

Public Document Pack

Human Resources and Council Tax
Committee

26 February 2024

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

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

24. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence on this occasion.

25. MINUTES OF THE LAST MEETING

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

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

26. DECLARATIONS OF INTEREST

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

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

27. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

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

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

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

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

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

RESOLVED that:

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

29. CAREER TRACK - UPDATE

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

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

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

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

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

Officers informed the Committee that further matters that must be included in the statutory Pay Policy Statement were as follows:-

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

The Committee was reassured that the draft Pay Policy Statement for 2024/25 had been designed to give an overview of the Council's framework regarding pay and rewards for staff within the Council. That framework was based on the principle of fairness and that rewards should be proportional to the weight of each role and each individual's performance. The framework also aimed to ensure the ability of the Council to recruit talented individuals whilst ensuring value for money for the residents of Tendring.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33. EXCLUSION OF PRESS AND PUBLIC

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

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

34. EXEMPT MINUTE OF THE LAST MEETING

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

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

The meeting was declared closed at 8.17 pm

Chairman