



HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

AGENDA

DATE:	Monday, 24 February 2025
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: Friday, 14 February 2025

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 7 - 12)

To confirm and sign as a correct record, the minutes of the last meeting of the Committee, held on Tuesday, 30 July 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 Director (Finance & IT) - A.1 - Formal Confirmation of Council Tax Amounts for 2025/26 Following the Notification of the Precepts from the Major Precepting Authorities (Pages 13 - 24)

To set out the seek confirmation of the final Council Tax amounts for 2025/26 including the precepts issued for 2025/26 by Essex County Council, Essex Fire and Essex Police.

6 Apprenticeship Update - Verbal Update

The Committee will receive an oral update regarding the Council's Apprenticeship provision services.

7 Report of the Head of People - A.2 - Update on Review of Changes to the Chief Executive's Terms and Conditions (Pages 25 - 34)

To inform the Human Resources & Council Tax Committee of the findings from the review of the previously agreed changes to the Chief Executive's terms and conditions, conducted by the Human Resources Sub-Committee Panel during its meeting on 8 August 2024 (Minute 9 refers).

To notify the Human Resources and Council Tax Committee of the Leader of the Council's proposal to reinstate the Chief Executive's full-time working hours in light of the significant demands of Devolution and Local Government Reorganisation.

8 Report of the Head of People - A.3 - Pay Policy Statement 2025/26 (Pages 35 - 54)

To present the Council's draft Pay Policy Statement 2025/26 for recommendation onto Full Council for approval and adoption.

9 Report of the Head of People - A.4 - Fostering Friendly Policy (Pages 55 - 64)

To present to the Human Resources and Council Tax Committee the development of the Council's Fostering Friendly Policy, ensuring alignment with identified best practice and contributing to the authority's obligations under Social Value legislation.

10 Report of the Head of People - A.5 - Workforce Update report (Pages 65 - 74)

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

11 Report of the Director (Law & Governance) & Monitoring Officer - A.6 - Human Resources Committee and Arrangements for Statutory Officer and Non-Statutory Chief Officer Appeals (Pages 75 - 86)

To seek approval of the proposed amendments to the Terms of Reference of the Human Resources Committee to include the determination of Appeals of Chief Officers for recommendation onto Full Council, together with a recommendation to establish a Chief Officer Employment Appeals Sub-Committee and to review the Council's HR Policies and Procedures, to ensure they are consistent with the changes concerning appeals processes.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Human Resources and Council Tax Committee is to be held in the at Time Not Specified on Date Not Specified.

Information for Visitors

FIRE EVACUATION PROCEDURE

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

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**MINUTES OF THE MEETING OF THE HUMAN RESOURCES AND COUNCIL TAX
COMMITTEE,
HELD ON TUESDAY, 30TH JULY, 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, Baker, Morrison and G Stephenson
In Attendance:	Katie Wilkins (Head of People), Carol Magnus (Organisational Development Manager), Jo Williams-Lota (Human Resources Manager), Madeline Adger (Leadership Support Manager) and Bethany Jones (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was given by Councillor Guglielmi (with no substitution).

2. MINUTES OF THE LAST MEETING

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

RESOLVED that the minutes of the last meeting of the Committee, held on Monday, 26 February 2024, be approved as a correct record and be signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

4. 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.

5. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.1 - PEOPLE STRATEGY

The Committee heard that the organisation's People Strategy had been updated following the adoption of the Corporate Plan 2024 to 2028. The Strategy complemented the Corporate Plan and provided the underpinning for a number of other key strategies. It set out the organisation's approach for ensuring it was an 'employer of choice' within the District, that it followed the required employment legislation and best practice, and that it supported its staff to enable them to perform their duties professionally and with confidence.

Members were told that the Strategy recognised the increasingly complex context within which Tendring District Council carried out its work and placed a focus on 'getting basics right'. That included a focus on core mandatory training, increased expectation that staff would 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.

Officers informed the Committee that the Strategy used the framework of the employee life cycle (Joining, Staying and Leaving) with a number of subheadings within each stage.

The Committee noted that the adoption of the People Strategy would set the focus and priorities for the next five years. It had realistic targets which recognised the current climate, and which sought to ensure the organisation's workforce was in the strongest possible position for whatever challenges came along in the coming years.

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

RESOLVED that the Human Resources and Council Tax Committee endorse the adoption of the People Strategy 2024 to 2029.

6. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.2 - LEAVE POLICY

The Committee heard that Tendring District Council was committed to developing and maintaining working arrangements that enabled employees to achieve a better work-life balance. Annual leave and other types of leave were important elements in achieving a positive approach to work.

Members were told that there were several types of leave entitlement, and that it was essential that an employee gained authorisation for the type of leave that best suited their need for absence from the workplace. All requests for leave would be dealt with fairly and consistently, in accordance with the Council's Equality and Diversity Policy (*Employment*).

Officers informed the Committee that the updated policy incorporated the new provision for time off for Carers which had been introduced in April 2024. The new provision was intended to allow employees time to provide or arrange care for a dependent with a long-term care need.

The background section of the Officer report (A.2) contained a detailed summary of the key policy changes.

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

The Committee was also told that the purpose of the Officer report was 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.

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

RESOLVED that the Human Resources and Council Tax Committee:

- a) endorses and adopts the Council's updated Leave Arrangements for Employees Policy; and,
- 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.

7. REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.3 - WORKFORCE UPDATE REPORT

The Committee heard that the analysis of workforce data provided Members with statistics relating to the staff employed within the Council and how that compared to the Tendring District and national averages. It was a standard report that was provided to the Human Resources and Council Tax Committee periodically.

Members were told that, at the time of writing, Tendring District Council had 507.48 full-time equivalent (FTE) employees. The FTE figure equated to 752 workers in total (including casual workers and learners). That was made up of 420 full-time and 332 part-time staff.

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

The Committee was reassured that, as previously reported, amongst the fully contracted staff, there were a number of employees who were undertaking external apprenticeships, including those at degree level (Level 6) and above.

Members noted that over the last 12 months, Officers had been working to achieve degrees in the following areas:

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

The above were only examples; the list was not exhaustive.

The Committee was also told that Tendring District Council had always encouraged organic progression (*growing our own*). However, TDC had several vacancies (*technical and non-technical*) that remained unfilled due to a lack of suitable candidates.

Officers also informed Members that some posts required qualified individuals that were increasingly scarce or where the market attracted higher pay scales than those currently

adopted by Tendring District Council. That could have a detrimental impact on the retention of the Council's existing staff and future recruitment opportunities.

The Committee was reminded that, the Council had worked with the EELGA last year to carry out an independent review of our pay structure. That had led to some options to support the best use of the NJC pay spine in alignment with the employment market. Those had included, salary and benefits benchmarking, improved marketing of vacancies and employment offer and expanding TDC's well-established "grow your own" ethos. Those options had been considered as part of the Assistant Director change programme.

Members were notified that the commitment of Tendring District Council employees 'to go the extra mile' had continued despite the challenges identified above and should be noted.

It was **RESOLVED** that the Human Resources & Council Tax Committee notes the contents of the Officer report (A.3).

8. **REPORT OF THE ASSISTANT DIRECTOR (PARTNERSHIPS) - A.4 - MARKET FORCES POLICY UPDATE REPORT**

The Committee heard that the Council was committed to the principles of equal pay for work of equal value. The National Job Evaluation and Grading Scheme had provided an analytical and non-discriminatory method of evaluating jobs. However, there could be exceptional circumstances, explicitly due to labour market conditions, where the evaluated grade resulted in an inability to successfully recruit or retain suitable staff for specific jobs. In those exceptional circumstances, it might be appropriate for consideration to be given to the payment of a Market Forces Supplement to overcome the problem.

Members were told that a Market Forces Supplement was 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 was an exceptional measure and would be taken only when all other measures had been exhausted.

Officers informed the Committee that the Council viewed Market Forces Supplements as 'Risk and Retention' payments, in that those incentives were provided to employees in critical roles, aiming to retain those highly skilled staff, by compensating them according to job market conditions.

The Committee was reminded that the Human Resources & Council Tax Committee had previously requested that 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 followed:-

- Access the whole staffing establishment (including Chief Officers), in the context of neighbouring (District) authorities and regionally.

-
- In the context of professional and technical areas – that 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 reassured that analysis of the benchmarking data had indicated that the majority of this Council's roles were paid at a level in line with comparative roles in the East of England region. That had aligned with the Council's experience of recruitment and retention and indicated that the pay line was set at an appropriate level.

Members noted that, similar to other local authorities, Tendring had experienced recruitment and retention issues for some professions/technical roles and had used a Market Forces Supplement (MFS) Scheme in respect of those.

The Committee was also told that the Council's Discretionary Market Forces Policy had been last updated in July 2021. To ensure its continued alignment with recognised best practice, the policy had been revised based on several recommendations from the EELGA review. Those recommendations had included the following:-

- Data on all Market Forces Supplements would 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 were paid, they were 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*), would be included in the business case put forward for approval. That would depend on the market salary benchmarking undertaken.
- The cost of Market Forces Supplements would be met from service budgets.
- The Market Forces Supplement would be payable for two years. If, after 18 months, the Head of Service/Assistant Director believed further payment was necessary due to market conditions, they would conduct another comprehensive review. That review must be carried out no later than three months before the anticipated supplement end date.
- Should the review identify that there was no longer a need for the payment of a Market Forces Supplement, the HR Team would give the employees three months' notice that the supplement would be coming to an end, with no right of appeal.
- Finally, delegation for the approval of Market Forces Supplements would be afforded to the Head of Paid Service, in consultation with the Assistant Director (Partnerships) and the Chairman and Vice-Chairman of the Human Resources & Council Tax Committee.

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

RESOLVED 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 Chairman and Vice-Chairman of the Human Resources & Council Tax Committee and that information will be passed to the Committee for information purposes; and
- 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.

The meeting was declared closed at 8.13 pm

Chairman

HUMAN RESOURCES AND COUNCIL TAX COMMITTEE

24 FEBRUARY 2025

REPORT OF DIRECTOR FINANCE AND IT

A.1 FORMAL CONFIRMATION OF COUNCIL TAX AMOUNTS FOR 2025/26 FOLLOWING THE NOTIFICATION OF THE PRECEPTS FROM THE MAJOR PRECEPTING AUTHORITIES

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To set out and seek confirmation of the final Council Tax amounts for 2025/26 including the precepts issued for 2025/26 by Essex County Council, Essex Fire and Essex Police.

EXECUTIVE SUMMARY

At its meeting on the 11 February 2025, Council considered the Executive's Budget and Council Tax proposals for 2025/26 and as part of this process the Council Tax for District and Parish / Town Council Services was approved.

Once the precepts are received from the major precepting authorities, the Human Resources and Council Tax Committee has the delegated responsibility to agree the total Council Tax for 2025/26.

The total Council Tax for the year is made up of the District and Parish / Town Council amounts approved by Council on 11 February 2025 and the corresponding amounts agreed by the major precepting authorities. Legislation requires this formal confirmation even though the process is dictated by legislative formulae and there is no actual judgement or choice to be made.

The precepts from the major precepting authorities for 2025/26 result in the final Council Tax amounts, as set out in **Appendix C**, for formal confirmation by the Committee.

RECOMMENDATION(S)

It is recommended that:

(a) The precepts issued by Essex County Council, Essex Fire and Essex Police set out in Appendix A attached to this report are noted; and

(b) that the amounts of Council Tax for 2025/26 shown at Appendix C for each of the categories of dwellings are confirmed.

REASON(S) FOR THE RECOMMENDATION(S)

To confirm the Council tax amounts for 2025/26 in accordance with the Local Government Finance Act 1992.

ALTERNATIVE OPTIONS CONSIDERED

The alternative option would be for this to be agreed at full Council, but the timing of this decision would require a change to our usual timetable for Council meetings.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Confirmation of the council tax amounts is the final step in the Council's budget setting process and will therefore have direct implications for the Council's ability to deliver on its objectives and priorities. Council tax income is a key income stream in the Council's financial forecast which seeks to establish a sound and sustainable budget year on year through maximising income whilst limiting reductions in services provided to residents, businesses and visitors where possible.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The arrangements for setting and collection of council tax are defined in the Local Government Finance Act 1992.

The confirmation of the council tax amounts following the receipt of precepts from the major precepting authorities is delegated to the Human Resources and Council Tax Committee (Delegated Powers Part 3.21).

FINANCE AND OTHER RESOURCE IMPLICATIONS

This report forms part of the Council's budget setting process and follows on from the final budget proposals agreed by Full Council on 11 February 2025. The implications of the wider budget proposals are set out in that report.

The impact on the Council's financial position if this decision is delayed are set out in the section on Associated Risks and Mitigations.

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;	This is the final step in the budget/council tax setting process, these issues were covered in detail in the report A1 Executive's Proposals - General Fund Budget and Council Tax 2025/26 which went to Council 11 February 2025.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	As above
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 above

MILESTONES AND DELIVERY

This reports forms part of the Council's wider budget setting process and follows the final

budget proposals agreed by Full Council on 11 February 2025. Following this decision the council tax bills can be prepared and dispatched.

ASSOCIATED RISKS AND MITIGATION

Legislation requires this formal confirmation even though the process is dictated by legislative formulae and there is no actual judgement or choice to be made.

The risk arises if this decision is either delayed or not made at all. The Council would have to continue meeting it's contractual and legislative financial commitments (including paying the precepts to the major precepting authorities) but without being able to collect Council Tax to cover these outgoing costs. This would cause serious financial difficulties.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Consultation on the Council's element of council tax takes place as part of the Council's approach to developing the budget and is set out in detail in the report A1 Executive's Proposals - General Fund Budget and Council Tax 2025/26 which went to Council 11 February 2025.

EQUALITY IMPLICATIONS

There are no direct implications regarding the confirmation of council tax amounts. However, the ability of the Council to appropriately address such issues will be strongly linked to its ability to fund relevant schemes and projects. The funding stream provided by council tax income significantly contributes to enabling the Council to deliver on these areas.

SOCIAL VALUE CONSIDERATIONS

There are no direct considerations that arise specifically from the confirmation of council tax amounts.

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

There are no direct implications regarding the confirmation of council tax amounts. However, this issue will be considered when relevant schemes and projects provided for within the budget are being approved.

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	No direct significant direct issues
Health Inequalities	No direct significant direct issues
Area or Ward affected	This affects all areas, the tax amounts for each Parish/Town area are set out in Appendices B and C.

ANY OTHER RELEVANT INFORMATION

None.

PART 3 – SUPPORTING INFORMATION

CONFIRMATION OF COUNCIL TAX AMOUNTS 2025/26 - AGGREGATION OF PRECEPTS

Although the calculation of the Council's Council Tax Requirement is a function of the full Council and may not be delegated, the final confirmation of the Council Tax amounts is delegated to the Human Resources and Council Tax Committee. Legislation requires this formal confirmation even though the process is dictated by legislative formulae and there is no actual judgement or choice to be made.

In respect of the Council Tax for District and Parish / Town Councils' Services for 2025/26, these were approved by Full Council on 11 February 2025 and are set out in **Appendix B**.

The Council Tax amounts for 2025/26 expressed as Council Tax Band D equivalents for each of the major precepting authorities are as follows:

Precepting Authority	Council Tax Amount	Increase
Essex County Council	£1,579.59	3.75%
Essex Fire Services	£87.57	5.99%
Essex Police Services	£260.37	5.66%

When added to the amounts relating to the District and Parish / Town Council Services as approved by Council on 11 February 2025, the average Band D Tax totals **£2,178.46** for 2025/26. **Appendix A** sets out the full precept details.

Appendix C sets out for confirmation the 2025/26 Council Tax amounts including the precepts from the major precepting authorities by property band for the unparished and parished areas of the district.

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

Executive's Proposals – General Fund Budget and Council Tax – 2025/26 - Item A.1 Council 11 February 2025.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

None

APPENDICES

Appendix A - Precepts on the Collection Fund

Appendix B - District and Parish/Town Council Tax Amounts 2025/26 (as approved by Council on 11 February 2025)

Appendix C - County, Fire, Police, District and Parish/Town Council Tax Amounts 2025/26

REPORT CONTACT OFFICER(S)	
Name	Richard Barrett
Job Title	Assistant Director Finance and IT
Email/Telephone	rbarrett@tendringdc.gov.uk 686521

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PRECEPTS ON THE COLLECTION FUND

2024/25			2025/26		
51,866.0		Council Tax Base	53,496.8		
Amount	Council Tax		Amount	Council Tax	Change in Tax
£'000	£		£'000	£	%
15,123	291.58	Total Net Budget	17,660	330.11	
(4,124)	(79.51)	Less Government Support/Business Rates	(5,637)	(105.37)	
10,999	212.07	Net District Council Expenditure	12,023	224.74	
(951)	(18.34)	Less Collection Fund (surplus)/deficit	(1,349)	(25.22)	
10,048	193.73	District Council Services	10,674	199.52	2.99%
9,396	181.17	District General Expenses	9,991	186.75	3.08%
652	12.56	District Special Expenses	683	12.77	1.67%
10,048	193.73	Council Tax Requirement (TDC)	10,674	199.52	2.99%
2,541	48.98	Parish Council Services	2,750	51.41	4.96%
12,589	242.71	Council Tax Requirement (incl. parishes)	13,424	250.93	3.39%
78,968	1,522.53	County Council Services	84,503	1,579.59	3.75%
4,285	82.62	Essex Fire Services	4,685	87.57	5.99%
12,781	246.42	Essex Police Services	13,929	260.37	5.66%
108,623	2,094.28	Total Average District Tax	116,541	2,178.46	4.02%

Band	Essex County Council £	Essex Fire Services £	Essex Police Services £
A	1,053.06	58.38	173.58
B	1,228.57	68.11	202.51
C	1,404.08	77.84	231.44
D	1,579.59	87.57	260.37
E	1,930.61	107.03	318.23
F	2,281.63	126.49	376.09
G	2,632.65	145.95	433.95
H	3,159.18	175.14	520.74

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DISTRICT AND PARISH/TOWN COUNCIL TAX AMOUNTS 2025/26

Band	A	B	C	D	E	F	G	H
Multiplier	(6/9)	(7/9)	(8/9)	(9/9)	(11/9)	(13/9)	(15/9)	(18/9)
Parished or Unparished Area								
Unparished Area:								
Clacton	139.92	163.24	186.56	209.88	256.52	303.16	349.80	419.76
Parishes of :								
Alresford	192.89	225.04	257.19	289.34	353.64	417.94	482.23	578.68
Ardleigh	178.12	207.81	237.49	267.18	326.55	385.93	445.30	534.36
Beaumont-cum-Moze	146.93	171.41	195.90	220.39	269.37	318.34	367.32	440.78
Great Bentley	221.83	258.81	295.78	332.75	406.69	480.64	554.58	665.50
Little Bentley	151.96	177.29	202.61	227.94	278.59	329.25	379.90	455.88
Bradfield	220.45	257.19	293.93	330.67	404.15	477.63	551.12	661.34
Brightlingsea	177.77	207.40	237.03	266.66	325.92	385.18	444.43	533.32
Great Bromley	175.45	204.69	233.93	263.17	321.65	380.13	438.62	526.34
Little Bromley	136.06	158.74	181.41	204.09	249.44	294.80	340.15	408.18
Little Clacton	179.69	209.63	239.58	269.53	329.43	389.32	449.22	539.06
Elmstead	178.16	207.85	237.55	267.24	326.63	386.01	445.40	534.48
Frating	162.21	189.24	216.28	243.31	297.38	351.45	405.52	486.62
Frinton and Walton	192.87	225.02	257.16	289.31	353.60	417.89	482.18	578.62
Harwich	161.63	188.57	215.51	242.45	296.33	350.21	404.08	484.90
Lawford	194.53	226.96	259.38	291.80	356.64	421.49	486.33	583.60
Manningtree	180.89	211.03	241.18	271.33	331.63	391.92	452.22	542.66
Mistley	177.13	206.66	236.18	265.70	324.74	383.79	442.83	531.40
Great Oakley	177.59	207.18	236.78	266.38	325.58	384.77	443.97	532.76
Little Oakley	164.37	191.76	219.16	246.55	301.34	356.13	410.92	493.10
Ramsey and Parkeston	187.66	218.94	250.21	281.49	344.04	406.60	469.15	562.98
St Osyth	186.35	217.40	248.46	279.52	341.64	403.75	465.87	559.04
Tendring	161.48	188.39	215.31	242.22	296.05	349.87	403.70	484.44
Thorpe-le-Soken	173.61	202.55	231.48	260.42	318.29	376.16	434.03	520.84
Thorrington	178.28	207.99	237.71	267.42	326.85	386.27	445.70	534.84
Weeley	157.99	184.33	210.66	236.99	289.65	342.32	394.98	473.98
Wix	180.25	210.29	240.33	270.37	330.45	390.53	450.62	540.74
Wrabness	145.82	170.12	194.43	218.73	267.34	315.94	364.55	437.46

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COUNTY, FIRE, POLICE, DISTRICT AND PARISH/TOWN COUNCIL TAX AMOUNTS 2025/26

Band	A	B	C	D	E	F	G	H
Multiplier	(6/9)	(7/9)	(8/9)	(9/9)	(11/9)	(13/9)	(15/9)	(18/9)
Parished or Unparished Area								
Unparished Area:								
Clacton	1,424.94	1,662.43	1,899.92	2,137.41	2,612.39	3,087.37	3,562.35	4,274.82
Parishes of:								
Alresford	1,477.91	1,724.23	1,970.55	2,216.87	2,709.51	3,202.15	3,694.78	4,433.74
Ardleigh	1,463.14	1,707.00	1,950.85	2,194.71	2,682.42	3,170.14	3,657.85	4,389.42
Beaumont-cum-Moze	1,431.95	1,670.60	1,909.26	2,147.92	2,625.24	3,102.55	3,579.87	4,295.84
Great Bentley	1,506.85	1,758.00	2,009.14	2,260.28	2,762.56	3,264.85	3,767.13	4,520.56
Little Bentley	1,436.98	1,676.48	1,915.97	2,155.47	2,634.46	3,113.46	3,592.45	4,310.94
Bradfield	1,505.47	1,756.38	2,007.29	2,258.20	2,760.02	3,261.84	3,763.67	4,516.40
Brightlingsea	1,462.79	1,706.59	1,950.39	2,194.19	2,681.79	3,169.39	3,656.98	4,388.38
Great Bromley	1,460.47	1,703.88	1,947.29	2,190.70	2,677.52	3,164.34	3,651.17	4,381.40
Little Bromley	1,421.08	1,657.93	1,894.77	2,131.62	2,605.31	3,079.01	3,552.70	4,263.24
Little Clacton	1,464.71	1,708.82	1,952.94	2,197.06	2,685.30	3,173.53	3,661.77	4,394.12
Elmstead	1,463.18	1,707.04	1,950.91	2,194.77	2,682.50	3,170.22	3,657.95	4,389.54
Frating	1,447.23	1,688.43	1,929.64	2,170.84	2,653.25	3,135.66	3,618.07	4,341.68
Frinton and Walton	1,477.89	1,724.21	1,970.52	2,216.84	2,709.47	3,202.10	3,694.73	4,433.68
Harwich	1,446.65	1,687.76	1,928.87	2,169.98	2,652.20	3,134.42	3,616.63	4,339.96
Lawford	1,479.55	1,726.15	1,972.74	2,219.33	2,712.51	3,205.70	3,698.88	4,438.66
Manningtree	1,465.91	1,710.22	1,954.54	2,198.86	2,687.50	3,176.13	3,664.77	4,397.72
Mistley	1,462.15	1,705.85	1,949.54	2,193.23	2,680.61	3,168.00	3,655.38	4,386.46
Great Oakley	1,462.61	1,706.37	1,950.14	2,193.91	2,681.45	3,168.98	3,656.52	4,387.82
Little Oakley	1,449.39	1,690.95	1,932.52	2,174.08	2,657.21	3,140.34	3,623.47	4,348.16
Ramsey and Parkeston	1,472.68	1,718.13	1,963.57	2,209.02	2,699.91	3,190.81	3,681.70	4,418.04
St Osyth	1,471.37	1,716.59	1,961.82	2,207.05	2,697.51	3,187.96	3,678.42	4,414.10
Tendring	1,446.50	1,687.58	1,928.67	2,169.75	2,651.92	3,134.08	3,616.25	4,339.50
Thorpe-le-Soken	1,458.63	1,701.74	1,944.84	2,187.95	2,674.16	3,160.37	3,646.58	4,375.90
Thorrington	1,463.30	1,707.18	1,951.07	2,194.95	2,682.72	3,170.48	3,658.25	4,389.90
Weeley	1,443.01	1,683.52	1,924.02	2,164.52	2,645.52	3,126.53	3,607.53	4,329.04
Wix	1,465.27	1,709.48	1,953.69	2,197.90	2,686.32	3,174.74	3,663.17	4,395.80
Wrabness	1,430.84	1,669.31	1,907.79	2,146.26	2,623.21	3,100.15	3,577.10	4,292.52

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HUMAN RESOURCES & COUNCIL TAX COMMITTEE

24 FEBRUARY 2025

REPORT OF HEAD OF PEOPLE

A.2 UPDATE ON REVIEW OF CHANGES TO THE CHIEF EXECUTIVE'S TERMS AND CONDITIONS *(Prepared by Katie Wilkins)*

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To inform the Human Resources & Council Tax Committee of the findings from the review of the previously agreed changes to the Chief Executive's terms and conditions, conducted by the Human Resources Sub-Committee Panel during its meeting on 8 August 2024 (Minute 9 refers).

To notify the Human Resources and Council Tax Committee of the Leader of the Council's proposal to reinstate the Chief Executive's full-time working hours in light of the significant demands of Devolution and Local Government Reorganisation.

EXECUTIVE SUMMARY

At its meeting on the 8 August 2024, the Human Resources Sub-Committee Panel received a report in respect of current terms and conditions of employment of the Chief Executive and, specifically, the reduced working hours (*of 27.75 hours per week*) approved by Council on 25 January 2022 (Minute 118 refers). The substantive post on the Council's establishment remains at 37 hours per week. In approving the reduced working hours arrangement for the post holder (Ian Davidson), Full Council determined that there should be annual reviews of the operation of the revised working hours arrangement.

In deciding to review the operation of the revised working hours arrangement for the current post holder, the Council did not specify the mechanism for this review. To advance this process, it was determined that the composition of the Human Resources Sub-Committee Panel, as established by the Council, along with their role outlined for the Sub-Committee in the Officer Employment Procedure Rules concerning Statutory Officers, constituted the most effective approach for conducting the review.

The Panel was composed of the Leader of the Council, the Deputy Leader of the Conservative Group and the Group Leader of the Independent Group (*and Chairman of the Human Resources and Council Tax Committee*). It also had the benefit of the presence and insight of Councillor Calver (*a member of the Labour Group and Vice Chairman of the Human Resources and Council Tax Committee*).

The special nature of the post of Chief Executive means that the terms and conditions are set by the Joint National Committee for Local Authority Chief Executives, as set out in the Chief Executives' Handbook, and locally agreed by Full Council, following the advice and recommendations of the Human Resources and Council Tax Committee.

To assist the Panel in undertaking the review, the Panel was presented with the statements of the former Leader of the Council, Councillor Neil Stock OBE, from the time of the original request to reduce the contractual working hours, as well as written representation from

Councillor John Spence CBE, Chairman of the Essex Health and Wellbeing Board. Additionally, the Panel was apprised of Mr Davidson's notable achievements during his tenure as the Council's Chief Executive, and reference was made to his nomination for an award from the Suffolk and North Essex Integrated Care System.

The Panel was also informed that, unless otherwise agreed, the Chief Executive remains fully committed to Tendring District Council, adhering to whole-time service, with specific operational arrangements coordinated with the Leader.

It was moved by Councillor Mark Stephenson, seconded by Councillor Carlo Guglielmi, and unanimously:

RESOLVED that:

- (i) the position in respect of terms and conditions of employment of the post holder be noted;
- (ii) the following outcome of the review undertaken by the Panel of the operation of the current terms and conditions of the post holder be reported to the Human Resources and Council Tax Committee:
 - (a) no alteration to the terms and conditions of employment was required and, as such, the current terms and conditions do not need to be amended;
 - (b) the annual review determined by Council on 25 January 2022 be discontinued on the basis that the exercise of the review appeared to have no identifiable value to the Council going forward and there was a separate annual appraisal process for the post holder undertaken by the Leader; and
 - (c) the thanks of the Panel for the valuable and enduringly positive contribution of the post holder to the Council be recorded.

Since the Human Resources Sub-Committee Panel reviewed the Chief Executive's terms and conditions of employment (*as outlined above*) Essex Devolution and Local Government Reorganisation (LGR) has been announced.

Devolution involves the transfer of powers and funding from central government to local authorities, enabling decisions to be made closer to the communities they affect.

Local Government Reorganisation, focuses on restructuring local government to create simpler, more efficient council structures. In Essex, this would involve replacing the current two-tier system, where services are split between Essex County Council and 12 city, borough, or district councils, with a number of unitary authorities responsible for all local services. This reorganisation aims to drive economic growth and deliver better public services by creating clearer accountability and more streamlined operations.

Essex has been agreed to be part of Phase 1 of this initiative, highlighting its commitment to these transformative changes. The process includes submitting interim plans, followed by full proposals, with the goal of establishing new unitary councils by 2028.

The Chief Executive's role is considered critical in the formation and implementation of these proposals for Tendring. Given his essential role, the Leader of the Council has requested that the Human Resources and Council Tax Committee review the previously agreed reduction to his working hours and endorse, (*also recommending to Full Council*) that this is reversed to support his continued leadership and involvement in these significant initiatives.

Also, following the decision of Full Council at its meeting on 21 January 2025, whereby Full Council 'mandates the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and north Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges' (Minute 94 refers).

RECOMMENDATION(S)

The Human Resources and Council Tax Committee:

- (a) note and endorse the request from the Leader of the Council to reinstate the Chief Executive's full time working hours in light of the demands of Devolution and Local Government Reorganisation;**
- (b) subject to (a) above, notes a special dispensation is required to alter the terms and conditions of employment of the Chief Executive (*due to the special nature of this role*) in relation to the Council's Flexible Retirement Policy and its application, which reinstates the Chief Executive's full-time working hours as soon as is practical;**
- (c) subject to (a) and (b) above, recommends that Full Council:**
 - I. considers the request from the Leader having been supported by the Human Resources and Council Tax Committee, to reinstate the Chief Executive's full-time working hours;**
 - II. agrees to grant the special dispensation to the Council's Flexible Retirement Policy and its application to the Chief Executive, in his role at this time due to Devolution and Local Government Reorganisation;**
 - III. subject to (i) and (ii) agrees the reinstatement to full time working hours as soon as is practical;**
 - IV. that the annual review as determined by Council on 25 January 2022 be discontinued on the basis that the exercise of the review is unnecessary, given that there is a separate annual appraisal process for the post holder undertaken by the Leader; and**
 - V. the thanks of the Council for the valuable and enduringly positive contribution of the post holder to the Council be recorded.**

REASON(S) FOR THE RECOMMENDATION(S)

Recommendation ((c) IV & V) are supported by the Human Resources Sub-Committee Panel following its review of the previously agreed modifications to the Chief Executive's terms and conditions of employment.

The committee considered that the annual appraisal process, conducted by the Leader of the Council, makes further formal review unnecessary. This approach aligns with statutory guidance on appraisals for the Chief Executive - the Chief Executive Handbook confirms that

the decision to appraise the Chief Executive's performance should be made locally, considering local circumstances. It also specifies that the appraisal can be carried out either by a small committee representing all political groups, or by a senior representative, or representatives of the controlling group.

Since the Human Resources Sub-Committee Panel reviewed the Chief Executive's terms and conditions of employment Essex Devolution and Local Government Reorganisation (LGR) has been announced. The Chief Executive's role is considered critical in the formation and implementation of these proposals for Tendring.

The terms and conditions of employment for the Chief Executive are approved by Full Council upon the recommendations of the Human Resources and Council Tax Committee (Part 3.10).

ALTERNATIVE OPTIONS CONSIDERED

If a review was not undertaken, this would be contrary to the decision of Full Council, which requested the review at its meeting on 25 January 2022.

The Human Resources & Council Tax Committee could choose not to support the request of the Leader to revisit the Chief Executive's working pattern, however for the reasons outlined in this report, the Chief Executive's role is considered critical in the formation and implementation of the Devolution/Local Government Reorganisation proposals for Tendring – ensuring that Tendring is put in the best possible place for both its residents and staff.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

A formal review of the Chief Executive's flexible working arrangements provides transparency for the residents of Tendring, therefore, contributing to the Corporate Plan 2024/28 priority of 'Financial Sustainability and Openness'.

In line with legislative changes and best practices, the Council has developed to enable more flexible ways of working; this includes enabling staff to request reductions in hours and varied work patterns, improving its ability to recruit talented individuals, and thus contributing to the Corporate Plan 2024/28 priority of 'Pride in our Area and Services to Residents'.

These policies encompass the Council's Flexible Working Policy and the Flexible Retirement Policy.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The role of the Head of Paid Service in a local Authority is governed by the Local Government and Housing Act 1989. According to Section 4 of this Act, every relevant local Authority must designate one of their officers as the Head of Paid Service. This position is crucial for ensuring the effective coordination and management of a local Authority's functions and staff.

The terms and conditions of employment for the Chief Executive are approved by Full Council upon the recommendations of the Human Resources and Council Tax Committee (*Part 3.10*).

The Chief Executive Handbook confirms that the decision on whether to appraise the Chief Executive's performance should be made locally, in light of local circumstances, and whether

the appraisal should be carried out by a small committee representing all political groups or by a senior representative or representatives of the controlling group.

Appendix 2 of the Handbook provides guidance on appraisals for the Chief Executive. While this review by the Committee is not an annual appraisal process (*which is managed by the Leader or Deputy Leader*), the guidance is of assistance in that it states the process should not be complex.

In deciding to review the operation of the revised working hours arrangement for the current post holder, the Council did not specify the mechanism for this review. To advance this process, it was determined that the composition of the Human Resources Sub-Committee Panel, as established by the Council, along with their role outlined for the Sub-Committee in the Officer Employment Procedure Rules concerning Statutory Officers, constituted the most effective approach for conducting the review process.

As part of the review, the Human Resources Sub-Committee Panel considered both the Chief Executive's leadership and his significant contribution to the continuous improvement of the Council and public services more broadly.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The cost of this arrangement can be met from existing budgets without any wider financial implications. The existing budget remains based on the post of the Chief Executive being full time (*37 hours per week*).

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expects the following matters to be demonstrated in the Council's decision-making:

- A. Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;
- B. Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and
- 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 such, outline the pertinent facts for the proposal in this section of the report.

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>Tendring District Council recognises that in the context of managing public resources, remuneration at all levels needs to be of an adequate level to secure and retain high-quality employees dedicated to the service of the public while ensuring value for money to the public purse.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>The Council is a best-value Authority and must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The</p>

	<p>Best Value Duty is relevant to local Authority duties to deliver a balanced budget, provide statutory services, and secure value for money in spending decisions.</p> <p>The role of Chief Executive is fundamental to achieving this.</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>The Council's ambition, through both its corporate plan and its people strategy is to contribute to building a more prosperous local community.</p>
<p>MILESTONES AND DELIVERY</p>	
<p>(a) Human Resources and Council Tax Committee: 24 February 2025 (b) Full Council 25 March 2025</p>	
<p>ASSOCIATED RISKS AND MITIGATION</p>	
<p>Successful recruitment and retention of the Chief Executive role is critical to the Council's effective running. By ensuring that the post has potential access to the Council's employment policies, it can remain attractive to high-quality personnel.</p>	
<p>OUTCOME OF CONSULTATION AND ENGAGEMENT</p>	
<p>The Human Resources Sub-Committee Panel concluded that, following their comprehensive review, no changes to the terms and conditions of employment are necessary. Additionally, the panel recommended discontinuing the annual review established by the Council on 25 January 2022, as a separate annual appraisal process for the post holder is conducted by the Leader.</p> <p>However, since the Human Resources Sub-Committee Panel reviewed the Chief Executive's terms and conditions of employment Essex Devolution and Local Government Reorganisation (LGR) has been announced.</p> <p>It is considered that the Chief Executive has a fundamental role in the formation and implementation of these proposals for the Tendring district.</p> <p>A comprehensive consultation has been conducted with the local Unison Branch Executive, who fully support the proposed amendment to the Chief Executive's working arrangements in light of Devolution/Local Government Reorganisation.</p>	
<p>EQUALITIES</p>	
<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <p>(a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act (b) Advance equality of opportunity between people who share a protected characteristic and those who do not (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that `marriage</p>	

and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The Council's personnel policies are fully inclusive, ensuring compliance with our public sector equality duty.

The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area.

As a major local employer, the Council strives to lead by example. This includes, following recognised best practices and keeping up to date with legislation.

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.

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.

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	N/A
Health Inequalities	N/A
Area or Ward affected	None directly.

ANY OTHER RELEVANT INFORMATION

Minutes of the Human Resources & Council Tax Committee Meeting 5 January 2022:
<https://tdcdemocracy.tendringdc.gov.uk/documents/g1930/Printed%20minutes%2005th-Jan-2022%2019.30%20Human%20Resources%20and%20Council%20Tax%20Committee.pdf?T=1>

Report:<https://tdcdemocracy.tendringdc.gov.uk/documents/s46204/A1%20Report%20->

[%20Terms%20and%20Conditions%20of%20Chief%20Executive.pdf](#)

Minutes of the Full Council Meeting 25 January 2022:

<https://tdcdemocracy.tendringdc.gov.uk/documents/g1918/Printed%20minutes%2025th-Jan-2022%2019.30%20Council.pdf?T=1>

Report: <https://tdcdemocracy.tendringdc.gov.uk/documents/s46529/A4%20Reference%20Report%20-%20Chief%20Executive%20Terms%20and%20Conditions.pdf>

Minutes of the Human Resources Sub-Committee Panel 8 August 2024:

<https://tdcdemocracy.tendringdc.gov.uk/documents/g2544/Printed%20minutes%2008th-Aug-2024%2015.30%20Human%20Resources%20Sub-Committee%20Panel.pdf?T=1>

Minutes of the Full Council Meeting 21 Jan 2025

<https://tdcdemocracy.tendringdc.gov.uk/documents/g2410/Printed%20minutes%2021st-Jan-2025%2019.30%20Council.pdf?T=1>

Report: <https://tdcdemocracy.tendringdc.gov.uk/documents/s72750/A1%20Report%20-%20Devolution%20and%20LGR%20proposals.pdf>

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The terms and conditions of employment for Chief Executives in local authorities are nationally agreed through the Joint Negotiating Committee for Local Authority Chief Executives. The last update to the Chief Executives' National Salary Framework and Conditions of Service occurred in September 2022. This handbook provides guidance for senior Elected Members and the Chief Executive when establishing a process for appraising the Chief Executive's performance.

The current post holder has been in their position since December 2010. In the intervening years, the Council's practices have evolved in alignment with legislative changes and best practices, allowing for more flexible work arrangements. This includes enabling staff to request reductions in hours and varied work patterns.

The Human Resources and Council Tax Committee, during its meeting on 5 January 2022 (Minute 79), considered a joint report from the Deputy Chief Executive and the Assistant Director (Partnerships). The report included a request from the current Chief Executive post holder to reduce their hours of employment by 25%.

Having considered the Chief Executive's request and its implications for this Council, it was resolved that the Committee:

- a) notes the request of the current Chief Executive to reduce his hours of employment from 37 hours to 27.75 hours.
- b) supports the request, acknowledging the reduction of the Chief Executive's availability and that additional cover will not be provided for the reduction in working hours; and
- c) recommends to Full Council that:

- i. the terms and conditions of the employment of the current Chief Executive shall be amended to 27.75 hours per week with effect from 31st March 2022;
- ii. this change be reviewed after an initial period of six months operation and then at twelve-month intervals following that; and
- iii. the post will remain at 37 hours on the Council's establishment.

Full Council later considered this matter at its meeting on 25 January 2022 (Minute 118 refers), and resolved that the Council approve:

- i. the terms and conditions of the employment of the current Chief Executive be amended to 27.75 hours per week with effect from 31st March 2022;
- ii. this change be reviewed after an initial period of six months operation and then at twelve-month intervals following that; and
- iii. the post will remain at 37 hours on the Council's establishment.

The terms of conditions of service of the Chief Executive are reserved to Full Council, as per the Constitution, following recommendations of the Human Resources and Council Tax Committee (Part 3.10), however, in requesting the review no process was set by Full Council.

At the time of the decision of Full Council no mechanism was articulated regarding the review, therefore, for the reasons outlined elsewhere in this report, it was proposed that the Human Resources Sub-Committee Panel conducted this review and following this, the Panel will report the outcome to the Human Resources and Council Tax Committee for their recommendation to Full Council.

Since the Human Resources Sub-Committee Panel reviewed the Chief Executive's terms and conditions of employment Essex Devolution and Local Government Reorganisation (LGR) has been announced. The Chief Executive's role is considered critical in the formation and implementation of these proposals for Tendring.

Therefore, in line with the mandate agreed by Full Council at its meeting 21 January 2025 that *'the Leader of the Council and Chief Executive to seek to ensure that the voice of Tendring (and north Essex more generally) is as strong as possible in any negotiations around devolution and local government reorganisation recognising its opportunities and challenges'*, the Leader of the Council has asked the Human Resources & Council Tax Committee to consider the reinstatement of the Chief Executive's full time working hours in light of the demands of Devolution and Local Government Reorganisation, whilst also granting a special dispensation to alter the terms and conditions of employment of the Chief Executive (*due to the special nature of this role*) in relation to the Council's Flexible Retirement Policy and its application.

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

Human Resources and Council Tax Committee - 5 January 2022
 Full Council - 25 January 2022
 Human Resources Sub-Committee Panel - 8 August 2024
 Full Council – 21 Jan 2025

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

Chief Officer Structure Chart.

APPENDICES
N/A

REPORT CONTACT OFFICER(S)	
Name	Katie Wilkins
Job Title	Head of People
Email/Telephone	kwilkins@tendringdc.gov.uk 01255 686315

HUMAN RESOURCES AND COUNCIL TAX COMMITTEE 24 FEBRUARY 2025

REPORT OF HEAD OF PEOPLE

A.3 PAY POLICY STATEMENT 2025/26

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the Council's draft Pay Policy Statement for 2025/26 for recommendation onto Full Council for approval and adoption.

EXECUTIVE SUMMARY

The Localism Act 2011, Chapter 8 (Pay Accountability) Section 38 and 39, requires the Council to prepare a Pay Policy Statement each year. The Pay Policy Statement must articulate the Council's approach to a range of issues relating to the pay of its workforce.

Schedule 2 of Part 3 of the Constitution confirms Full Council is responsible for the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

The Human Resources and Council Tax Committee has historically overseen the preparation of a draft Pay Policy statement for recommendation onto Full Council for approval and adoption.

Matters that must be included in the statutory Pay Policy Statement are 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 draft Pay Policy Statement 2025/26 therefore outlines the Council's approach to remuneration, detailing policies on the pay of Chief Officers and the lowest-paid employees, the relationship between different levels of pay, and the Council's adherence to the National Pay Grades set by the National Joint Council (NJC). This framework ensures a fair and transparent approach to remuneration, including incremental progression based on service length and performance.

The statement also covers discretionary allowances for statutory and non-statutory officers, the use of market forces supplements to address recruitment and retention challenges, and the Council's policies on organisational change and redundancy payments, pay protection, and access to the Local Government Pension Scheme.

Additionally, it sets out the Council's position on the provision of mileage and subsistence payments, and its policies for overtime and standby allowances. The document also emphasises transparency and compliance with statutory regulations, including gender pay gap reporting, off-payroll working rules and severance payments.

There is limited change reported in the 2025/26 draft Statement with the exception of the implementation of the 2024/25 pay award, (*following agreement between National Employers and National Unions*) whereby, there are further, notable changes at the lower to mid-end of the pay spine,

as follows: -

Effective from 1 April 2024:

- An increase of £1,290 (pro rata for part-time employees) will be added as a consolidated, permanent addition on all NJC pay points 2 to 43.
- A 2.50% increase on all pay points above 43.
- A 2.50% increase on all allowances.

The latest pay award means an employee on the bottom pay point in April 2021 (earning £18,333) will have received an increase in their pay of £5,323 (22.06%) over the three-year period to April 2024. For an employee at the mid-point of the pay spine (pay point 22), their pay will have increased over the same period by £5,140 (15.7%).

The document has been reviewed to ensure it remains legally compliant, reflects best practice, and maintains a high level of transparency for both staff and the residents of Tendring. Changes applied to the draft Pay Policy Statement in 2025/26 are highlighted throughout the document in red text.

The Human Resources and Council Tax Committee is requested to review and provide any comments on the draft Pay Policy Statement 2025/26 before its submission to Full Council.

As soon as is reasonably practicable after approving the draft Pay Policy Statement, this authority must publish the Statement. Therefore, this Statement will be published on the Council's website following approval by Full Council in March 2025.

RECOMMENDATION(S)

It is recommended to Human Resources & Council Tax Committee that:

the draft Pay Policy Statement 2025/26, set out in Appendix A, be recommended onto Full Council for approval and adoption.

REASON(S) FOR THE RECOMMENDATION(S)

In order to comply with the requirements of the Localism Act 2011, Section 38 and 39, the Council must adopt and publish an annual Pay Policy Statement.

ALTERNATIVE OPTIONS CONSIDERED

There is no alternative option to consider, as this is a statutory requirement that the Council must comply with.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Council's annual consideration and formal adoption of a Pay Policy Statement is part of the Council's Policy Framework and provides transparency for the residents of Tendring, therefore, contributing to the Corporate Plan 2024/28 priority of 'Financial Sustainability and openness'.

The framework identified in the Pay Policy Statement aims to ensure the ability of the Council to recruit talented individuals, thus contributing to the Corporate Plan 2024/28 priority of 'Pride in our area and services to residents'.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Schedule 2 of Part 3 of the Constitution confirms Full Council is responsible for the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

Sections 38 and 39 of the Localism Act 2011 require:

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

MONITORING OFFICER'S COMMENTS:

Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities in England was published by the Department for Levelling Up Housing and Communities (DHLUC) in May 2022. The guidance was issued under Section 26 of the Local Government Act 1999 and forms part of the best value regime. The best value duty, as set out in section 3 of the Local Government Act 1999 provides that "A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". The best value duty is relevant to local authorities to deliver a balanced budget, provide statutory services and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

The guidance sets out the government's position on the use of Special Severance Payments made by local authorities. Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payment in situations where the individual resigns, is dismissed, or agrees a termination of contract. Whether payments are regarded as Special Severance Payments will depend upon the individual particular circumstances, although the guidance does provide some examples for illustrative purposes only.

It is important to recognise that the guidance provides considerations for local authorities on potential Special Severance Payments in exercising its functions in accordance with the Best Value Duty and ensuring its policies are consistent with the Public Sector Equality Duty under the Equality Act 2010.

Local authorities are expected to publish their policy and process for approving these payments. Accordingly, the authority's draft Pay Policy Statement 2025/26 outlines the Council's statutory obligations regarding the award and approval of these payments.

The approval process for any Special Severance Payment is outside of the employment procedures for disciplinary action and dismissal, which are subject to their own legislation and are summarised in the Council's Officer Employment Procedure rules, as set out in Part 5 of the Council's Constitution.

The draft Pay Policy Statement being presented to the Committee for recommendation onto Full Council for approval and adoption, states the Council has adopted Organisational Change and Redundancy and Flexible Retirement Policies, which contain provisions regarding severance payments.

These policies will be subject to regular review to ensure they are consistent with statutory guidance and the authority's Best Value Duty.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The Conditions of Employment with Tendring District Council in the main conform to those established for local government by the NJC, commonly known as the 'Green Book'. Agreements reached by the NJC are 'collective agreements' and if they are incorporated into employees' contracts of employment, then the changes take effect automatically.

The Pay Policy for 2025/26 provides updated information on the Council's pay spine and remuneration arrangements.

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expect the following matters to be demonstrated in the Council's decision making:

- A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;*
- B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and*
- 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 such, set out in this section the relevant facts for the proposal set out in this report.

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>Tendring District Council recognises in the context of managing public resources, remuneration at all levels needs to be of an adequate level in order to secure and retain high quality employees dedicated to the service of the public, whilst ensuring value for money to the public purse.</p> <p>The primary aim of the Pay Policy is to set a framework to attract, retain and motivate staff to ensure the organisation can perform at its best.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>Publication of the annual Pay Policy Statement is a statutory requirement for the authority. In line with the Localism Act 2011 section 38 and 39, this must be approved by Full Council and published on the Council's website.</p> <p>The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015.</p> <p>The Council's annual Statement of Accounts is published on the authority's website this includes a detailed analysis of the pay, benefits and pension entitlements for Chief Officers.</p> <p>Our transparency pages also include a full list of monthly salary information across all pay bands.</p>

	<p>The Council is a best value authority and must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The Best Value Duty is relevant to local authority duties to deliver a balanced budget, provide statutory services, and secure value for money in spending decisions. The Council must have regard to the statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England (May 2022).</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 practices, including ensuring fairness in the way that it pays and rewards its existing and future employees.</p>
<p>MILESTONES AND DELIVERY</p>	
<p>(a) Human Resources & Council Tax Committee 24 February 2025 (b) Full Council 25 March 2025 (c) Publication to TDC Website 30 March 2025</p>	
<p>ASSOCIATED RISKS AND MITIGATION</p>	
<p>By not adopting the Council's Pay Policy Statement 2025/26, the Council would be in breach of legislation thereby risking reputational damage.</p> <p>The Council would also not be able to comply with Section 41 of the Localism Act 2011 (<i>requirement for determinations relating to terms and conditions of Chief Officers to comply with Pay Policy Statement</i>) in appointing officers on such reasonable terms and conditions as the authority thinks fit.</p>	
<p>OUTCOME OF CONSULTATION AND ENGAGEMENT</p>	
<p>Full consultation has taken place with the local Unison Branch Executive, and they are supportive of the proposed Statement for 2025/26 and its adoption.</p> <p>The annual NJC Pay Award is determined following negotiation between the National Employers and National Unions.</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, 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 in all of its people policies and practices.</p> <p>The Council ensures its pay structures, and all pay differentials can be objectively justified through the use of the NJC job evaluation mechanism (<i>with the exception of Chief Officer remuneration</i>) which directly determines the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.</p>	

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

Data for the 2024/25 reporting period shows the following:

Mean* difference across Gender

**The mean is a statistical measure that is calculated by adding up all the values in a dataset and dividing the sum by the total number of values.*

The difference between the male and female mean hourly rate is £0.81.
The male mean hourly rate is 4.8% higher than the female mean hourly rate.

Median difference across Gender**

***The median is the middle number in a set of data when the data is arranged in ascending (this is more common) or descending order.*

The difference between the male and female median hourly rate is £0.36.
The female median hourly rate is 2.5% higher than the male median hourly rate.

There are currently more males at Chief Officer level which will impact the mean calculation, making the male hourly rate higher. The median calculation does not weight this factor as heavily, thus reflecting a more balanced hourly rate overall.

The ratio of Male to Female at quartile level is in keeping with composition at an overall organisational level.

The Council's data demonstrates that there is no material disparity at each pay level within the organisation, when viewed within the context of the UK average of 7.0%, down from 7.5% in 2023, ONS, Gender pay gap in the UK: 2024.

The Council's pay gap will continue to be subject to review, inline with the reporting requirements and if any substantial gaps are identified as the Council interprets data, a suitable action plan will be prepared.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area.

The Council aims to lead by example as a major local employer. This includes following recognised best practice and keeping up to date with legislation.

Examples of this include being a Disability Confident Leader and an Employer Recognition Scheme Gold Award holder; both of these commit the authority to being an advocate in these areas.

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	N/A
Health Inequalities	N/A
Area or Ward affected	None directly.
ANY OTHER RELEVANT INFORMATION	
There are no background papers associated with this report.	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>The Localism Act 2011 required this Council to produce a Pay Policy Statement by 31 March 2012 and every subsequent financial year thereafter.</p> <p>Members will recall that 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: -</p> <ul style="list-style-type: none"> • 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. <p>At its meeting on 30 July 2024, the Human Resources and Council Tax Committee reviewed the findings of the benchmarking analysis, which indicated that the majority of the Council's roles are compensated at levels comparable to similar positions within the East of England region. This alignment supports the Council's experiences with recruitment and retention, suggesting that the current pay structure is appropriately set.</p> <p>The Committee also acknowledged ongoing recruitment and retention challenges for certain professional and technical roles. To address these issues, the Council has effectively utilised the Market Forces Supplement (MFS) Scheme. The application of these supplements has been deemed appropriate and targeted towards the relevant roles.</p> <p>The outcomes of the comprehensive, service-wide review of TDC's pay structure, as requested by the Human Resources and Council Tax Committee and conducted by the East of England Local Government Association (EELGA), have been reflected in the 2025/26 Pay Policy Statement.</p>
PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
<p>Full Council adopted the Pay Policy Statement for 2024/25 at its meeting on 19 March 2024. https://tdcdemocracy.tendringdc.gov.uk/documents/s65921/A7%20Appendix%20-%20Pay%20Policy%20Statement%2024-25%20FINAL%20DRAFT.pdf</p> <p>Report of the Assistant Director (Partnerships) - A.4 - Market Forces Policy Update Report https://tdcdemocracy.tendringdc.gov.uk/documents/s69087/A.4%20-%20-%20Market%20Forces%20Policy%20Update%20Report.pdf</p>
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
Chief Officer Structure Chart.

APPENDICES

Appendix – draft Pay Policy Statement 2025/26.

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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Tendring District Council

Draft Pay and Reward Policy

Statement 2025/26



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Introduction

Section 38 and 39 of the Localism Act 2011 (Chapter 8) requires local authorities to produce an annual Pay Policy Statement. The provisions within the Act do not seek to change the right of each local authority to have autonomy on pay decisions, however, it emphasises the need to deliver value for money for local taxpayers.

Schedule 2 of Part 3 of the Constitution confirms Full Council is responsible for the preparation and approval of a Pay Policy Statement for the upcoming financial year in accordance with Chapter 8 of the Localism Act 2011.

Tendring District Council recognises in the context of managing public resources, remuneration at all levels needs to be of an adequate level in order to secure and retain high quality employees dedicated to the service of the public, whilst ensuring value for money to the public purse. The Council's vision includes the provision to adopt a reward strategy that is modern, sustainable, fair and transparent and rewards its workforce appropriately for their contribution to the Council.

The Council follows the transparency requirements on remuneration as set out in the Local Government Transparency Code 2015. This Code was issued to meet the government's desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision-making process and help shape public services.

Part of the Code includes publishing information relating to the remuneration of senior officers within a local authority. A full list of senior remuneration and monthly salaries information across all pay bands is available and published on the Council's website www.tendringdc.gov.uk.

The Council's Statement of Accounts includes details of all Chief Officers pay.

The matters that must be included in the statutory Pay Policy Statement are as follows:

- A local authority's policy on the level and elements of remuneration for each Chief Officer (*for Tendring District Council this comprises the Chief Executive, and Management Team for the authority, which also includes both the Monitoring Officer and the Section 151 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.

Purpose of the Statement

The Pay Policy Statement **2025/26** provides an overview of the Council's framework for staff pay and rewards. This framework ensures the recruitment of talented individuals while delivering value for money to Tendring residents.

Tendring District Council requires high-calibre leaders to deliver quality public services, especially in challenging fiscal conditions. The Pay Policy aims to attract, retain, and motivate staff, ensuring optimal performance. It balances financial and non-financial rewards to achieve the best outcomes.

The Council is committed to promoting equality and diversity, reaffirming its dedication to equal pay and compliance with Equal Pay legislation.

Managing Remuneration

Tendring District Council has a fair, equitable and transparent approach to remuneration in accordance with equal pay legislation. This includes incremental progression based on length of service and more proactively on:

- Achieving annual performance levels (*if applicable*).
- Development progression against defined frameworks (*Career Progression for many posts*).

Determination of Grade and Salary for Chief Officers and lowest-paid Employees

The Council has adopted the National Pay Grades set by the National Joint Council (NJC) and adheres to national negotiations on pay and conditions (the 'Green Book'). The current pay structure includes 21 Pay Bands and 80 Incremental Pay Points.

Apprentices are excluded from the application of the NJC scheme, as they have learning and training contracts and are paid according to Government-approved apprenticeship rates.

The NJC negotiates pay awards for local government employees, involving both employers and trade unions. The Council applies the NJC Pay Award to all officers, including Chief Officers, with the exception of the Chief Executive, who follows the Joint Negotiating Committee Conditions of Service.

The Council's Pay Policy is shaped by job market data, market forces, and budget constraints. Pay ranges are regularly reviewed and benchmarked against other local authorities and the broader job market to ensure they remain relevant.

New employees typically start at the initial salary band point, progressing annually until reaching the top of the pay grade.

The Council has adopted the National Single Status and NJC Job Evaluation Scheme, with training provided by the Regional Employers (EELGA) to ensure fair and objective evaluations. Assistant Directors and Chief Officers are not subject to the NJC Job Evaluation Scheme. Their pay is set through senior management salary benchmarking and evaluation methods, supported by EELGA, to both attract and retain key employees, also ensuring compliance with Equal Pay legislation.

Pay Relationship for Chief Officers

In line with the requirements of the Localism Act 2011, the term "lowest-paid employees" is defined for the purposes of this policy, as 'those staff on the first SCP of the pay spine'. By adopting this definition, calculations undertaken elsewhere in this document to describe the relationship between remuneration at different levels of the organisation, can be undertaken clearly and allow for easier comparison between years.

	2024/25 £
Salary Midpoint for Head of Paid Service	143,514
Salary Midpoint for "lowest-paid employees"	23,656
Pay Multiple: Chief Officer to "lowest-paid employees"	6.07
Median average pay for Chief Officers	76,457
Median average pay for staff other than Chief Officers	30,559

The Council publishes a monthly report of salaries paid, by pay band and the number of staff within each pay band on the Tendring District Council website.

Discretionary Allowances for Statutory Officers

The Council applies a discretionary allowance for the additional duties of the statutory officers (*the Monitoring Officer and Section 151 Officer*) and their assigned deputies, as well as the Deputy Chief Executive designation.

These allowances are index-linked to the annual NJC pay award.

Market Forces Supplements

The National Job Evaluation and Grading Scheme provides an analytical, non-discriminatory method for evaluating jobs. However, market conditions may sometimes necessitate a Market Forces Supplement to recruit or retain suitable staff.

A Market Forces Supplement is a temporary addition to the basic salary for specific jobs where market pressures hinder recruitment or retention. These supplements, viewed as 'Risk and Retention' payments, help retain highly skilled staff in critical roles.

The Council's Market Forces Policy ensures a clear approach to applying these supplements when needed and complies with legal requirements for objective justification if different pay rates are offered for work of equal value.

Employee Recognition and Reward

As a public sector body, the Council does not currently operate typical bonus schemes. Instead, it supports employee growth and performance through the following initiatives:

Career Grade Schemes: This scheme aids the development of post holders from initial entry to high performance across the full scope of their roles.

Long Service Awards and Retirement Gifts: Provided in accordance with the Council's Loyalty and Retirement Gifts Policy.

Acting Up Arrangements

There may be occasions where employees are requested to temporarily undertake additional duties or responsibilities.

In such cases, the employee undertaking these duties is described as 'acting up' into that role. Employees will be entitled to an additional payment in recognition of the 'acting up' arrangement, provided the criteria outlined in the Council's Acting Up Policy are met.

In addition, Honorarium Payments may be awarded to officers performing duties outside their post scope or undertaking particularly onerous additional responsibilities, to reward exceptional performance.

Relocation

The Council's Relocation Allowances Scheme assists new recruits with moving expenses. To qualify, employees must meet the specified requirements of the scheme.

The scheme's application is at the discretion of the Head of Paid Service, in consultation with the Head of People.

Mileage & Subsistence

Mileage Payments:

Car mileage, motorcycle, and bicycle payments for all employees are paid at the Inland Revenue Rate. The current rates are as follows:

- Car Mileage: £0.45 per mile for the first 10,000 miles, thereafter £0.25 per mile.
- Motorcycles: £0.24 per mile.
- Bicycles: £0.20 per mile.

To encourage car sharing on business journeys, the Council has adopted an additional payment of £0.05 per passenger, per mile, in accordance with Inland Revenue guidance.

Subsistence Payments:

The Council pays subsistence rates that mirror HMRC rates of reimbursement. These rates cover the cost of meals and other necessary expenses while travelling for work.

Payments are made upon the production of actual receipts and are only allowable when an Officer is working outside of the district. The current rates of reimbursement are as follows:

- Working outside of the district for more than 5 hours: £5.
- Working outside of the district for more than 10 hours: £10.
- Working outside of the district for more than 15 hours, or if the travel is ongoing after 8pm: £25.

The use of the Inland Revenue Rate ensures a fair and consistent rate of reimbursement for business mileage and subsistence across the Council.

Other Allowances

The Council's Allowances Policy supplements the Pay Policy Statement, recognising that officers may need to respond outside standard working hours to provide services.

Allowances Policy Principles:

- Ensures consistent pay across the organisation.
- Compensates staff for out-of-hours standby service to meet statutory duties.
- Maintains fair and sustainable payment structures.
- Promotes health and safety by encouraging TOIL for recovery from out-of-hours work.

Service Categories:

Category 1 - 24/7 scheduled provision.

Category 2 - Predominantly office hours with standby service.

Category 3 - Standard office hours with occasional extra response.

Overtime Arrangements (effective 1 April 2018):

- Staff up to SCP 43 can claim overtime, authorised in advance by the Corporate Director.
- Overtime is paid at plain rate for Categories 2 and 3.
- Enhanced rates for Category 1 for evenings, weekends, and bank holidays after 37 hours/week.

Standby or On-call

- Services that fall into Category 2 provide a standby service. Standby is provided outside core office hours, that is, from 6pm to 8am Monday to Friday and all day on weekends and Bank Holidays.

Emergency Response:

- First Call Officers support the statutory Emergency Response service under standby arrangements. The Emergency Planning Manager maintains a call-down list for emergencies.

Emergency Response Policy Update (February 2023):

- Extended payments to all staff supporting the authority's emergency response as follows:
 - Staff on standby, outside office hours can claim the standard daily standby allowance.
 - Deployed staff are eligible for TOIL or overtime (up to 6 hours) after the first 30 minutes.
 - A one-off ex-gratia payment up to £200 will be paid for deployments beyond 6 hours.

Committee Attendance:

- An allowance paid for meetings beyond 6.00pm, which is index linked to NJC pay award.
- Employees are eligible for TOIL for meetings exceeding 3 hours.

Election Duties

In a personal capacity as (Deputy/Local/Acting) Returning Officer, the holder of the post of Chief Executive is separately remunerated in respect of their statutory duties at Parliamentary, European Parliamentary, Referendums, County, Police and Crime Commissioner and District and Parish Council Elections.

Fees for conducting Parliamentary, European Parliamentary Elections, Police and Crime Commissioner Elections and National Referendum are determined by way of a Statutory Instrument.

In respect of acting as Deputy Returning Officer at elections of County Councillors, reference is made to the Scale of Fees and Expenses payable at Elections of County Councillors determined by Essex County Council.

The fee for undertaking the role of Returning Officer in respect of District and Parish Council Elections is by reference to the Scale of Fees and Expenses payable to the Returning Officer at elections of District and Parish Councillors.

As at the date of this publication, remuneration received by the holder of the post of Chief Executive, in relation to Returning Officer duties during 2024/25 was £11,246.

Transparency within Tendring District Council

Existing legislation already requires the Council to publish statements regarding remuneration each year. The Council's Statement of Accounts includes a detailed analysis of the pay, benefits and pension entitlements for all Chief Officers.

The Council will continue to publish this information on an annual basis, and it is readily available to view on the [Council's website](#). This information also includes a structure of the Council's Chief Officers and Assistant Directors.

Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017

Since 2018, the Council has been required to publish mandatory gender pay gap reporting in order to meet the requirements of the Equality Act 2010 (*Specific Duties and Public Authorities*) Regulations 2017. The Council has a requirement to publish data including the following:

- The mean gender pay gap.
- The median gender pay gap.
- The mean bonus gender pay gap.
- The median bonus gender pay gap.
- The proportion of males and females receiving a bonus payment.
- The proportion of males and females in each quartile band.

Under Gender Pay legislation, a one-off long service award, or any discretionary payment made for exceptional performance, or additional duties outside of an individual's normal salary, if they have a monetary value, are generally recognised as bonus payments, with the exception being Career Grade Progression.

5.1% of males and 3.2% of females, within the organisation, received bonus payments (*in line with the definition above*) within the 2024/25 reporting period, the data shows the following:

Mean bonus difference across gender

The difference between the male and female mean bonus payment is £1.56.
The female mean bonus payment is 0.36% higher than the male mean bonus payment.

Median bonus difference across gender

The difference between the male and female median bonus payment is £125.
The male median bonus payment is 33.3% higher than the female median bonus payment.

The challenge within Tendring District Council and across the UK is to eliminate any gender pay gap. If any gaps are determined, as the Council interprets data, an action plan will be prepared.

Data for the 2024/25 reporting period shows the following:

Mean difference across gender

The difference between the male and female mean hourly rate is £0.81.
The male mean hourly rate is 4.8% higher than the female mean hourly rate.

Median difference across gender

The difference between the male and female median hourly rate is £0.36.
The female median hourly rate is 2.5% higher than the male median hourly rate.

There are currently more males at Chief Officer level which will impact the mean calculation, making the male hourly rate higher. The median calculation does not weight this factor as heavily, thus reflecting a more balanced hourly rate overall.

The ratio of Male to Female at quartile level is in keeping with composition at an overall organisational level.

The Council's data demonstrates that there is no material disparity at each pay level within the organisation, when viewed within the context of the UK average of 7.0%, down from 7.5% in 2023, ONS, Gender pay gap in the UK: 2024.

This information is published on the Council's website as well as a designated Government website.

Off-Payroll working in the Public Sector (IR35)

Due to the need for specialist skills or peaks in workloads, the Council occasionally engages agency workers or consultants for short-term assignments.

Effective 1st April 2017, HMRC updated regulations for off-payroll workers in the public sector, shifting the responsibility for determining the application of intermediaries' legislation and paying relevant taxes and NICs to the public sector employer.

The Council has reviewed and ensured that all workers with individual agencies and HMRC remain compliant with the legislation.

Payments when employment status changes

The Council has adopted policies regarding severance and redundancy payments. Full details can be found in the following:

- Organisational Change and Redundancy Policy.
- Flexible Retirement Policy.

In the case of the Organisational Change and Redundancy Policy, the authority looks to ensure that the policy is workable, affordable, and reasonable, whilst having regard to foreseeable costs.

The Council operates pay protection for a limited time period, within the terms of its Organisational Change and Redundancy Policy. This applies when staff have their pay reduced as part of a process of re-deployment or job evaluation.

Tendring District Council needs to ensure sufficient flexibility in order to respond to unforeseen circumstances and there may be occasions when the Council must take a pragmatic approach to severance. The policies are uniformly applied to both the lowest-paid employees and the Chief Officers of the Council.

The Council will adhere to statutory guidance on 'Special Severance Payments' as part of the best value regime for local authorities in England, per section 3 of the Local Government Act 1999. These payments should only be considered in exceptional cases and must meet criteria of fairness, proportionality, lawfulness, and value for money.

Approval process:

- Payments of £100,000+ must be approved by a vote of Full Council (Localism Act 2011).
- Payments of £20,000 to £99,999 must be approved by the Head of Paid Service, with the Leader's approval.
- Payments below £20,000 must follow the local authority's scheme of delegation.

As part of their duties, an authority's s.151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any Special Severance Payments that are made by the authority and in particular payments that are not consistent with the content of the guidance. Therefore, it will be a requirement that any decisions to award Special Severance Payments will be fully recorded and reasoned.

Local authorities are expected to publish their policy and process for approving these payments. Accordingly, this policy outlines the Council's approach to these payments.

Access to the Local Government Pension Scheme

In accordance with statutory provisions, employees are offered membership of the Local Government Pension Scheme. The Council has a published Pension Policy, and this policy

applies to all employees including Chief Officers. It sets out the Council's decisions relating to discretionary powers allowed within the scheme.

The Council also supports the principle of flexible retirement, whereby, employees are able to gain access to their pension whilst continuing in employment, subject to the restrictions laid down within the scheme and in the Council's Pension Policy. This approach allows the Council to retain skilled employees and to assist individuals in managing the transition to retirement.

Other Rewards

The Council has both financial and non-financial rewards for all staff (including Chief Officers) as follows:

- Learning & Development, including sponsorship for formal qualifications
- 'Salary Sacrifice' schemes (e.g. AVC scheme, tax-efficient, nil cost to the Council)
- Health schemes with PROVIDE (nil cost to the Council)
- Occupational Health provision and a fully funded Employee Assistance Programme
- Additional development opportunities (secondments, special projects, flexible working, awards)
- Free car parking
- Flexi-time scheme
- Discounted corporate gym membership
- Additional annual leave after 5 years of continuous service

Other Policies

As referenced elsewhere in this Pay Policy, the Council has several policies with potential financial benefits that should be read in conjunction with this Pay Policy Statement, including:

- Allowances Policy
- Organisational Change and Redundancy Policy
- Market Forces Policy
- Flexible Retirement Policy
- Acting Up Policy
- Career Grade Policy
- Relocation Policy
- Long Service and Retirement Gifts Policy
- Pension Policy

These policies apply equally to all employees of Tendring District Council, regardless of their seniority.

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.

Review and Monitoring of the Pay Policy Statement

The Localism Act stipulates that the Council's Pay Policy Statement should be kept under regular review on an annual basis. The Council is committed to undertaking robust and comprehensive review of its pay and reward structure.

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

24 February 2025

REPORT OF HEAD OF PEOPLE

A.4 FOSTERING FRIENDLY POLICY

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present to the Human Resources and Council Tax Committee the development of the Council's Fostering Friendly Policy, ensuring alignment with identified best practice and contributing to the authority's obligations under Social Value legislation.

EXECUTIVE SUMMARY

According to Essex County Council's Fostering team, Essex currently has over 1,000 children in care, each facing significant disruption in their lives. Unfortunately, this number is increasing, leading to a growing demand for more foster carers.

Foster carers provide essential care and stability to children who cannot live with their birth families. For many of these children, foster care represents their first positive experience of family life. The shortage of foster carers across the UK often results in children being placed far from their communities.

Tendring District Council recognises and values the vital contributions that foster carers and supported lodgings carers make to society, particularly to the lives of children and young people in care.

We understand that foster carers require flexibility in their working arrangements to meet the needs of their fostered children or young people.

We aim to achieve this by creating a fostering-friendly organisation that offers flexible working arrangements to accommodate the needs of all foster carers.

We acknowledge that the process of becoming an approved foster carer is lengthy and involves several reasonable but demanding expectations, particularly concerning training, assessment, and approval.

Therefore, the Council has introduced a policy to support any staff member who is a foster carer, approved connected person's carer, supported lodgings carer, or an approved kinship carer (*hereafter referred to as foster carers*). This policy will apply to all Council employees.

To publicly demonstrate our commitment to being a fostering-friendly organisation, the Council is also collaborating with Fostering Network UK to become a recognised Fostering Family Employer.

By recruiting more foster carers and supporting those employed by the Council, more children will be able to receive support locally, allowing them to stay connected with the people and places that matter most to them. As a Fostering Friendly employer, the Council can be part of the solution.

RECOMMENDATION(S)

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

- (a) approves and adopts the Council's new Fostering Friendly Policy and the organisation's commitment to becoming a recognised Fostering Friendly employer;
- (b) requests the Leader of the Council to delegate responsibility to the Portfolio Holder for Partnerships to approve initiatives that promote fostering and becoming a foster carer.

REASON(S) FOR THE RECOMMENDATION(S)

Implementing a Fostering Friendly Policy provides numerous benefits, including enhanced support for employees who are foster carers, leading to increased job satisfaction and retention. It fosters a positive work environment by demonstrating the Council's commitment to social responsibility and employee well-being. Additionally, it supports the authority's position as an 'employer of choice' while also contributing to the community by ensuring more children in care can remain connected to their local areas. Overall, such a policy underscores the Council's dedication to making a meaningful impact on both its employees and the wider community.

As the Foster Friendly Policy is a new people policy, it is appropriate for the Human Resources and Council Tax Committee to approve its adoption in accordance with Part 3 of the Council's Constitution.

ALTERNATIVE OPTIONS CONSIDERED

While there is an option to not introduce this policy, doing so would not align with current best practices, the Council's family-friendly and supportive culture, or our aspiration to be an 'employer of choice'.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Implementing this policy will support employees who wish to foster, strengthen our organisation, and ultimately benefit vulnerable children in our community who need foster carers.

The Council's Fostering Friendly Policy aligns with the authority's Corporate Plan 2024/28 priorities of 'working with partners to improve quality of life' and 'raising aspirations and creating opportunities.' By supporting our employees and the wider community to become and remain foster carers, the policy enhances the quality of life for children and young people, raises their aspirations (*and those of their carers*), and creates employment and other opportunities.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Employers have a legal obligation to consider the needs of employees who are foster carers, although specific rights and protections can vary. Foster carers have the same statutory rights as other employees, including the right to request flexible working arrangements.

While implementing a Fostering Friendly Policy is not legally required, it aligns with best

practices and demonstrates the Council's commitment to supporting its employees and the wider community.

As a result of adopting this policy, employees' terms and conditions of employment will be amended to include a contractual right to paid time off as detailed in the policy.

FINANCE AND OTHER RESOURCE IMPLICATIONS

No specific resource implications have been identified to date as the Council does not hold data on whether staff are currently foster carers or intend to become foster carers. However, the HR team will seek to obtain this information and will monitor the take up of any paid leave taken as a result of this policy. This work sits within existing budgets.

USE OF RESOURCES AND VALUE FOR MONEY

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

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>The Fostering Friendly Policy looks to support employees who otherwise might feel they need to leave to continue their fostering responsibilities and therefore impacting our delivery of services.</p>
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>The Fostering Friendly Policy provides a mechanism to ensure that there are clear and consistent procedures for managers to authorise time off for foster carers.</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>

MILESTONES AND DELIVERY

- (a) Agreement by Management Team 5 February 2025
- (b) Human Resources & Council Tax Committee 24 February 2025
- (c) Officer Decision 3 March 2025
- (d) Publication to TDC intranet 10 March 2025
- (e) Seek approval to become Foster Friendly Employer through the Fostering Network 10 March 2025
- (f) Commence a programme of raising awareness amongst staff of the benefits of becoming a foster carer and the Council's support as their employer (*once approval has been granted to be a Foster Friendly Employer*)

ASSOCIATED RISKS AND MITIGATION

The new Fostering Friendly Policy will ensure that the authority meets any statutory obligations with regard to employment and equality legislation.

OUTCOME OF CONSULTATION AND ENGAGEMENT

Full consultation has taken place with the local Unison Branch Executive, who are fully supportive and welcome the introduction of this policy and the Council's commitment to

supporting foster carers.

The HR team has also consulted with a staff member who is an experienced foster carer to gather their views on the policy. They felt that the policy comprehensively addresses their experiences and provides carers with the assurance that they have the support of their employers.

EQUALITIES

Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The Council is committed to being an inclusive employer and a 'Family Friendly Employer', in all of its people policies and practices.

The Foster Friendly Policy will ensure that the Council complies with all relevant employment legislation and identified best practice.

The implementation of a clear policy to support foster carers will ensure that all requests for support will be dealt with in a non-discriminatory and consistent way and in accordance with the Council's Diversity and Equality Policies.

The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area.

The Council aims to lead by example as a major local employer. This includes following recognised best practice and ensuring full compliance with legislation.

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.

It is envisaged that the introduction of this policy and the Council's commitment to becoming a Fostering Family Employer will create significant social value by supporting employees who

are foster carers, thereby enhancing their job satisfaction and retention. It also promotes a positive work environment and demonstrates the Council's commitment to social responsibility and employee well-being. This policy helps attract a diverse and compassionate workforce and contributes to the community by ensuring more children in care can remain connected to their local areas.

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	Supports vulnerable children and young adults by encouraging employees to become foster carers.
Area or Ward affected	Throughout the district.

ANY OTHER RELEVANT INFORMATION

This policy aligns with a number of the authority's people policies, including but not limited to, its Volunteer Policy, Reservist Policy, Time of for Dependents, Flexible Working Policy.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Policy clearly outlines the Council's commitment to supporting foster carers, detailing the time off and support they are entitled to, and how they can access these benefits.

The Council's updated Policy includes the following sections:

- Leave and the procedure for requesting time off
- The benefits of the policy
- Further information

To simplify the Policy, the term 'foster carers' is used throughout to refer to the various types of care provided to children and young people.

To support the Policy and the Council's commitment to becoming a Foster Friendly employer, resources and promotional materials will be made available for Managers and Employees.

This policy has been produced using the Fostering Network model policy, which has also been adopted by Essex County Council.

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

None

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers or published reference material associated with this report. However, resources provided by Essex County Council's Foster team and Fostering Network have been used to develop the policy and support this report.

APPENDICES

Appendix A – Fostering Friendly 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	Jo Williams-Lota
Job Title	HR Manager
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FOSTERING FRIENDLY POLICY (Draft)

**Issued by – Human Resources
February 2025**

TENDRING DISTRICT COUNCIL

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FOSTERING FRIENDLY POLICY

1. INTRODUCTION

Tendring District Council recognises and values the contribution that foster carers and supported lodgings carers make to society and especially the lives of children and young people in care. We understand that foster carers will need some flexibility in their working arrangements in order to meet the needs of their fostered child or young person.

The Council is committed to support any staff member who is a foster carer approved connected person's carer, supported lodgings carer or an approved kinship carer (*known hereafter as foster carers*).

We will do this, wherever possible, by creating a fostering friendly organisation that offers flexible working arrangements which respond to the needs of all foster carers.

We recognise that the process of seeking approval to become foster carers is a lengthy one and places a number of reasonable but demanding expectations upon prospective carers, particularly in relation to the training, assessment and approval process.

Wherever possible we will try to extend the terms of this policy to prospective foster or kinship carers who have begun the formal process of seeking approval and registration as carers.

2. AIMS AND SCOPE OF THE POLICY

The Council offers staff the opportunity to work flexibly where this is compatible with the demands of their job. Our flexible working, emergency time off for dependents and parental leave policies all apply to foster carers.

This policy applies to staff who have three months or more employment service with Tendring District Council, and:

- Are applying to become a foster carer or supported lodgings carer;
- Are an approved foster carer or supported lodgings carer and have a child / young person in placement (or have had a child / young person in placement for 75% of the previous twelve months);
- Are an approved connected persons carer.

3. LEAVE AND THE PROCEDURE FOR REQUESTING TIME OFF

This policy sets out the additional time off that we will offer prospective and existing foster carers.

3.1 Time off

The Council values and will support foster carers and approved kinship carers by giving paid time off in any 12-month rolling period, as follows:

- Assessment and initial training prior to approval as a foster carer - up to three days;
- Attendance at panel for approval – one day;

- Child review meetings, annual foster carer review meeting and training – up to five days.

If you need more time off to foster a child you may be entitled to unpaid parental leave, carers leave, or dependents leave if it is an emergency.

3.2 Fostering to Adopt

If you are fostering a child with a view to adopting them, you may be entitled to adoption leave and pay.

The line manager will approve the leave on a discretionary basis taking into account the individual circumstances of each case and operational requirements of the service. The leave will be considered and approved on a pro rata basis.

3.3 Procedure for requesting time off

The employee should speak to their manager as soon as they can if they need time off to attend an appointment, meeting or training.

The employee should send the leave request to the line manager for authorisation. The line manager should forward the request to HR to be recorded appropriately on the Payroll / HR System.

The request for time off should outline the reason and the amount of leave required. Where more than the maximum entitlement of paid leave is requested (*as outlined above*), the line manager and the staff member should discuss other means available e.g. annual leave, carers leave time off in lieu, parental leave.

4. BENEFITS OF THIS POLICY

Potential benefits of this policy include:

Supporting staff helps build morale, this could help with staff retention.

Recruiting more foster carers and supported lodgings carers and supporting the carers we have means more children and young people will be able to stay connected with the people and places that matter most to them. By becoming a Fostering Friendly Employer, Tendring District Council can be part of the solution (*Fostering Network Website 2025*).

Implementing this policy will help support employees who wish to foster, strengthen our organisation and ultimately benefit vulnerable children in our community needing foster carers.

5. FURTHER ADVICE AND SUPPORT

The Fostering Network - www.thefosteringnetwork.org.uk

HUMAN RESOURCES & COUNCIL TAX COMMITTEE

24 FEBRUARY 2025

REPORT OF HEAD OF PEOPLE

A.5 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 521.2 full-time equivalent (FTE) employees. The FTE figure equates to 790 workers in total (including casual workers and learners). This is made up of 439 full-time and 351 part-time staff.

The 'Grow Our Own' initiative, aimed at enabling staff to obtain professional qualifications in areas with recruitment challenges, remains a priority. The organisation will maintain its sponsorship programme for qualifications and will leverage apprenticeships whenever feasible. Apprenticeships, up to and including Level 7 (postgraduate level), are increasingly accessible and can be financed through the organisation's Levy, levy sharing, or the government's co-investment scheme.

Despite these efforts, several technical and non-technical vacancies remain unfilled due to a shortage of suitable candidates. However, the Council is proactively addressing these challenges. Measures are being implemented to attract and retain talent, ensuring that the organisation continues to meet its objectives. The Council remains committed to fostering a supportive and progressive work environment, encouraging staff development and addressing market demands effectively.

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

This report indicates that the equality data has largely remained consistent with previous reports. In some areas, this consistency is positive, particularly regarding gender balance, the gender pay gap, and age distribution. However, it is disappointing to note that the number of employees reporting a disability or identifying as non-white British has not increased.

The HR team is actively encouraging staff to complete the 'sensitive data' section on the HR and Payroll system and will continue to support employees in feeling comfortable sharing their disability status. However, the low number of employees recorded as non-white British is believed to be influenced by other factors, including the demographic representation of the Tendring area.

Recognising these challenges, the Council acknowledges the need for proactive measures to attract non-white British candidates to Council roles. By implementing targeted recruitment strategies and fostering an inclusive work environment, the Council aims to enhance diversity and better reflect the community it serves.

At its last meeting, the Human Resources and Council Tax Committee endorsed the adoption of the People Strategy 2024 to 2029. A key focus of this strategy is updating and promoting the Council's Equality and Diversity Policy. As a priority, the HR team is collaborating with partner organisations to review and enhance the effectiveness of this policy, ensuring it aligns with the Council's commitment to fostering an inclusive and diverse workplace.

To further support the Council's Equality and Diversity Policy, the Council is introducing Inclusion and Diversity Champions. These champions will model inclusive behaviour throughout the Council, assisting the HR team, managers, and colleagues in fostering an inclusive culture. The Inclusion and Diversity Champions plan to hold their inaugural meeting in March, and regular updates on initiatives, ideas, and progress will be provided.

Finally, while these efforts are set within the context of Local Government Reorganisation, the authority remains committed to ensuring its staff are in the best possible position moving forward.

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

The proposals in this report align with the authority's Corporate Plan 2024/28 priorities of 'working with partners to improve quality of life,' including for the authority's employees, many of whom are Tendring residents, and 'raising aspirations and creating opportunities.'

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:

<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	<p>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.</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 practices and policies in line with recognised best practise, ensures compliance with Employment Legislation.</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>

MILESTONES AND DELIVERY

- (a) Management Team 11 February 2025
- (b) Human Resources & Council Tax Committee 24 February 2025

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	
Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:	
<p>(a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act</p> <p>(b) Advance equality of opportunity between people who share a protected characteristic and those who do not</p> <p>(c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The Council is committed to being an inclusive employer and a 'Family Friendly Employer', in all of its people policies and practices.</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. The Council will also take an active leadership role in encouraging and working with local communities and employers to do the same.</p>	
SOCIAL VALUE CONSIDERATIONS	
Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area.	
The Council seeks to lead by example as a major local employer. This includes following recognised best practice and ensuring full compliance with legislation.	
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.	
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, supported by MHR. This system replaced the previous software solution provided by Iris FMP TeamSpirit. Among its various functions, the new database monitors the workforce, capturing data on all employees, including Career Track Learners and workers on casual contracts.

Workforce Statistics

The Council's workforce of 790 staff (*of which, 573 are fully contracted staff, 25 are Apprentices in full-time employment, and 192 staff are engaged on a casual basis*).

Of our workforce, 464 are female* (59%) and 326 are male* (41%).

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

Of the total workforce of 790, Tendring currently employs/engages 439 full-time staff. The gender balance of the full-time staff is: 210 males* (48%), 229 females* (52%), and 116 males* (33%) and 235 females* (67%) for the remaining 351 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 2024/25 have been calculated in line with the regulations set out in the gender pay gap reporting legislation using a snapshot date of 31 March 2024.

We are pleased to report that, at the time of production, the figures demonstrated that our gender pay gap is in keeping with the UK average of 7.0% (ONS April 2024).

Tendring's figures for 2024/25 are as follows: -

The male* mean** hourly rate is 4.8% (£0.81) higher than the female* mean hourly rate.

The female* median*** hourly rate is 2.5% (£0.36) higher than the male* 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.
- There are currently more males at Chief Officer level which will impact the mean calculation, making the male hourly rate higher. The median calculation does not weight this factor as heavily, thus reflecting a more balanced hourly rate overall.
- Our data shows there is no material disparity at each pay level within the organisation, when viewed within the context of the UK average of 7.0%, down from 7.5% in 2023, ONS, Gender pay gap in the UK: 2024.

Under Gender Pay legislation, a one-off long service award, or any discretionary payment made for exceptional performance, or additional duties outside of an individual's normal salary, if they have a monetary value, are generally recognised as bonus payments, with the exception being Career Grade Progression.

5.1% of males and 3.2% of females, within the organisation, received bonus payments (in line with the definition above) within the 2024/25 reporting period, the data shows the following:

Mean bonus difference across gender

The difference between the male and female mean bonus payment is £1.56.
The female mean bonus payment is 0.36% higher than the male mean bonus payment.

Median bonus difference across gender

The difference between the male and female median bonus payment is £125.
The male median bonus payment is 33.3% higher than the female median bonus payment.

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 86. 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.

Disability Profile

Of the 573 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.*

The organisation is currently going through the periodic re-accreditation process, to retain Leader Status.

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 2024/25 (*April 2024 – 07 February 2025*) was 3.65 days absence per employee, which shows the rate to be below the reported national level at 5.7 days, according to the National Office of Statistics.

Following the implementation of the new HR and Payroll system (iTrent), the organisation temporarily operated two absence tracking systems to ensure an accurate overview of

sickness absence within the Council. The HR team has been auditing the accuracy of managers' sickness absence records on iTrent and is actively working with managers to ensure precise recording. The data presented above is based solely on iTrent and may therefore under-report actual figures as we complete this exercise.

The list below indicates the top 15 reasons for absence during this sickness period. Viral being the most common reason for absence.

1. Viral, i.e. Cold, Flu
2. Stomach
3. Head i.e. Headache, Migraine
4. Other
5. Operation
6. Stress
7. Muscle
8. Back/ Spinal disorders
9. Chest
10. Depression/Anxiety
11. Gastroenteritis
12. Bereavement
13. Dental
14. Pregnancy
15. Bones ie Broken/ Fracture

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 the Human Resources and Council Tax Committee is aware, to ensure the Council protects

employees against harassment, risk assessments have been developed across the organisation, and subsequent measures have been implemented. This is a statutory requirement to safeguard employees.

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>

APPENDICES

Appendix A – Staffing Data

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.

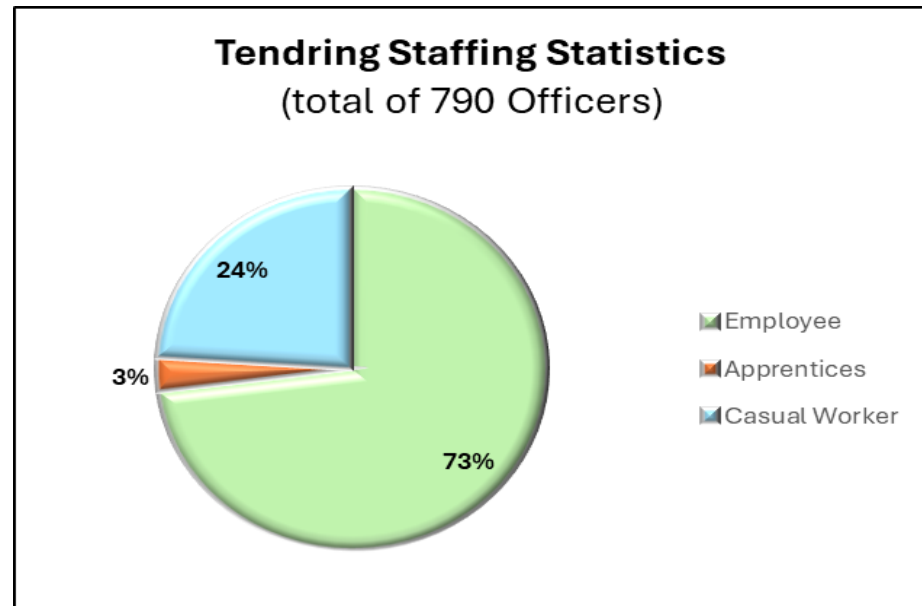
Name	Jo Williams-Lota Lauren Cuthbert
Job Title	HR Manager HR Advisor
Email/Telephone	Jwilliams-lota@tendringdc.gov.uk

Number of Employees (including Career Track Learners)

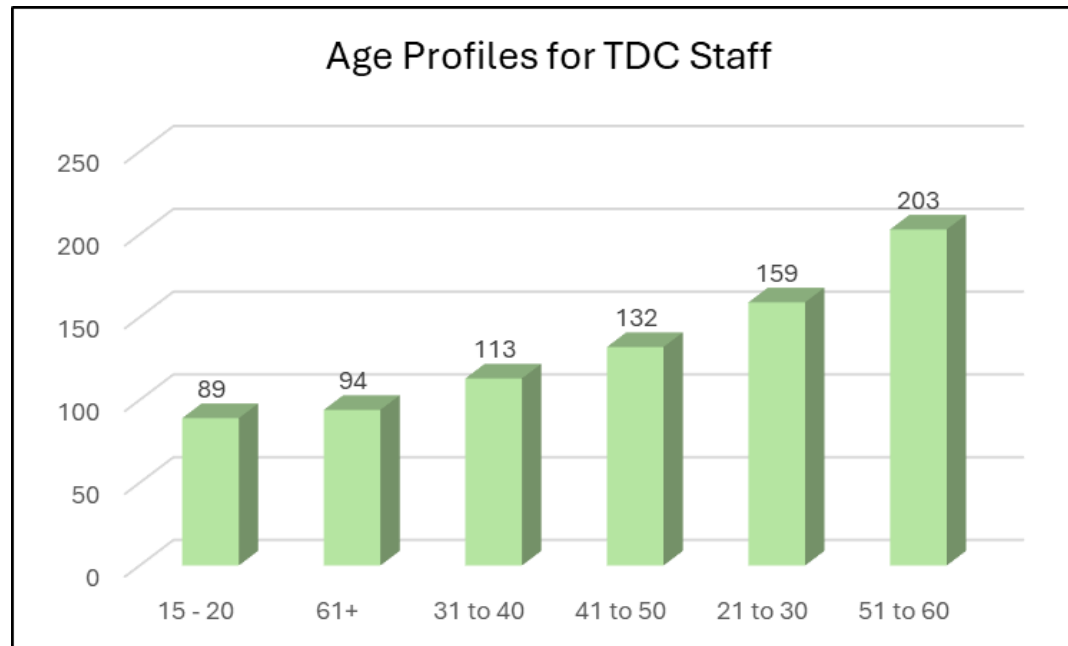
Total workforce	790	
Female	464	59%
Male	326	41%

Full Time	439	
Female	229	52%
Male	210	48%

Part Time	351	
Female	235	67%
Male	116	33%



Age Profiles for TDC Staff



HUMAN RESOURCES & COUNCIL TAX COMMITTEE

24 FEBRUARY 2025

REPORT OF DIRECTOR LAW & GOVERNANCE & MONITORING OFFICER

A.6 HUMAN RESOURCES COMMITTEE AND ARRANGEMENTS FOR STATUTORY OFFICER AND NON-STATUTORY CHIEF OFFICER APPEALS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval of the proposed amendments to the Terms of Reference of the Human Resources Committee to include the determination of Appeals of Chief Officers for recommendation onto Full Council, together with a recommendation to establish a Chief Officer Employment Appeals Sub-Committee and to review the Council's HR Policies and Procedures, to ensure they are consistent with the changes concerning appeals processes.

EXECUTIVE SUMMARY

It is important to set out the context of seeking to amend the Terms of Reference of the Human Resources Committee.

The Council's Staff Handbook states *"Employees have a right of appeal against any formal disciplinary decision. The appeals procedure is part of the Disciplinary Policy and Procedures"*.

Disciplinary Policy and Procedures issued by Human Resources updated October 2017 state
"15. APPEALS PROCEDURE
15.1 Refer to Appeal Policy"

APPEALS PROCEDURE (Updated August 2012):

"As an employee of the Council, there may be occasions where a formal decision is required to be taken about your employment. Where this occurs, formal policies and procedures will be followed to ensure a fair process is applied. It is essential that any actions or decisions made are based on facts and evidence provided as part of that process.

There may, however, be times where an employee is unhappy with the decision made or action taken. Where this occurs they have the right to appeal against that decision. The purpose of the Appeals Procedure is to outline the process which will be followed when exercising the right of appeal.

The right of appeal will usually apply where decisions are taken regarding the outcome of a disciplinary or capability hearing, formal grievance or redundancy selection. In all cases, the appeals process will be the same and further advice relating to each specific procedure can be found in the following policies:

- *Disciplinary Policy, Rules and Procedure*

- *Grievance Procedure*

In paragraph 2.2 of the Disciplinary Policy and Procedure, the Scope of the Procedure is stated as:

“The procedure applies to all employees of Tendring District Council, with the exception of the Council’s Statutory Officers who are covered by National Employer’s procedures. These are agreements of the Joint Negotiating Committee (JNC) for Chief Executives and Chief Officers of Local Authorities. Cases where an employee’s ability to undertake the job they are employed to do is in question, will normally be dealt with under the Capability Procedure. Human Resources will advise on the best course of action to take in these circumstances”.

In September 2022, the Handbook for Chief Executives was updated by the *Joint Negotiating Committee for Chief Executives*. The Conditions of Service for Local Authority Chief Officers was last updated by the Joint Negotiating Committee in 2017. Further information on both of these documents is contained within the legal requirements section of this report.

Consequently, there was a need to review whether the Council had the appropriate decision-making structure in place to accord with appeal requirements for the Chief Executive, Statutory Officers, and Non-Statutory Chief Officers and their deputies, as set in the relevant Staff Handbooks.

Upon undertaking the review, it is recommended that a Chief Officer Employment Appeals Sub-Committee is established with the Terms of Reference as set out in Appendix A, following a recommendation from the Human Resources and Council Tax Committee onto Full Council for approval and consequential amendments to the Council’s constitution.

RECOMMENDATION(S)

It is recommended that the Human Resources and Council Tax Committee:

- (a) Notes the outcome of the review undertaken by the Council’s Monitoring Officer as requested by Full Council;**
- (b) recommends to Full Council that:**
 - (i) the Human Resources and Council Tax Committee’s Terms of Reference be amended to include the determination of Employment Appeals of Chief Officers, with these functions being delegated to a Chief Officer Employment Appeals Sub-Committee;**
 - (ii) a Chief Officer Employment Appeals Sub-Committee is established with the Terms of Reference as set out in Appendix A, with the necessary amendments being made to the Council’s Constitution, to be highlighted in the reference report to Full Council;**
 - (iii) political proportionality would not apply to the Employment Appeals Sub-Committee, on the basis that it is not a committee which meets regularly; and**
- (c) Subject to (a) and (b) authorises a delegation to the Head of People to undertake a review of the Council’s Human Resources Policies and Procedures, in consultation with the Head of Paid Service, to ensure they are up to date and consistent with the appeal process for Chief Officers as set out.**

REASON(S) FOR THE RECOMMENDATION(S)

The recommendations seek to implement the will of Council for a review in respect of Chief Officer Appeals and set out for consideration the appropriate steps to address the issue of employment appeals concerning Statutory Officers and Non-Statutory Chief Officers.

ALTERNATIVE OPTIONS CONSIDERED

The option of not pursuing the changes recommended was discounted as it would be contrary to the will of Council and otherwise mean that the Council did not have appeal structures in place for Statutory Officers or Non-Statutory Chief Officers that were compliant with the Council's obligations.

Employment Appeals from Deputy Chief Officers could be determined by the Sub-Committee however, this option was discounted as the Council's Management Team can determine these appeals in line with the existing arrangements.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The proposals in this report support good governance for the Council and as such supports the Council to deliver against its adopted Corporate Plan and its themes.

Tendring District Council adopted its Corporate Plan 2024-28 ('Our Vision') at full Council in November 2023 (Minute No. 76 refers) with Community Leadership and listening to, and delivering for, our residents and businesses to be recognised as cross cutting elements of the Plan. The Corporate Plan Themes are:

- Pride in our area and services to residents
- Raising aspirations and creating opportunities
- Championing our local environment
- Working with partners to improve quality of life
- Promoting our heritage offer, attracting visitors and encouraging them to stay longer
- Financial Sustainability and openness

The Council's Annual Governance Statement (a statutory document which sits alongside the Statement of Accounts, which is inspected by External Audit, and which follows the CIPFA format) covers the 7 principles of Local Code of Governance (for Local Government) and expects adherence with **Principle A - Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law**. Accordingly, the approach taken in this report can be said to support that Principle and, more generally, good governance.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Part 3 of the Council's Constitution contains the Responsibility of Functions - Scheme of Delegation - Schedule 1 sets out the Responsibility for Local Choice Functions.

Local Choice functions are those, which may (but need not) be the responsibility of the Cabinet. Schedule 1 of Part 3 of the Constitution details the responsibility for those local

choice functions as set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as determined by the Council.

(Part 3.3) Paragraph 2 of Schedule 1 – for the Function of “*The determination of an appeal against any decision made by or on behalf of the authority*” currently has reserved the function to Full Council with a further delegation to state “*the relevant non-executive committee, unless expressly specified within the terms of reference*” (*)

In September 2022, following a review of practices introduced by the Local Authorities Standing Orders (England)(Amendment) Regulations 2015, the Joint Negotiating Committee (JNC) for Chief Executives of local authorities wrote to all Chief Executives to notify them their Handbook (“CX Handbook”) had been updated, which sets out what became the conditions of service of employees engaged on terms laid down by the JNC, with effect from September 2022. The circular and the new CX Handbook was requested to be brought to the attention of the Monitoring Officer and HR Director, to remind all Councils should ensure that the following committees should be established and ensuring that the appropriate delegated powers have been conferred on them:

- An Investigating and Disciplinary Committee (IDC) (para 1.2.2);
- An Appeals Committee (para 1.2.3); and
- An Independent Panel (para 1.2.4).

The Model Procedures & Guidance, as set out in Appendix 5 to the CX Handbook apply and should be followed unless alternative arrangements are agreed locally. Tendring District Council has not agreed any alternative arrangements. The guidance is to protect the Chief Executive and Head of Paid Service whilst providing the Council and its elected members guidance to ensure they:

- Understand the procedure to be used;
- Seek appropriate advice at every stage;
- Do not compromise the outcome of any proceedings; and
- Allow every opportunity for fair procedures to operate.

A key feature of the model procedures is the specific roles envisaged by the three committees referred to above. Councils should consider a number of important issues around the composition of committees and the delegation of appropriate powers. In particular, it must be borne in mind that staffing issues are a non-executive function and so these bodies have to be put in place by the Council and not the Leader.

Currently, the Council has:

- Human Resources Sub-Committee forming the Panel for the dismissal and disciplinary process for Senior Officers (as defined in paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended) (Part 3.21) which is akin to the role of the Investigating and Disciplinary Committee (as referred to above).
- The full Human Resources & Council Tax Committee undertaking the role of an advisory Independent Panel in accordance with the statutory provisions for the Chief Executive, Chief Financial Officer and the Monitoring Officer (together with the Independent Persons) (Part 3.20), which is akin to the role of the Independent Panel (as referred to above).

- Both of the above are supported by the Officer Employment Procedure Rules (Part 5.87-5.90)

With regards to an Appeal process the Officer Employment Rules state:

“Nothing shall prevent a person from serving as a member of a committee or sub-committee established by the Council to consider an appeal by –

- (a) another person against any decision relating to the appointment of that person as a member of staff of the Council, or*
- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.”*

DISCIPLINARY ACTION IN CONNECTION WITH OFFICERS BELOW DEPUTY CHIEF OFFICER

Members will not be involved in the disciplinary action or dismissal against any officer below a Deputy Chief Officer. The Council’s disciplinary, capability and related procedures, as adopted from time to time will apply, and may allow a right of appeal to Members in respect of disciplinary action.

DISMISSAL

Members will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council’s disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissals.

However, there is no reference to the appeal process from the Deputy Chief Officer and above. Therefore, it is necessary to give due consideration to the requirements within the Chief Executive’s Handbook and that of Chief Officers.

The Chief Officers Conditions of Service issued in 2017, states in PART 3 under DISCIPLINE, CAPABILITY AND REDUNDANCY that where disciplinary action against the Monitoring Officer or s151 Officer the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) in England, provide a degree of protection for these officers in their statutory role within local authorities. Paragraph 1.2 goes on to state that in England, Paragraph 13 and 13A and Appendix 5A of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives, which give effect to these statutory requirements, can be used as a reference guide in circumstances where disciplinary action against the Monitoring Officer or s151 Officer is contemplated.

Therefore, it is considered appropriate to follow the same structure as suggested and give consideration to the establishment of an Appeals Committee.

In relation to Non-Statutory Chief Officers the Conditions of Service, state *“A particular consideration for Chief Officers is that the procedures must take account of an officer’s position in the hierarchy when determining who conducts investigations, undertakes disciplinary/capability hearings taking any appropriate action and who hears appeals. Depending on the structure of the authority and the circumstances of the case these functions should normally be undertaken by officers as appropriate but in some cases may require a*

committee of members to be involved in hearings or appeals”

The Council’s Pay Policy Statement defines “Chief Officers” as *“the Chief Executive, and Management Team for the authority, which also includes both the Monitoring Officer and the Section 151 Officer”*.

FINANCE AND OTHER RESOURCE IMPLICATIONS

The implications of this report will be met from existing resources and budgets.

USE OF RESOURCES AND VALUE FOR MONEY

External Audit expect the following matters to be demonstrated in the Council’s decision making:

- A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;*
- B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and*
- 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 such, set out in this section the relevant facts for the proposal set out in this report.

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 Council has an approved Budget and Policy Framework, which includes the resources required to deliver the services on behalf of the Council in accordance with the Corporate Plan, Cabinet’s Priorities, statutory duties and discretionary powers.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The Council’s report templates include headings for all the required considerations for informed decision making and managing risk.
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.	The Council is committed to delivering it’s Best Value obligations around continuous improvement. The measures set out in this report are an example where improvement upon the current position is proposed.

MILESTONES AND DELIVERY

Human Resources and Council Tax Committee – February 2025

Full Council – March 2025

ASSOCIATED RISKS AND MITIGATION

Without an appeals process in place for the Council’s Chief Officers, the Council could be found in breach of their Terms and Conditions of Employment. Suitable training will be

delivered to the Sub-Committee prior to being able to sit and determine the outcome of an appeal.

OUTCOME OF CONSULTATION AND ENGAGEMENT

The Statutory Officers and non-statutory Chief Officers forming Management Team are aware that changes were required to provide a Chief Officers Appeals Sub-Committee, as per the Terms and Conditions of those roles.

Research has been undertaken on a number of other Councils' Constitutions, and it is standard practice for a Chief Officer Appeals Sub-Committee to exist.

The Head of People has been consulted with the proposed recommendations and has confirmed their agreement. A delegation will be required so that a review of the Council's Human Resources Employment Policies and Procedures can be undertaken by the Head of People (in consultation with the Chief Executive, as Head of Paid Service). These procedures will require updating in accordance with the proposed recommendations if the Committee approves the establishment of a Chief Officer Appeals Sub-Committee being recommended to Full Council for approval.

EQUALITIES

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 protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race religion or belief, sex, sexual orientation.

The proposal does not impact on the protected characteristics.

SOCIAL VALUE CONSIDERATIONS

Social Value is defined through the Public Services (Social Value) Act 2012 and requires all public sector organisations (and their suppliers) to look beyond the financial cost of a contract and consider how the services they commission and procure might improve the economic, social and environmental well-being of an area. Therefore, social value considerations are not relevant to the proposed recommendations as set out in this report.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

There are no implications positively or negatively towards the Council's Net Zero agenda.

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

Health Inequalities

Area or Ward affected

None related to this report

ANY OTHER RELEVANT INFORMATION

none

PART 3 – SUPPORTING INFORMATION

BACKGROUND

Through the Annual Review of the Constitution in late 2023 and early 2024, the Officer Employment Procedure Rules and the Terms of Reference & Delegated Powers of the Human Resources and Council Tax Committee and its Sub-Committee, were considered.

This was specifically considered at the meeting held on 18 January 2024 of the Constitutional Review Working Party. The Working Party was advised of the position and the decision taken by Full Council at its meeting held on 29 March 2022. The Full Council in 2022 followed receipt of a letter from The Joint Negotiating Committee for Chief Executives of local authorities.

The Monitoring Officer explained to the Working Party the purpose of a review of the terms of reference and delegated powers of the Human Resources and Council Tax Committee and its sub-committee which would look in particular at the relevant Human Resources policies and the model procedures for an Appeals Committee for the dismissal of the statutory officers.

In addition, a 'knock on' review of the Officer Employment Procedure Rules would need to take place.

Following a suggestion made by the Chief Executive the Working Party revisited the composition of the Human Resources Sub-Committee Panel, which was the body that formed part of the recruitment process for the appointment of Senior Officers (as defined in Paragraph 3 of Part 11 of Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)). The Leader of the Council undertook to consult the Assistant Director (Partnerships) and the Head of People on the matters raised by the Working Party before deciding whether he wished to make any recommendations to Cabinet on this matter.

The Officer Employment Procedure Rules have been reviewed by the Monitoring Officer in light of the requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 and the changes to the Rules were set out to the Cabinet Report in February 2024. **The review regarding appeals was at that time still outstanding.**

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

Full Council March 2022 (minute 150)

(i) Council notes that the Monitoring Officer intends to exercise her delegated powers (as a result of management restructures and legislative requirements) and make appropriate amendments to the Constitution in relation to the following matters:-

...
· *The terms of reference and delegated powers of the Human Resources & Council Tax Committee and its Sub-Committee.*

On 16th February 2024, following a report of the Corporate Finance & Governance Portfolio Holder (the Leader of the Council) on the Annual Review of the Council's Constitution Cabinet resolved (Minute No. 91):

2. *That Cabinet -*

(e) *notes, welcomes and endorses that the Monitoring Officer intends to review the terms of reference and delegated powers of the Human Resources and Council Tax Committee and its sub-committee which would look, in particular, at the relevant Human Resources policies and the model procedures for an Appeals Committee for the dismissal of the statutory and chief officers.*

This report is the outcome of that review.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers (within the terms of the legislation) and published reference material are appropriately annotated within this report.

APPENDICES

Appendix A – Proposed Chief Officer Employment Appeals Sub-Committee is Terms of Reference

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	Lisa Hastings
Job Title	Director Governance and Monitoring Officer
Email/Telephone	lhastings@tendringdc.gov.uk / 01255 686561

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DRAFT TERMS OF REFERENCE

THE CHIEF OFFICERS' EMPLOYMENT APPEALS SUB-COMMITTEE

1. To consider Employment Appeals under the Council's Disciplinary Policies and Procedures relating to the Council's Statutory Officers and Non-Statutory Chief Officers (as defined within the Council's Pay Policy Statement), and in accordance with the Handbooks and Conditions of Service as applicable to those posts at the relevant time.
2. The Chief Officers' Employment Appeals Sub-Committee ("Appeals Sub-Committee") will be comprised of 3 members normally consisting of:
 - (i) a Portfolio Holder, as determined by the Leader of the Council. The Leader will have the right to appoint a substitute for the Portfolio Holder if they will be unable to attend or if otherwise necessary;
 - (ii) the Chairman or Vice-Chairman of the Human Resources & Council Tax Committee;
 - (iii) and a named committee member from a political group that is not represented on the Cabinet.
3. The Appeals Sub-Committee must not compromise of any Member who formed part of the Human Resources Sub-Committee when it performed its functions in relation to the dismissal and disciplinary process for the Statutory and Non-Statutory Chief Officers (as defined in Paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001.
4. No Member can sit on the Appeals Sub-Committee unless they have undertaken the appropriate training for the role to be fulfilled.
5. The Appeals Sub-Committee will follow the Appeal Procedure as contained within the Council's Policies and Procedures ensuring that the necessary process follows employment requirements.
6. The Appeals Sub-Committee must take into account the views and professional advice given by the relevant officers before a final decision is made, with such advice being recorded within the Decision.
7. The Decision of Appeals Sub-Committee maybe produced in any subsequent proceedings such as an Employment Tribunal.

8. All meetings of the Appeals Sub-Committee will be exempt from public attendance under paragraphs 1,2 and 3 of Schedule 12A of the Local Government Act 1972 due to the nature of the business conducted.