave and Time off for Dependants*)
- Time off for dependants (*Guidance on Parental Leave and Time off for Dependants*)
- Flexible working hours scheme.

22. Unauthorised Absence

In all cases where absence is needed from the workplace, an employee must seek approval from their line manager or Head of Department. The only exception is when an employee is absent due to ill health, and the sickness reporting procedure outlined in the Council's Sickness Absence Policy should be followed.

Where an employee has not gained authority to be absent, and fails to attend the workplace, it will be classed as 'unauthorised absence'. An employee who is unauthorised to be absent from work may not be paid for the period of absence and could be subject to disciplinary action.

23. Further Guidance

In most cases, the Policies and Procedures referred to are available via [the Council's Intranet](#). However, if the employee does not have access to [the Council's Intranet](#) or

would like further advice or guidance, they should not hesitate to contact a member of Human Resources.

HUMAN RESOURCES & COUNCIL TAX COMMITTEE 30 JULY 2024

REPORT OF ASSISTANT DIRECTOR OF PARTNERSHIPS

A.3 - 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 507.48 full-time equivalent (FTE) employees. The FTE figure equates to 752 workers in total (including casual workers and learners). This is made up of 420 full-time and 332 part-time staff.

The 'Grow Our Own' approach for staff to gain professional qualifications in hard to recruit areas will continue. The organisation's sponsorship programme for qualifications will continue and apprenticeships will be utilised whenever possible. Apprenticeships up to and including Level 7 (post graduate level) are increasingly available and can be funded via the organisation's Levy, through 'levy sharing' or from the government's co-investment scheme.

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

Over the last 12 months, officers have been working to achieve degrees in the following areas:

- Chartered Housing
- Chartered Surveying
- Chartered Management
- Digital & Technology Solutions
- Accountancy
- Building Control
- Planning.
-

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.

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 contents 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. Tending 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 16 July 2024 (b) Human Resources & Council Tax Committee 30 July 2024	
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.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
The local union branch executive is consulted on all staff change management programmes and is regularly updated on the authority's staffing levels.	
EQUALITIES	
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.	
SOCIAL VALUE CONSIDERATIONS	
<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>	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
This report has no direct implication on the Council's aspiration to be net zero by 2030.	
OTHER RELEVANT IMPLICATIONS	
Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.	
Crime and Disorder	Not applicable
Health Inequalities	Employment is known to be a significant factor supporting the health of individuals. The Council as a major employer in the area contributing to the wider determinants of health.
Area or Ward affected	Not applicable
ANY OTHER RELEVANT INFORMATION	
There are no background papers associated with this report.	

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In April 2024 the Payroll and Human Resources teams implemented a new integrated Payroll and HR software package called iTrent which is supported by MHR. This replaced the previous software solution provided by Iris FMP TeamSpirit. Along with other functions, the new database monitors the workforce, capturing data on all 'employees' which includes Career Track Learners and workers on Casual contracts.

The absence data used for this report was produced from the previous Absence Database. For all future Workforce Update Reports, the data will be produced from the new Payroll and HR system, which will enable more in-depth and extensive analysis.

Workforce Statistics

The Council's workforce of 752 staff (*of which, 574 are fully contracted staff, 14 are Apprentices in full-time employment, and 164 staff are engaged on a casual basis*).

Of our workforce, 437 are female* (58%) and 315 are male* (42%).

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

Of the total workforce of 752, Tendring currently employs/engages 420 full-time staff. The gender balance of the full-time staff is: 205 males* (49%), 215 females* (51%), and 110 males* (33%) and 222 females* (67%) for the remaining 332 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 2023/24 have been calculated in line with the regulations set out in the gender pay gap reporting legislation using a snapshot date of 31 March 2023.

We are pleased to report that, at the time of production, the figures demonstrated that our gender pay gap remained significantly lower than the most recently reported UK average 14.9% (ONS October 2021).

Tendring's figures for 2023/24 are as follows: -

The male* mean** hourly rate is 8.2% (£1.24) higher than the female* mean hourly rate.

The male* median*** hourly rate is 1.2% (£0.15) higher than the female* median hourly rate.

***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: -

- The ratio of M to F at quartile level is in keeping with composition at an overall organisational level.
- 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 85. The highest proportion of staff falls within the 51 to 60 age brackets, with the next highest age range being 21 to 30 years. However, this is closely followed by the age range of 41 to 50 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 574 fully contracted staff (*excluding apprentices*), 9 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 Autumn 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, 9 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 2023/24 (*April 2023 – March 2024*) was 7.88 days absence per employee. Long-term absence was reported at 6.27 days and short-term absence at 1.61 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, CIPD Health and Wellbeing Report October 2023 details an average number of days' absence per employee of 7.8, and for the public sector it

is significantly higher at 10.6 days.

The table below indicates that the most frequent reason for absence during this sickness period is viral. It has been recognised that the 'other' reason for absence has been highly used and further analysis is required. In the new Payroll and HR system, more categories as reasons for absence have been included, therefore, there should be less use of 'other'.

Absence Reason	Number of Episodes
Back	5
Bones ie Broken/fracture	1
Chest	2
Depression	2
Eye, Dental, ENT	8
Genito/Urinary	3
Head	23
Heart	1
Muscle	10
Operation	16
Other	44
Pregnancy	2
Stomach	39
Stress	13
Viral	111
Total	280

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 3rd parties (*bulleted below*) to provide staff with a range of resources and training a number of Mental Health First Aiders, raising awareness amongst management and the general workforce.

- 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*);
- 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*);
- Provide (*a 'Community Interest Company' with a focus on health*).

As referenced in the Menopause Policy, a programme of support has been developed to support employees in this area, 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 –

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/bulletins/ethnicgroupenglandandwales/census2021>

Annual CIPD Health and Well being report October 2023 –

<https://www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/2023-pdfs/8436-health-and-wellbeing-report-2023.pdf>

APPENDICES

Appendix A – Staffing Data

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

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

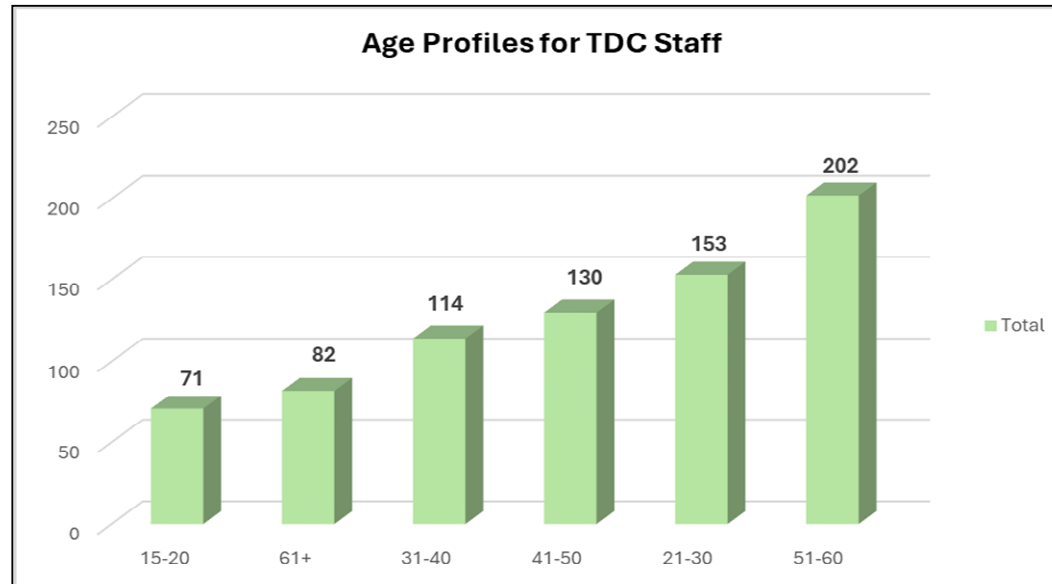
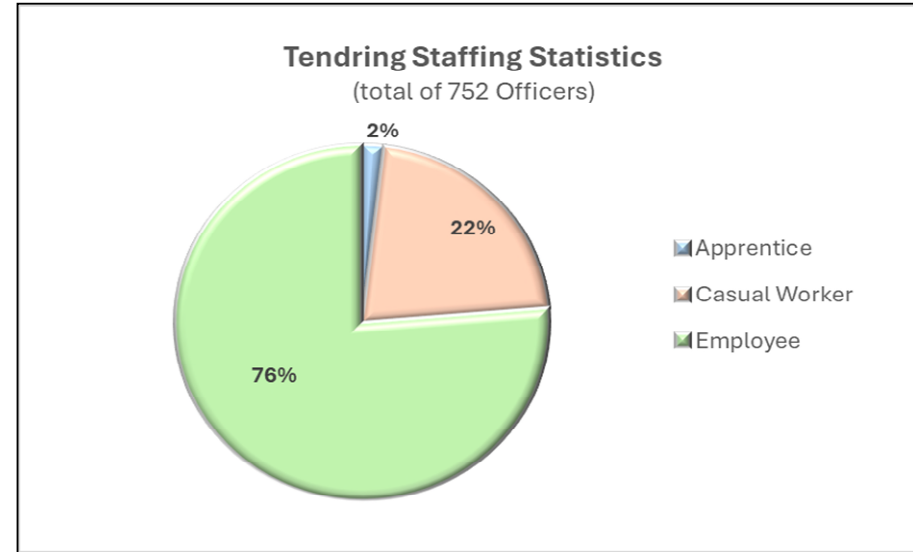
Name	Jo Williams-Lota
Job Title	HR Manager
Email/Telephone	Jwilliams-lota@tendringdc.gov.uk

Number of Employees (including Career Track Learners)

Total workforce	752	
Female	437	58%
Male	315	42%

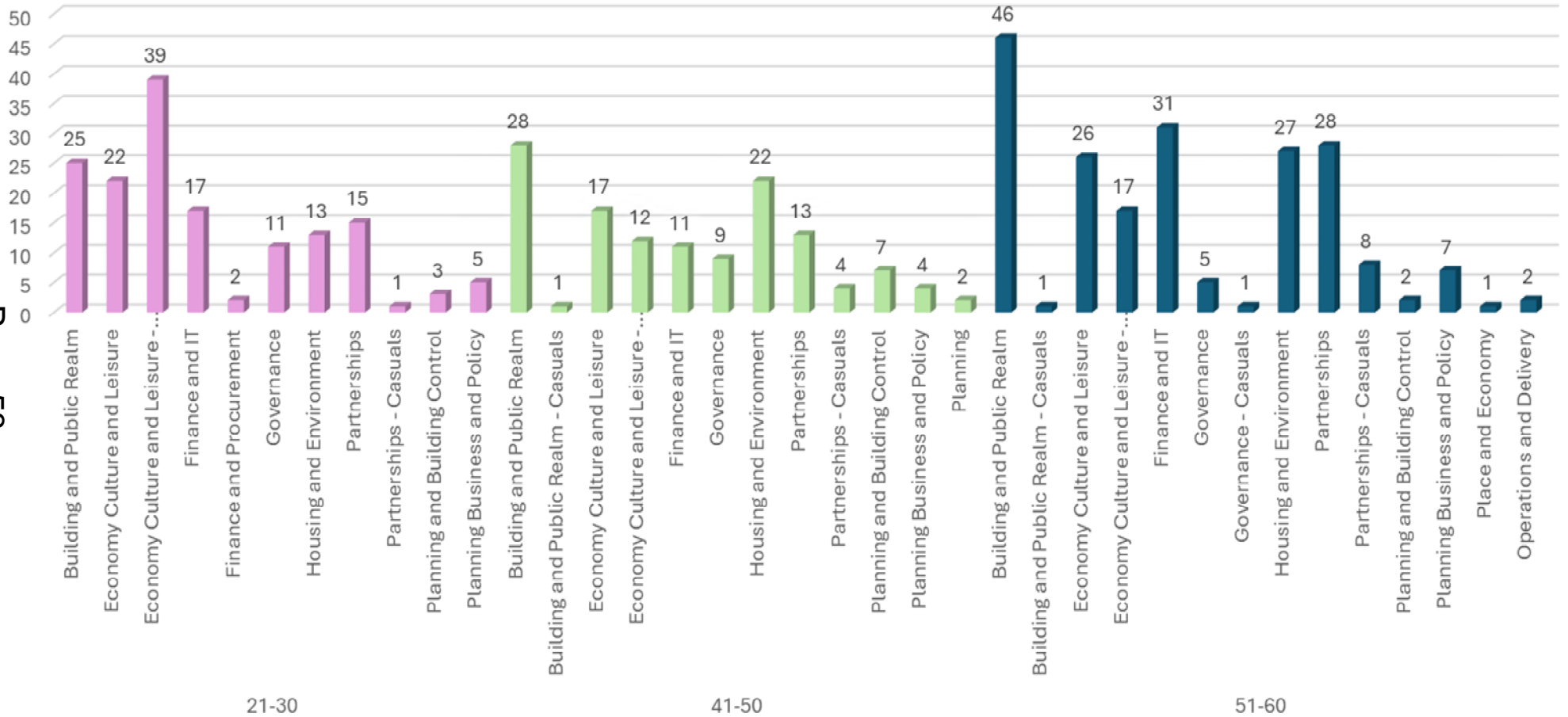
Full Time	420	
Female	215	51%
Male	205	49%

Part Time	332	
Female	222	67%
Male	110	33%



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

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HUMAN RESOURCES & COUNCIL TAX COMMITTEE
30 July 2024

REPORT OF ASSISTANT DIRECTOR OF PARTNERSHIPS

A.4 - MARKET FORCES POLICY UPDATE REPORT

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the revised Discretionary Market Forces Policy (*which has been updated in line with best practice and follows the advice and guidance of the East of England Local Government Association*) to the Human Resources & Council Tax Committee for approval.

EXECUTIVE SUMMARY

The Council is committed to the principles of equal pay for work of equal value. The National Job Evaluation and Grading Scheme provides an analytical and non-discriminatory method of evaluating jobs. However, there may be exceptional circumstances, explicitly due to labour market conditions, where the evaluated grade results in an inability to successfully recruit or retain suitable staff for specific jobs. In these exceptional circumstances, it may be appropriate for consideration to be given to the payment of a Market Forces Supplement to overcome this problem.

A Market Forces Supplement is an additional, temporary payment to the basic salary of an individual job or specific group of jobs where market pressures would otherwise prevent the Council from being able to recruit or retain staff with a particular skill or group of skills. It is an exceptional measure and will be taken only when other measures have been exhausted.

The Council views Market Forces Supplements as ‘Risk and Retention’ payments, in that these incentives are provided to employees in critical roles, aiming to retain these highly skilled staff, by compensating them according to job market conditions.

The Human Resources and Council Tax Committee have previously requested that Officers engage the services of the East of England Local Government Association (EELGA) to expand on the earlier Pay Review undertaken to carry out a comprehensive, service wide review of TDC’s pay structure as follows: -

- Across the whole staffing establishment (including Chief Officers), in the context of neighbouring (District) authorities and regionally.
- In the context of professional and technical areas – this will be an extension of the work already undertaken by EELGA and will also consider those areas in which Market Forces Supplements are currently applied.

Analysis of the benchmarking data indicates that the majority of roles are paid at a level in line with comparative roles in the East of England region. This aligns with the Council’s experience of recruitment and retention and indicates that the pay line is set at an appropriate level.

Similar to other local authorities, Tendring experiences recruitment and retention issues for some professional/technical roles and uses a Market Forces Supplement (MFS) Scheme in respect of those.

The Council's Discretionary Market Forces Policy was last updated in July 2021. To ensure its continued alignment with recognised best practice, the policy has been revised based on several recommendations from the EELGA review. These recommendations include the following: -

- Data on all Market Forces Supplements will be reported to the Council's Human Resources & Council Tax Committee annually to ensure regular monitoring of their use across the Council.
- When Market Forces Supplements are paid, they are time-limited and subject to rigorous review in line with market conditions.
- Proposals, including recommendations on the actual value of the Market Forces Supplement to be applied (*up to or equivalent to a maximum of one grade in the authority's salary structure*), will be included in the business case put forward for approval. This will depend on the market salary benchmarking undertaken.
- The cost of Market Forces Supplements will be met from service budgets.
- The Market Forces Supplement will be payable for two years. If, after 18 months, the Head of Service/Assistant Director believes further payment is necessary due to market conditions, they will conduct another comprehensive review. This review must be carried out no later than three months before the anticipated supplement end date.
- Should the review identify that there is no longer a need for the payment of a Market Forces Supplement, the HR Team will give the employee three months' notice that the supplement will be coming to an end, with no right of appeal.
- Finally, delegation for the approval of Market Forces Supplements will be afforded to the Head of Paid Service, in consultation with the Assistant Director of Partnerships and the Chair and Vice Chair of the Human Resources & Council Tax Committee.

RECOMMENDATION(S)

It is recommended that the Human Resources & Council Tax Committee: -

- a) **Approves and adopts the Council's updated Discretionary Market Forces Policy, noting the incorporated change in the approval process for future Market Forces requests, including the proposed delegation afforded to the Head of Paid Service, in consultation with the Assistant Director, Partnerships and the Chair and Vice Chair of the Human Resources & Council Tax Committee.**
- b) **Notes that the Human Resources team will keep a register of market supplements in payment and this will be reported to the Council's Human Resources & Council Tax Committee on an annual basis, to ensure regular monitoring of the use of market supplements across the Council.**

REASON(S) FOR THE RECOMMENDATION(S)

Failure to adopt a robust mechanism for addressing skills shortages in technical and specialist areas

jeopardises the authority's ability to meet service needs.

Furthermore, the Council must adhere to good practice when applying Market Forces Supplements, ensuring they are used only when clear evidence of need exists. Failure to do so may lead to equal pay challenges under the Equal Pay Act 1970

ALTERNATIVE OPTIONS CONSIDERED

While the authority has the option to disregard the recommendations provided by EELGA regarding the application of Market Forces Supplements, however adopting these recommendations ensures that the authority continues to apply best practices in making these payments. Consequently, this approach mitigates the risks highlighted elsewhere in this report

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Positive people-related practices will ensure that high standards of conduct and commitment to service are observed by officers, thus contributing to the Corporate Plan 2024-28 priorities of 'Financial Sustainability and Openness' and 'Pride in Our Area and Services to Residents'.

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.

The National Job Evaluation Scheme measures the 'size,' nature, and level of a job (*not the person doing the job*) based on a series of factor levels. On this basis, its application protects the Council from the risk of 'equal pay' claims. Furthermore, The Council must comply with good practice in applying Market Forces Supplements and ensure that these are used only when there is clear evidence of the need. Failure to do so could again result in equal pay challenges under the Equal Pay Act 1970.

The Human Resources & Council Tax Committee have responsibility for the discharge of the Part II – miscellaneous functions as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and as detailed in Appendix 1 to Part 3 of the Constitution; including the 'decision-making on key Human Resource and Personnel issues not reserved by the Council or delegated to officers'. This extends to the agreement of key personnel policies, including those relating to Pay and Reward.

FINANCE AND OTHER RESOURCE IMPLICATIONS

This policy update incurs no additional cost to the authority, except for expenses related to the application of agreed Market Forces Supplements. It is envisaged that the cost of Market Forces Supplements will be met from service budgets. However, there may be occasion where costs may need to be financed via several routes, as agreed by the S151 Officer (*rather than just from the relevant service areas budget*), as some service areas would otherwise find themselves severely affected.

USE OF RESOURCES AND VALUE FOR MONEY

It is envisaged that this report does not require additional resources. However, the Human Resources

<p>team will be required to keep a register of Market Forces Supplements in payment and will trigger the review at the appropriate time.</p> <p>The following are submitted in respect of the indicated use of resources and value for money indicators:</p>	
<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>By ensuring best practice is applied to our people policies and procedures, including the application of Market Forces Supplements, the authority will ensure it attracts and retains the resources required to sustain high levels of service delivery for residents.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Regular monitoring of the workforce and review of the authority's people policies (<i>in line with recognised best practice</i>) also ensures compliance with employment legislation and NJC terms and conditions.</p>
<p>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.</p>	<p>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.</p> <p>Tendring District Council is also an 'Anchor' organisation; Anchors play a key role in shaping and developing the skills of the local workforce.</p>
<p>MILESTONES AND DELIVERY</p>	
<p>(a) Management Team 2 July 2024 (b) Human Resources & Council Tax Committee 30 July 2024 (c) Officer Decision 6 August 2024 (d) Publication to TDC intranet 3 September 2024</p>	
<p>ASSOCIATED RISKS AND MITIGATION</p>	
<p>Failure to have a robust mechanism for addressing skills shortages in technical and specialist areas places the authority's ability to meet service needs at risk.</p>	
<p>OUTCOME OF CONSULTATION AND ENGAGEMENT</p>	
<p>The local union branch executive has been consulted on these proposals and is fully supportive of the approach outlined in this report.</p>	
<p>EQUALITIES</p>	
<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, and victimisation, 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 in all its People policies and practices, which it extends to volunteers.</p> <p>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.</p>	

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 equality impact assessment, the conclusion is that the proposal does not impact the protected characteristics.

SOCIAL VALUE CONSIDERATIONS

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 commit the authority to being an advocate in these areas.

The Council is also an Anchor organisation. Anchor organisations are usually large organisations that are local to the place they operate and have the leverage to maximise social value through their role as workplace developers, employers and procurers, their core businesses (*for example, health and education*), and the linkages they have to the place they operate.

Finally, the Council seeks to promote growth and development opportunities for all within a community and ensure that they have access to opportunities to develop new skills and gain meaningful employment. This is further supported and evidenced via the organisation's commitment to apprenticeships and its Career Track service.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030

This report has no direct implication on the Council's aspiration to be net zero by 2030.

OTHER RELEVANT IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder	Not applicable
Health Inequalities	Tendring is a major employer in the District of Tendring and employs 530 staff. Employment is a significant factor in supporting good health and contributes to the wider determinants of health agenda.
Area or Ward affected	Not applicable

ANY OTHER RELEVANT INFORMATION

N/A

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The introduction of the National (*Single Status*) Job Evaluation and Grading Scheme (*developed jointly by National Employers and Trade Unions*) provided an analytical and non-discriminatory

method of evaluating jobs in Local Government. The Scheme measures the 'size,' nature, and level of a job (*not the person doing the job*), based on a series of factor levels such as, knowledge and skills, responsibilities, physical effort and working conditions (**13 factors in total**).

The Council worked with EELGA last year to carry out an independent review of its 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 our employment offer and expanding our well-established "grow our own" ethos. These options have been considered as part of the Senior Management restructuring.

The Council later commissioned EELGA to undertake a secondary piece of work to carry out a comprehensive, service wide review of TDC's pay structure. Analysis of the benchmarking data indicates that the majority of roles are paid at a level in line with comparative roles in the East of England region. This aligns with the Council's experience of recruitment and retention and indicates that the pay line is set at an appropriate level.

In common with other local authorities, the authority may experience recruitment and retention issues for some professional/technical roles and uses a Market Forces Supplement (MFS) Scheme in respect of those roles.

Market supplements are payments made in exceptional circumstances and applied to an individual job role (or group of roles) in addition to the basic salary established through the job evaluation process. They are paid when it has been demonstrated that the total reward package offered by the Council is not sufficient to attract, recruit and retain employees because of labour market forces. The total reward package which will be used when making comparisons with the market includes basic salary plus all other benefits (e.g. annual leave, pension, sick pay provisions).

The Council will follow a clear and consistent procedure for the determination, implementation and review of market supplements which ensures that:

- A clear and demonstrable business case exists;
- All market supplement payments will be time-limited and subject to review on a regular basis and varied or removed as necessary;
- An objective assessment of appropriate evidence has been carried out;
- All other methods, approaches and potential other reasons have been fully explored, before a market supplement is considered;
- The rationale for the use of a market supplement is clearly and consistently recorded and reported;
- The Council meets its obligations under equal pay legislation and maintains the overall integrity of its pay and grading structure.

Where a market supplement is agreed for a specific post or group of posts, all existing, as well as newly recruited post holders in the relevant job will be eligible for the market supplement if they occupy exactly the same role with the same terms, conditions, and job profile unless there is clear objective justification not to do so.

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

Report of the Assistant Director (Partnerships) - A.5 - Discretionary Market Forces Policy Review: [Agenda for Human Resources and Council Tax Committee on Wednesday, 7th July, 2021, 7.30 pm \(tendingdc.gov.uk\)](#)

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

N/A

APPENDICES

Appendix A – Discretionary Market Forces Policy

REPORT CONTACT OFFICER(S)

Include here the Name, Job Title and Email/Telephone details of the person(s) who wrote the report and who can answer questions on the content.

Name	Katie Wilkins
Job Title	Head of People
Email/Telephone	kwilkins@tendringdc.gov.uk

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DISCRETIONARY MARKET FORCES POLICY

Issued by - Human Resources
Updated – June 2024



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TENDRING DISTRICT COUNCIL

DISCRETIONARY MARKET FORCES POLICY

POLICY STATEMENT

The Council is committed to the principles of equal pay for work of equal value. The National Job Evaluation and Grading Scheme provides an analytical and non-discriminatory method of evaluating jobs. However, there may be exceptional circumstances, due to labour market conditions, where the evaluated grade results in an inability to successfully recruit or retain suitable staff for specific jobs. Under these exceptional circumstances, it may be appropriate to consider the payment of a Market Forces Supplement as a solution to this problem.

1. INTRODUCTION

This policy has been developed to ensure the Council has a clearly defined approach to applying Market Forces Supplements when a genuine business need arises. It also complies with the legal requirement that employers have objective justification if they offer different rates of pay to staff whose work is of equal value.

2. DEFINITION OF MARKET FORCES SUPPLEMENTS

A Market Forces Supplement is an additional, temporary payment to the basic salary of an individual job or specific group of jobs where market pressures would otherwise prevent the Council from being able to recruit or retain staff with a particular skill or group of skills.

The Council views Market Forces Supplements as 'Risk and Retention' payments, in that these incentives are provided to employees in critical roles, aiming to retain these highly skilled staff, by compensating them according to job market conditions.

3. EVIDENCE REQUIRED TO DEMONSTRATE MARKET FORCES MAY BE APPROPRIATE

Heads of Service/Assistant Directors must seek the consent of their Management Team member before any investigation can be undertaken (*including establishing potential budget provision*).

A Market Forces Supplement can therefore only be considered when a **comprehensive** business case is put forward by a Head of Service/Assistant Director (*personal/employee submissions are specifically prohibited*) and there has been rigorous **evaluation** of the evidence put forward. Examples of the type of evidence required are as follows:

- Pay data comparison for similar posts with other Local Authorities using Regional Employers pay profiles wherever possible, or a local survey of at least 5 authorities in the area with a similar post.
- Confirmation that at the top of the job evaluated grade for an identical or similar post, our salary is at least three standard increments lower based on the maximum salary.
- Any evidence that there is a **significant recruitment or retention risk**, e.g. national skills shortage data, higher than normal turnover.
- Confirmation that the requirements (*qualifications and experience*) set out in the advertisement and person specification are **essential** to undertake the specified duties.
- Evidence of any unsuccessful recruitment campaigns, including details of the number of applications received and a brief explanation as to why each candidate was not called for an interview, or was not appointed.
- That in the case of a career graded post, the salary being paid matches the level of duties and responsibilities set out in the career grade, i.e. appropriate action has been taken to accelerate the grade if the criteria has been met.
- The estimated cost of **repetitive recruitment campaigns**.
- Consideration of alternative methods of service delivery.
- Details of all posts to be covered by any Market Forces Supplement, the costs involved, and a financial appraisal carried out in consultation between the Corporate Director/Assistant Director and Finance colleagues.
- Confirmation from the Corporate Director/Assistant Director that there is budget provision for any additional payment(s).

4. HOW THE SCHEME WILL OPERATE

The Head of Service/Assistant Director is responsible for compiling evidence in a set format (*as outlined above*) in consultation with Human Resources colleagues.

The Head of Service/Assistant Director should then forward proposals, including recommendations on the actual value of the supplement to be applied, (*up to, or equivalent to a maximum of one grade in the authority's salary structure*), to Management Team for **discussion** in line with the requirements outlined within this Policy.

Formal delegation for the approval of Market Forces Supplements rests with the Head of Paid Service, who will consult with the Assistant Director of Partnerships, as well as the Chair and Vice Chair of the Human Resources & Council Tax Committee when considering the request.

If agreed, the supplement should be **considered** for all identical posts and any other relevant post where, for example, supervisory differentials are inappropriate.

5. REVIEW OF MARKET FORCES SUPPLEMENTS

The supplement will be payable for two years. If, after 18 months, the Head of Service/Assistant Director believes further payment is necessary due to market conditions, they will conduct another comprehensive review. This review must be carried out no later than three months prior to the anticipated supplement end date.

If the Management Team supports the continued payment of a Market Forces Supplement, a formal report will be submitted to the Head of Paid Service for approval, in consultation with the Assistant Director of Partnerships and the Chair and Vice Chair of the Human Resources & Council Tax Committee.

~~Evidence from the review process will be submitted to Management Team for discussion, prior to the Head of Paid Service, in consultation with the Chairman of Human Resources & Council Tax Committee determining whether the supplement should be applied for an additional 12 months (taking to the maximum three-year period).~~

Withdrawal or variation of Supplement

Should the review identify that there is no longer a need for the payment of a Market Forces Supplement, the Human Resources team will give the employee three months' notice that the supplement will be coming to an end, with no right of appeal.

Where a Market Force Supplement is reduced or withdrawn, the Head of Service/Assistant Director will discuss with the employees concerned how the review was conducted and the key findings and market data to explain the rationale for the decision.

If it is agreed by the Head of Paid Service (*in consultation with the Assistant Director Partnerships and the Chair/Vice Chair of the Human Resources & Council Tax Committee*) that there is a continued organisational need/market justification for a supplement, the employee will be advised to this effect.

6. APPLICATION OF THE SCHEME

This scheme is discretionary and will not become part of the authority's standard employment terms and conditions for employees. Staff will not be permitted to submit their own case for a Market Forces Supplement, and the application of the

Policy is outside of the scope of the Grievance Procedure or any other appeal mechanism.

When Market Forces Supplements are paid, they are time-limited and subject to review.

Market Forces Supplements will be identified separately from basic salaries in all documentation and records, including pay slips.

Market Forces Supplement payments will be subject to the following criteria: -

- Will be subject to pension, tax and national insurance contributions.
- Will be paid pro-rata for part-time employees.
- Will be included in calculations for the purposes of other payments such as maternity/adoption, paternity and sick pay.

Where an employee who is in receipt of a Market Forces Supplement moves to another role within the Council that does not attract such a payment, the supplement will cease from the date they start their new role.

It is envisaged that the cost of Market Forces Supplements will be met from service budgets. However, there may be occasion where costs may need to be financed via several routes, as agreed by the S151 Officer (*rather than just from the relevant service areas budget*), as some service areas would otherwise find themselves severely affected.

7. MONITORING & REVIEW

Data on all Market Forces Supplements will be reported to the Council's Human Resources & Council Tax Committee on an annual basis to ensure regular monitoring of the use of Market Forces Supplements across the Council.

The Human Resources team will keep a register of Market Forces Supplements in payment and will trigger the review at the appropriate time. As above, all Market Forces Supplements will be subject to Head of Service/Assistant Director review every two years on a rolling basis, or earlier, if it is considered that a pay award or market trends close the pay gap significantly. Reviews will require the submission of a further business case, as outlined above.

8. CONCLUSIONS

It is essential that this Discretionary Market Forces Policy be applied with absolute integrity and transparency. Employee confidence in our pay structure would be weakened if decisions were made without sound evidence of a Market Forces issue that could not be resolved in any other way.

Heads of Service/Assistant Directors must take responsibility for ensuring this and that the expectations of staff are not raised unjustifiably. – ~~staff should not be allowed to believe that all they have to do is apply for other jobs to receive the additional payment.~~