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PUBLIC

To: Members of Appointments and Conditions of Service Committee

Date Not Specified

Dear Councillor,

Please attend a meeting of the **Appointments and Conditions of Service Committee** to be held at **11.00 am** on **Wednesday, 1 July 2020**. This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

Simon Hobbs
Director of Legal & Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. To receive apologies for absence
2. To receive declarations of interest (if any)
3. To confirm the minutes of the meeting held on 7 February 2020 (Pages 1 - 6)
4. Covid Workforce Initiatives Report (Pages 7 - 10)

5. Exclusion of the Public

To move “That under Regulation 21 (1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph(s)... of Part 1 of Schedule 12A to the Local Government Act 1972”

PART II - EXEMPT ITEMS

6. To receive declarations of interest (if any)
7. To confirm the exempt minutes of the meeting held on 7 February 2020 (Pages 11 - 12)
8. Creation of a Temporary Director, Economy, Transport & Environment (Pages 13 - 18)

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MINUTES of a meeting of the **APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE** held on 7 February 2020 at County Hall, Matlock

PRESENT

Councillor B Lewis (in the Chair)

Councillors R Ashton, K Buttery, A Foster, T Kemp, S Marshall-Clarke, P Smith and M Wall

Officers in attendance – E Alexander, P Buckley, E Crapper, L Gregory, P Handford, J Lakin, J Skila and L Wild

Declarations of Interest

There were no declarations of interest.

1/20 **MINUTES RESOLVED** that the minutes of the meeting held on 8 November 2019 be confirmed as a correct record and signed by the Chairman.

2/20 **PARENTAL BEREAVEMENT LEAVE** Following the Parental Bereavement (Leave and Pay) Act 2018, a new type of leave and pay was due to be introduced with effect from 1 April 2020. This was a new, statutory entitlement and provided for ‘bereaved parents’ of a child to be absent from work with pay for up to two weeks. ‘Bereaved parents’ included anyone classed as the primary carer for a deceased child under the age of 18.

The entitlement also included parents who had suffered a still birth 24 weeks or more into pregnancy. The entitlement to leave was a day one right, which meant employees would not require a minimum period of service. There were statutory requirements that an employee had 26 weeks service and met the lower earnings limit to benefit from statutory pay during such an absence. However, due to the nature of this absence, it was proposed that employees continued to receive their basic pay, rather than statutory pay only and for this to be a day one right for all employees who experienced such a bereavement regardless of their service and earnings.

Further detailed guidance on the parental bereavement (leave and pay) regulations from the Government was still awaited. Once this was available, amendments would be made to the policy clarifying any requirement for written declarations or other amendments that the guidance may identify.

A draft of the policy wording that would be appended to the Leave Schemes and Flexible Working Policy was attached at appendix 1 to the report.

RESOLVED to agree to implement the Parental Bereavement Leave and Pay scheme as per the policy wording at Appendix 1 to the report, with effect from 1 April 2020.

3/20 **MARKET SUPPLEMENT POLICY** In light of the increased application of temporary market supplement payments, a Market Supplement Policy had been developed to ensure a robust and consistent process was adopted by the Council in the application of market supplement payments. The policy set out the guiding principles to be adopted when considering the payment of a market supplement to ensure legal compliance and minimise the risk of creating an equal pay liability. The roles, responsibilities and payment terms were highlighted.

Since the introduction of market supplement payments for Social Workers in Child Protection Teams and Night Care Assistants in Children's Residential Homes it had been necessary to agree in advance of the policy how market supplements would be paid in relation to the following payment types which were set out within the policy:

- part time employees working additional hours up to 37 per week
- relief employees working up to 37 hours per week
- maternity, adoption, parental, foster carer leave
- authorised absences
- accrued leave and bank holidays

The total annual market supplement payment agreed at ACOS was based on a full time employee (paid for 37 hours per week and for 52 weeks per year) and must not be exceeded. Therefore, part time and relief employees would only attract market supplement payments for hours worked up to 37 hours per week. For all employees, hours treated as overtime (above 37 hours per week) would not attract market supplement payments. Where work was undertaken and paid at enhanced rates, market supplement payments would only apply to the plain time element of worked time, up to the maximum of 37 hours within a week.

RESOLVED to agree the draft Market Supplement Policy

4/20 **MENTAL HEALTH POLICY** Members received the draft Mental Health Policy which had been drafted with consultation and feedback from various groups including the Wellbeing Strategy Working Group, Mental Health Group and Trade Union representatives. The Policy sought to facilitate a working environment which promoted a culture of positive mental wellbeing through awareness, support, training and risk assessment. The aims of the policy were highlighted.

Support for positive mental health in the workplace would include:

- Wellness Action Plans – to support employees and managers manage mental health impacts in the workplace.
- Work life balance- employees and managers recognising the need not to work excessive hours.
- Training and Development – providing a range of mental health development opportunities.
- Workplace risk assessment – use of the Health and Safety Executive Management Standards in respect of Mental Health.
- Occupational Health Service – Cognitive Behaviour Therapy support and suggested adjustments to working practices for consideration.
- Mental Health First Aiders – a network of trained mental health first aiders to provide signposting to other support.
- Access to Work – accessing the Department of Work and Pensions Access to Works scheme which provides support for workplace adjustments

The draft Policy set out the Council's positive approach to mental health wellbeing in the workplace to facilitate a culture of positive mental wellbeing and reducing sickness absence in the workplace due to mental health reasons.

Members welcomed the report and encouraged the training of managers and employees which would provide a network of support throughout the Authority. The policy should be embedded within the Council and be a living document that would evolve in time. It was agreed that a refresh report be brought back to this Committee in 12 months' time to measure and adapt the policy if necessary.

RESOLVED to approve the Mental Health Policy and an update report be brought back to this Committee in 12 months' time.

5/20 DISCIPLINARY POLICY AND EMPLOYEE LEAVE SCHEME FOR CENTRALLY EMPLOYED TEACHERS In October 2016, a Local Agreement was reached with the representatives of teachers and headteachers employed by the Local Authority that the negotiation mechanism for policies and agreements developed specifically for teachers employed by the Local Authority and not attached to schools would be undertaken by Derbyshire County Council Schools' Joint Consultative Committee (SJCC). This report was the first opportunity to bring to ACOS the Disciplinary Policy and Employee Leave Scheme following negotiation at SJCC.

A summary of the proposals for each policy was provided. Although there had been considerable co-operative development of both documents at SJCC, it was reported that the NASUWT had withheld agreement to the Disciplinary Policy. Both the NASUWT and the NEU had signalled that they would challenge

the instigation of an allegation of misconduct which referred to a failure to adhere to a Code of Conduct or to any other policy that these Associations had not agreed through SJCC.

The NASUWT and NEU had withheld agreement to the Employee Leave Scheme and Flexible Working Policy on the grounds that they determined that the guidance provided on the Discretionary Leave of Absence amounted to an unreasonable deterioration in terms of conditions of employment compared to a previous document which applied to schools.

RESOLVED to approve (1) the adoption of a Disciplinary Policy for Teachers employed by the Local Authority and not attached to schools; and

(2) the adoption of an Employee Leave Scheme and Flexible Working Policy for Teachers employed by the Local Authority and not attached to Schools.

6/20 UPDATED APPRAISAL POLICY AND COMPETENCE PROCEDURES FOR CENTRALLY EMPLOYED TEACHERS It was proposed to update the Appraisal Policy and the Competence Procedures for teachers employed by the Local Authority and not attached to Schools as follows:

Appraisal Policy

- as the policy had not been updated since 2014 general updating had been undertaken to update terminology and formatting where required.
- procedures for making and scrutinising pay progression decisions based on performance appraisal had been amended to reflect the revised delegations outlined in the new Constitution.
- changes had been made to reflect the revised responsibilities of individuals who had a role in the pay progression process including their role in the decision making and scrutiny and in the management and operation of the appeals process. This was to reflect the revised delegations as outlined in the new Constitution.

Competence Procedures

- as the policy had not been updated since 2017 general updating had been undertaken to update terminology and formatting where required.
- changes had been made to reflect the revised responsibilities of individuals who had a role in the competence procedures. This included responsibilities at the decision making meeting and the appeals process. This was to reflect the revised delegations as outlined in the new Constitution.

RESOLVED to approve (1) the adoption of the revised Appraisal Policy for Teachers Employed by the Local Authority and not attached to Schools. This policy included the methodology and scrutiny of managing pay progression for

teachers based on their annual performance review as required by the STPCD;
and

(2) the adoption of the revised Competence Procedures for Teachers Employed by the Local Authority and not attached to Schools. The procedure included the process to be followed should action to dismiss a teacher on the grounds of lack of competence be necessary.

7/20 **EXCLUSION OF THE PUBLIC RESOLVED** that the public be excluded from the meeting during the Committee's consideration of the remaining items on the agenda to avoid the disclosure of the kind of information detailed in the following summary of proceedings:-

SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 8 November 2019 (contains exempt information)
2. To consider the joint exempt report of the Executive Director Children's Services and Director of Organisation and Development on application to extend a Market Supplement Payment to Night Care Assistants (contains information which is likely to reveal the identity of an individual)
3. To consider the report of the Executive Director Commissioning, Communities and Policy on request to support the Dismissal of an Assistant Director by means of Voluntary Redundancy resulting from the ICT Management Team Restructure (contains information which is likely to reveal the identity of an individual)

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DERBYSHIRE COUNTY COUNCIL

Appointments and Conditions of Service Committee

1st July 2020

Report of the Director of Organisation Development and Policy

Covid Workforce Initiatives Report

1. Purpose

To update ACOS on the workforce initiatives implemented as a result of the Covid pandemic.

2. Background

Since the end March 2020, interim guidance and dedicated workforce initiatives have been implemented for both managers and employees regarding the utilisation and wellbeing of our workforce in response to the Covid pandemic. During this period we have established additional regular engagement forums with trade unions, implementing a weekly strategic dialogue with regional representatives and branch secretaries and weekly interfaces with departmental representatives supported by Senior HR Business Partners.

3. Interim Workforce Response

Our interim changes to workforce policy have been made at pace and in response to the Government announcements on lockdown from 23rd March 2020. These changes have aimed to improve workforce flexibility, remaining under continual review, and include the following:

- Interim changes to the flexi-scheme to enable greater workforce flexibility.
- Updated guidance on annual leave and other leave provisions.
- Guidance on recording and payment during self-isolation and Covid-19 related sick absence, with SAP system changes to automate and support more accurate data recording.
- Interim Average Payments Policy for Relief Workers.
- Sent home protocols to provide clarity and guidelines where needed for employees who were unable to work from home.
- Coordinated employee testing referrals supporting managers to ensure symptomatic employees were referred for testing in the first 5 days.

Workforce surveys have been undertaken to enable greater understanding of our workforce ability and limitations, with both a health survey and skills and redeployment survey being conducted across all employees. This information has been utilised both within departments and centrally to support our overall workforce response, with particular focus on redeployment of our workforce to support critical roles.

4. Resourcing Approaches

A central internal Resourcing Hub has been implemented to provide a conduit to support resource utilisation and redeployment across all departments and in conjunction with partner organisations to support the wider system resource challenges. The Council have redeployed 379 employees across all departments into priority roles predominantly residing within Adult Social Care and Health.

The Resourcing Hub is underpinned by revised workforce supply and demand guidance, deploying shortened recruitment processes for emergency roles and revised interim vacancy control processes to enable us to be more responsive. At the outset of lockdown, we wrote to former employees seeking their interest in re-engagement with the Council, with those who registered their interest being signposted to departments to consider suitability aligned to the priority roles in the Council.

This has been further supported by the provision of minimum standard training to ensure rapid availability of staff for key roles (such as care workers) which has been scoped, developed and implemented at pace, utilising our Derbyshire Learning Online system to provide alternative approaches to delivery given the social distancing restrictions.

5. Employee Wellbeing

Employee wellbeing has and continues to be been crucial throughout our response to the Covid pandemic.

We have implemented a wellbeing system for employees which consists of 5 levels of support. Level 1 focuses on general support through to more specific and specialist individual support at level 5.

- Level 1 consists of advice and guidance. We have a dedicated wellbeing site for employees hosted on Our Derbyshire as well as a Covid specific area. This area hosts both the advice and guidance we have issued (for example working from home and PPE) and also has links to external and internal specific physical and mental health support sites.
- Level 2 is access to our Mental Health First Aider Network with dedicated contact details. Queries at this level are triaged via our Occupational Health Team and directed to the right level of support.
- Level 3 involves the provision of a smartphone app 'Thrive' which employees can download. This app provides access to mental health support based on cognitive behavioural therapy (CBT) principals as well as signposting employees to other support which is available.
- Level 4 focuses on the provision of an Employee Assistance Programme. We have initially commissioned this for 6 months. This provides a telephone helpline for employees and family members within the same household. It includes advice and guidance around a range of issues which could be causing

employee anxiety and mental health issues and includes up to 6 sessions of 'light touch' counselling. The service is completely confidential and is available 24 hours a day, 7 days per week. There is also access to a dedicated website which contains advice and factsheets on a range of topics.

- Level 5 is aimed at those employees who require a more detailed intervention and is accessed via the triage service provided through our Occupational Health Team (aligned to Level 2). This consists of the provision of support from our in house counselling service supported by other specialist colleagues where required.

From the outset of the pandemic, Health and Safety and Public Health colleagues have worked together to produce and amend PPE guidance in line with the national guidance. Alongside this the Council established a PPE sub-group and a PPE ordering and distribution hub to ensure services are able to obtain the required PPE for employees. Initially emergency supplies of PPE were also provided to the PVI sector and Health partners where supply issues existed. Following initial issues with the availability and quality of some PPE items, the Council has managed these to ensure a continuous supply of PPE is available. The PPE sub-group continue to liaise with the PPE distribution hub, Health and Safety and Public Health colleagues, issuing additional guidance where required. PPE stock levels are assessed on a daily basis and the quantities that establishments are able to order are adjusted accordingly. The PPE sub-group are also working closely with the Local Resilience Forum supply chain to access stocks where required.

6. Next Steps

Our focus from a workforce perspective now focuses on planning for organisational recovery and we continue to engage with Trade Unions throughout our approach. The following is now underway to ensure continual review of our workforce initiatives as the pandemic evolves

- We have deployed an 'Our Spirit' employee pulse survey to gain feedback from colleagues on our response to the pandemic. The results will help inform our future response to the pandemic and also align to our longer term employee engagement approach, with four areas being explored as follows:
 - o Your wellbeing, morale and mental health.
 - o Your ways of working (and the interim terms applied to enable flexibility).
 - o Our Support to You - Have you felt supported by your management team, senior management and the Council.
 - o Our Future – Your perceptions on the future and what you would like to see from the Council.
- We are reviewing our interim changes to workforce policy to address the following areas:
 - o Our future pay policy for those employees who are shielding.
 - o Annual Leave balances and future approach to carry forward.
 - o National guidance on requirements for quarantine/self-isolation aligned to overseas travel and NHS treatment.

- Health, Safety and Wellbeing colleagues continue to work with Property and Asset Management to support and enable return to the workplace where required aligned to service priorities.
- From a Learning and Development perspective, we continue to review our schedule of planned learning programmes and prioritise those which can be developed and delivered through alternative methods to enable core training to continue.
- To support continued focus on employee wellbeing, we are scoping the potential to provide elements of our wellbeing system through a defined package to Schools within our traded services offering, whilst considering alignment to our longer term wellbeing strategy.
- Finally, we are reviewing all lessons learned to date regarding the workforce impacts and initiatives deployed as a result of the pandemic, considering where we can amend our people processes and policies going forward, whilst ensuring we continue to align to national guidance as this evolves.

7. Officer Recommendation

ACOS notes the progress in deploying the workforce initiatives outlined in this report in response to the Covid pandemic.

Emma Crapper
Director of Organisation Development & Policy

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of the Local Government Act 1972.

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