

# Public Document Pack



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PUBLIC

To: Members of Appointments and Conditions of Service Committee

Friday, 12 April 2024

Dear Councillor,

Please attend a meeting of the **Appointments and Conditions of Service Committee** to be held at **2.00 pm** on **Monday, 22 April 2024** in Committee Room 1, County Hall, Matlock, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

**Helen Barrington**  
**Director of Legal & Democratic Services**

## **AGENDA**

### **PART I - NON-EXEMPT ITEMS**

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To confirm the non-exempt minutes of the meeting held on 26 February 2024 (Pages 1 - 6)

4. DACES Pay Award 2023-24 (Pages 7 - 14)

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**MINUTES** of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on Monday, 26 February 2024 in Committee Room 1, County Hall, Matlock.

## **PRESENT**

Councillor B Lewis (in the Chair)

Councillors S Spencer, J Dixon, R George, S Hobson, T Kemp and S Swann.

Apologies for absence were submitted for Councillor D Allen.

### **1/24 TO RECEIVE DECLARATIONS OF INTEREST (IF ANY)**

There were no declarations of interest.

### **2/24 TO CONFIRM THE NON-EXEMPT MINUTES OF THE MEETING HELD ON 16 OCTOBER 2023**

The minutes of the meeting held on 16 October 2023 were confirmed as a correct record.

### **3/24 REDUNDANCY, REDEPLOYMENT AND PROTECTION OF EARNINGS POLICY**

Approval was sought for the new Redundancy, Redeployment and Protection of Earnings Policy for implementation on 1 March 2024. This would replace the existing Redundancy, Redeployment, Protection of Earnings and Buy Out of Hours Policies.

The council had engaged with the Joint Trade Unions, initially via the Reward and Resourcing Workstream and more recently via the Trade Union Policy Forum. Regular meetings had commenced in March 2023 to help inform and develop the changes to the policies outlined within the report. Details of the Trade Union's position following consultation were provided along with the council's proposals.

Despite not achieving agreement with the Trade Unions on all proposals, consultation had been meaningful. It had taken place over an extended period of time and had been based on the sharing of information and proposals and listening and responding to comments made by the Trade Unions. In addition, there were more general updates to the policy which had been shared with the Trade Unions all of which had been acknowledged and were summarised as follows:

- Clarification of the engagement and consultation process including a standardised template to support the provision of a formal collective consultation document where applicable to ensure all impacted employees had all the necessary information they needed to understand the process.
- Review of terminology to reflect new roles and responsibilities post implementation of the HR Model in 2020.
- An enhanced section regarding roles and responsibilities to ensure all stakeholders, including employees, were fully aware of their individual responsibilities.
- 'Selection out' matrix amended to support robust decision making, with guidance on its use provided.
- Inclusion of a section on bumping, suitable alternative employment requirements and an update to the section on right of appeal.

**RESOLVED** that the Committee approve the adoption of the Redundancy, Redeployment and Protection of Earnings Policy for implementation from 1 March 2024.

#### **4/24 PERFORMANCE CAPABILITY PROCEDURE**

The Committee was asked to consider the updates and amendments which had been made to the Performance Capability Procedure following consultation with the joint trade unions and stakeholders. A benchmarking exercise had also been carried out against other similar organisations with the aim of achieving best practice as was in line with current ACAS guidance.

The amendments to the Procedure for consideration by the Committee were as follows:

- Technical changes/terminology to ensure links and dependencies and any reference to current procedures (PDR/Performance Management/Induction/Probation/Attendance Management & Ill Health Capability) were accurate and up to date.
- Additional reference throughout to the Performance Management framework to ensure steps had been taken to address poor performance prior to moving into Performance Capability and how the HR Advice and Support team can advise on this.
- Strengthening of the guidance regarding the Performance Capability Procedure was intended to be supportive and improve performance and not a punitive measure.
- Confirmation that the employee may be accompanied by a colleague or trade union representative throughout the procedure.
- Confirmation of notice period required to attend meetings held throughout the process.
- Removal of the words 'issue formal warning' (in relation to the fact

that if a stage 3 Hearing was held it may end in dismissal) and amended to 'inform the employee of the potential consequences should they reach stage 3 of the procedure' which was a formal hearing.

- Throughout the process revised 'capability procedure' to 'Performance Management Capability Procedure' to differentiate between the Attendance management and Ill Health Capability Procedure.
- Appeals process amended to provide 14 days' notice in line with other employment relations policies.
- Additional information included in relation to probation and induction procedures to confirm that performance issues could also be considered under those procedures.
- Additional information included on what performance capability issues could include and how to support employees reach an acceptable standard.
- A new section had been included on possible causes of underperformance to ensure that these can be given adequate consideration.
- A new section has been included to consider when performance may be related to behaviour or conduct and whether performance capability or disciplinary action would be the most productive way of managing the situation.
- Clarification around redeployment – when it may be appropriate and related timescales.
- Clarification provided regarding employees who were absent due to sickness once in the Performance Capability procedure. (Employees cannot be expected to demonstrate improvement in performance whilst they were absent due to ill health, and therefore, review periods/meetings may have to be extended or rearranged appropriately).

**RESOLVED** that the Committee approves the changes to the Performance Capability Procedure.

**5/24 RATIFICATION OF THE NJC, CHIEF EXECUTIVE, CHIEF OFFICERS AND SOULBURY PAY AGREEMENTS**

The Committee was asked to note the implementation of the following:

- The national pay agreement for Local Government Service employees with effect from 1 April 2023;
- The national pay agreement for Chief Executives with effect from 1 April 2023;
- The national pay agreement for Chief Officers with effect from 1 April 2023; and

- The pay agreements for Soulbury employees with effect from 1 September 2022 and 1 September 2023;

**RESOLVED** that the Committee notes the pay awards that have been applied following the national pay agreements as outlined within the report at paragraphs 2.1 to 2.6 and at appendices 2 to 7.

#### **6/24 STATUTORY CHANGES TO THE EMPLOYEE LEAVE SCHEME**

The Committee was asked to note statutory changes that were required from 6 April to the Employee Leave Scheme, namely the introduction of a statutory entitlement to Carer's Leave.

The Carer's Leave Regulations would come into effect on 6 April 2024 and introduce a new statutory right that would allow employees to request unpaid leave to provide or arrange care for a dependant who had a long-term care need. Eligible employees would be entitled to up to one week's leave in a 12 month period which could be taken in blocks from half days upwards, subject to providing notice in writing of their intention to take carer's leave and confirming their entitlement to take it and giving at least twice the amount of notice than the period of leave requested. The employer was not able to refuse a valid request although they would be able to postpone a request if the operation of the business would be unduly disrupted.

The revised Employee Leave Scheme was attached at Appendix 2 to the report and the Carers' leave provisions were included at section 22. The revised scheme for teachers employed directly by the Council and not attached to schools was attached at Appendix 3 to the report and the Carers' leave provisions were included at page 26.

**RESOLVED** that the Committee approves the revised Employee Leave Schemes as attached at Appendices 2 and 3 to include Carers' leave with effect from 6 April 2024, as required by legislation.

#### **7/24 PAY POLICY FOR TEACHERS EMPLOYED BY THE LOCAL AUTHORITY AND NOT ATTACHED TO SCHOOLS**

The Committee was asked to note the details of the nationally agreed School Teachers' Pay Award paid from 1 September 2023 and to approve the revised Teachers' Pay Policy for teachers employed by the Local Authority and not attached to schools.

The main changes to the Teachers' Pay Policy were as follows:

- The nationally agreed Teachers' Pay Award effective from 1

September 2023 was a 6.5% uplift to all pay and allowance ranges and advisory points with higher increases to some parts of the Main Pay Range. All pay uplifts were dated from 1 September 2023.

- The policy contained all the continuing provisions for the determination of individual salary ranges (ISR) for teachers paid on the leadership spine, payment of responsibility and special educational needs allowances, and part time teachers' pay calculation. These elements were unchanged.

**RESOLVED** that the Committee notes the details of the nationally agreed School Teachers' Pay Award payable from 1 September 2023 and approves the adoption of the revised Pay Policy for Teachers employed by the Local Authority and not attached to schools.

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**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE**

**MONDAY, 22 APRIL 2024**

**Report of the Executive Director - Children's Services**

**ACOS Report DACES Pay Award 2023-24**

**1. Purpose**

1.1 For the Committee to consider and approve a one year pay agreement for Derbyshire Adult Community Education Service (DACES) employees for 2023-24, in line with the NJC agreement for other local government service workers of £1,925 pay uplift.

**2. Information and Analysis**

2.1 Derbyshire Adult Community Education Service (DACES) employees are the only group of employees not covered by national pay bargaining arrangements, therefore, pay agreements are required to be agreed locally. As a result, the decision as part of Single Status implementation in 2010 that Derbyshire Pay Scales would be adjusted by any 'cost of living' increase agreed nationally by the relevant National Joint Committee is not applicable to DACES pay scales.

77 permanent employees and 351 relief workers on Derbyshire Adult Community Education Service terms and conditions are included in the local pay offer. Apart from pay, officers affected are employed on Derbyshire County Council terms and conditions of service.

The proposed pay scales effective from 1 September 2023 are attached at Appendix 1 and the main points are:

- The local trade unions at Children's Services DJC have accepted the Council's one year pay offer of £1,925 uplift on all pay points with effect from 1 September 2023. The proposal was discussed at DJC on 13 March 2024 and agreement confirmed by Unison on 14 March, Unite on 21 March 2024 and confirmation from GMB was given at DJC on 10 April 2024.
- The one-year offer relates to the period 1 September 2023 to 31 August 2024. This is in line with the recently agreed NJC Local Government Services pay agreement.

The ACOS Committee are asked to consider and agree to the proposed pay agreement for DACES employee in line with the National Pay Agreement for Local Government Service Worker at a flat rate uplift of £1,925 (fte) on all DACES pay points effective from 1 September 2023 to 31 August 2024.

In line with national pay agreements, pay for DACES employees should be backdated to 1 September 2023 and will include backdated payments on additional hours, overtime and allowances. Should the ACOS Committee approve the locally negotiated pay agreement, backdated payments and the new salary rates will be applied in May 2024 pay for this group of employees.

The ACOS Committee may be interested to note that a review of terms and conditions for Adult Education Tutor is due to take place over the next few months with the aim to move employees onto Derbyshire terms and conditions and pay banding. This would remove the need for the local negotiation of pay each year.

### **3. Consultation**

3.1 The trade unions have been engaged and consulted on the DACES pay offer remotely through Children's Services DJC on 13 March 2024 and they are supportive of the Council's one year pay offer.

### **4. Alternative Options Considered**

4.1 An alternative consideration could be to not apply the pay agreement for 2023/23, however, the requirement for employees to receive a pay agreement is detailed within employee's terms and conditions and therefore this is not a viable alternative.

4.2 Another alternative would be to pay at a different rate. This would mean a different pay offer for this co-hort of employees than those on standard Derbyshire County Council and potentially create inequality.

## **5. Implications**

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **6. Background Papers**

6.1 None

## **7. Appendices**

7.1 Appendix 1 – Implications

7.2 Appendix 2 – DACES Pay Spine Proposal 2023-2024

## **8. Recommendation(s)**

That Committee:

a) approve a one year pay award of £1,925 pay uplift for Derbyshire Adult Community Education Service employees for 2023-24.

b) note that in line with national pay agreements, pay for DACES employees should be backdated to 1 September 2023 and will include backdated payments on additional hours, overtime and allowances

## **9. Reasons for Recommendation(s)**

9.1 This recommendation will mean consistent treatment of employees in Adult Education in line with the recently agreed NJC Local Government Services pay agreement.

9.2 This recommendation is consistent with previous years pay award application.

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## **Appendix 1**

### **Implications**

#### **Financial**

1.1 The pay offer is estimated to cost around £65,076.76 including on costs for the full year. The costs will be met from the grant provided by the Education and Skills Funding Agency to the Authority for the provision of Adult Education Services.

#### **Legal**

2.1 The appropriate consultation has been made with the unions who do not oppose this proposal.

2.2 The level of the increase is has to be agreed locally, and they replicate the 'cost of living' increase agreed nationally by the relevant National Joint Committee is not applicable to DACES pay scales, then there are no further legal implications.

#### **Human Resources**

3.1 The Council has consulted with the recognised trade unions in relation to the DACES pay offer remotely through Children's Services DJC on 13 March 2024 and they are supportive of the Council's one year pay offer. If agreed, employees will receive their increase in pay and backdated pay to 1 September 2023 in their May 2024 pay.

3.2 To not implement this pay award risks claims of unfavourable treatment for the Adult Education Tutors which are predominantly part time workers. It would also be out of sync with the rest of the organisation and previous year's pay application.

#### **Information Technology**

4.1 None by exception.

#### **Equalities Impact**

5.1 88% of the DACES workforce are female and 79.6% are on relief contracts therefore there is a risk of a claim of unfavourable treatment if the pay award is not consistent with the rest of the organisation.

## **Corporate objectives and priorities for change**

6.1 Service changes are planned separately to bring Adult Education Tutors onto the standard Derbyshire terms and conditions of service for September 2024.

**Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 None by exception.

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2023-24 £1925 increase					
				salary/800	salary/1613
Post	Salary Points	Full Actual Salary	Monthly Pay	Teaching Hourly Rate	Hourly Rate
					< 5 Years
TUTOR	3	£24,314	£2,026.17	£30.39	£15.07
(3-5)	4	£24,981	£2,081.75	£31.23	£15.49
Access Pending Qual	5	£26,310	£2,192.50	£32.89	£16.31

salary/1576
> 5 Years
£15.43
£15.85
£16.69