

PUBLIC

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.