

Employment Committee

Date: **Wednesday 30 November 2022**

Time: **12pm**

Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich NR1 2DH**

Membership

Cllr Andrew Proctor (Chair)

Cllr Anthony Adams

Cllr Stuart Clancy

Cllr Steve Morpew

Cllr Saul Penfold

Cllr Graham Plant (Vice-Chair)

Cllr Carl Smith

Advice for members of the public:

This meeting will be held in public and in person

It will be live streamed on YouTube and, members of the public may watch remotely by clicking on the following link: https://www.youtube.com/channel/UCdyUrFjYNPfPq5psa-LFIJA/videos?view=2&live_view=502

However, if you wish to attend in person it would be helpful if, you could indicate in advance that it is your intention to do so as public seating will be limited. This can be done by emailing committees@norfolk.gov.uk.

The Government has removed all COVID 19 restrictions and moved towards living with COVID-19, just as we live with other respiratory infections. However, to ensure that the meeting is safe we are asking everyone attending to practise good public health and safety behaviours (practising good hand and respiratory hygiene, including wearing face coverings in busy areas at times of high prevalence) and to stay at home when they need to (if they have tested positive for COVID 19; if they have symptoms of a respiratory infection; if they are a close contact of a positive COVID 19 case). This will help make the event safe for all those attending and limit the transmission of respiratory infections including COVID-19.

A g e n d a

1. To receive any apologies.

2. Minutes

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To agree the minutes of the meeting held on 28 October 2021

3 Members to Declare any Interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4 Updates from the Chairman/Committee Members

5 Annual leave entitlement and the 2022-23 pay award

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Report by the Executive Director of Strategy and Transformation

6 Exclusion of the Public

The Committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraph 4 of Part 1 of schedule 12A of the Local Government Act 1972, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Committee will be presented with the conclusions of the public interest tests carried out by the report author and is recommended to confirm the exclusion.

7 Exempt Minutes of the Meeting held on 28 October 2021

Tom McCabe
Head of Paid Service
Norfolk County Council
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 22 November 2022



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Employment Committee

Minutes of the Meeting Held on 28 October 2021 at
1pm in the Council Chamber, County Hall

Present:

Cllr Andrew Proctor (Chair)
Cllr Graham Plant (Vice-Chair)

Cllr Tony Adams
Cllr Shelagh Gurney
Cllr Steve Morphew

Cllr Saul Penfold
Cllr Tony White

Also Present:

Andrew Brett	Senior Lawyer (Public Law & Standards)
Gavin Cooke	Strategic HR Business Partner - Children's Services
Emma Cooper	Business Design & Change manager
Hayley Griffin	Assistant Director, Children's Social Care
Sara Shirtcliff	Director for People
Sara Tough	Executive Director Children's Services
Phil Watson	Director of Children's Social Care

1. Apologies for Absence

1.1 Apologies were received from Cllr Stuart Clancy (Cllr Shelagh Gurney substituting) and Cllr Carl Smith (Cllr Tony White substituting).

2. Minutes

2.1 The minutes of the meeting held on 26 November 2020 were agreed as an accurate record and signed by the Chairman.

3. Declarations of Interest

3.1 No interests were declared.

4. Items of Urgent Business

4.1 There were no items of urgent business.

5. Exclusion of the public

- 5.1 The committee heard the conclusions of the public exemption test.
- 5.2.1 Cllr Morpew raised his concerns with item 6, “Remuneration arrangements to support recruitment and retention of Family Assessment and Safeguarding Team (FAST) Social Workers” being excluded from the public. He understood why some aspects of the report should be considered in private, however felt that the matter to be discussed was a matter of public interest. He believed that the Committee could discuss the report in public without discussing the full details behind the report considered as “below the line” such as financial details.
- 5.2.2 The Chairman concluded that if some of the information in the report needed to be considered as “below the line” then the whole report should be.
- 5.3 With 5 votes for and 2 votes against from Cllrs Penfold and Morpew the Committee **RESOLVED** to exclude the public for consideration of item 6, “Remuneration arrangements to support recruitment and retention of Family Assessment and Safeguarding Team (FAST) Social Workers” and item 7, “exempt minutes of the Meeting held on 26 November 2020”.

Summary of minute excluded from public deposit

6. Remuneration arrangements to support recruitment and retention of Family Assessment and Safeguarding Team (FAST) Social Workers

- 6.1 The Committee considered the confidential report by the Executive Director of Children’s Services.
- 6.2 The Committee **RESOLVED**
- To agree recommendations 1-3 as set out in the report
 - To make an amendment to the policy as detailed in the exempt minutes

7. Exempt Minutes of the Meeting held on 26 November 2020

- 7.1 The exempt minutes of the meeting held on 26 November 2020 were **agreed** as an accurate record and signed by the Chairman.

The meeting concluded at 15:10

Chair

Employment Committee

Item No: 5

Report Title: Annual leave entitlement and the 2022-23 pay award

Date of Meeting: 30 November 2022

Responsible Cabinet Member: Cllr Proctor (Leader and Cabinet Member for Strategy and Transformation)

Responsible Director: Paul Cracknell, Executive Director – Strategy and Transformation

Is this a Key Decision? No

If this is a Key Decision, date added to the Forward Plan of Key Decisions: N/A

Executive Summary / Introduction from Cabinet Member

As well as a £1925 increase to all pay points, the 2022-23 national pay deal for employees covered by the Local Government Services (Green Book) includes an additional day of annual leave from 1 April 2023. The Local Government Association is keen for all local authorities to implement this extra day of leave, but as Norfolk County Council has locally agreed annual leave entitlements, any change requires the Employment Committee's approval. This report sets out reasons that lead to a recommendation that the extra day of leave is approved for all employees covered by the pay deal and Soulbury Officers.

Some employees have raised financial concerns due to recent cost of living increases so a proposal is also presented to allow employees to apply to sell up to five days of annual leave for the year 2022-23 onwards. This would help promote the County Council as a flexible employer.

Actions Required: The Employment Committee is recommended to:

- Agree an increase of one day of additional annual leave entitlement for employees on salary scales A-S and those on Soulbury salary scales.
- Agree the introduction of a Selling Annual Leave policy which allows employees to sell up to five days of leave per year back to Norfolk County Council.
- Delegate signing off final details of the Selling Annual Leave policy to the Director for People.

1. Background and Purpose

- 1.1.** Historically national pay negotiations have focused on pay, but the 2021-22 National Joint Council for Local Government Services (Green Book) pay deal included an increase of one day to the minimum Green Book leave entitlement. As Norfolk County Council (NCC) already offered at least one day more than the Green Book minimum there was no impact here.
- 1.2.** The 2022-23 Green Book pay offer contains four components, one of which also impacts leave entitlement:

 - 1.2.1. With effect from 1 April 2022, an increase of £1,925 on all NJC pay points 1 and above – this automatically applies at NCC.
 - 1.2.2. With effect from 1 April 2022, an increase of 4.04 per cent on all allowances – this automatically applies at NCC.
 - 1.2.3. With effect from 1 April 2023, the deletion of pay point 1 from the NJC pay spine – this automatically applies at NCC and will require an amendment to its locally agreed Salary Scales. The practical implications of this are being worked through.
 - 1.2.4. With effect from 1 April 2023, an increase of one day to all employees' annual leave entitlement (pro rata for part-timers) – NCC has locally agreed annual leave entitlements and changes to these are subject to authorisation by the Employment Committee.
- 1.3.** The Local Government Association has said that the deal was made in full expectation that the additional day's leave will be applied for all Green Book staff, regardless of existing local arrangements. Recognised trade unions share this expectation and balloted their members on the pay offer with this included.
- 1.4.** At NCC some employees covered by the Green Book pay outcome are not classed 'NJC staff' for annual leave entitlement. Chief Officers (CO) are covered by National CO conditions for leave, and Senior Managers (scales P and above) are on local terms and conditions. It would however be difficult to implement the extra day for only some employees covered by the pay deal and any decision to do so is likely to be challenged.
- 1.5.** There is also a requirement to remain competitive and most other councils we surveyed are giving it to all employees covered by the pay deal (a few have yet to decide). An increase also brings NCC's entitlement closer to the National Health Service's. (See Appendix A for other organisations' leave entitlements). NCC has options for employees to buy additional annual leave and take periods of unpaid leave but these are common across the public sector.
- 1.6.** As part of the forthcoming strategic review of pay and benefits, NCC will review annual leave entitlement more widely to make sure the entitlements

support current recruitment, retention and engagement and align with the wellbeing strategy.

2. Proposal

2.1. The first proposal is to add an additional day of annual leave to NCC entitlements so that all employees in scope get an extra day of leave from 1 April 2023. Also to allow employees to sell the extra day of leave, subject to the service being able to support this, and get the equivalent monetary value instead of taking the time off.

2.2. Scope

2.2.1. NCC employees on salary scales A-S are covered by the pay deal including Chief Officers and support staff in schools where NCC is the employer. But senior officers have local terms and conditions for all but pay awards. Chief Officers have some national Chief Officer terms, including for leave entitlements. All are treated in scope of this review of leave entitlements.

2.2.2. Soulbury Officers have national salary scales but are covered by NCC leave arrangements so are in scope.

2.2.3. Teachers and uniformed firefighters are covered by other national leave arrangements and pay negotiations so are excluded.

2.3. Options

2.3.1. The national award takes the Green Book minimum to 25 days (up to five years' service) and then 29 (five years' service or more).

2.3.2. If the extra day is not implemented at NCC employees on scales A-E with below five years' service would fall below the Green Book entitlement, making it harder to compete with other local Councils, when recruiting:

2.3.3. Norfolk County Council current leave entitlement:

Scale A-E

Below 5 years - 24 days

5 or more years - 29 days

Scale F-G

Below 5 years - 25 days

5 or more years - 29 days

Scale H-M

Below 5 years - 27 days

5 or more but less than 10 - 29 days

10 or more - 30 days

Scale N and above

Below 5 years - 28 days

5 or more but less than 10 - 29 days

10 or more - 31 days

Chief officers*

34 days

*Senior officers employed on the terms and conditions of the Joint Negotiating Committee for Chief Officers of Local Authorities (JNC) are entitled to 30 days plus 4 local additional days per annum.

2.4. Options considered include:

2.4.1. Giving the extra day to all employees covered by the pay deal, including senior managers and chief officers plus Soulbury Officers. This option has been endorsed by Executive Directors and is recommended to the Employment Committee as all employees and trade unions expect this from the national information released, it helps NCC remain competitive in the local and national market and keeps current leave entitlement differentials intact.

2.4.2. Giving the extra day to employees on Green Book terms (scales A-O) and Soulbury Officers only. This is likely to result in senior officers making a claim that they are entitled to the extra day, as they are covered by the pay deal. It would be difficult to defend this with no agreed protocol for where non-pay elements are included in a pay deal and could cause discontent.

2.4.3. Not implement the extra day. This would be unpopular with employees and trade unions and is likely to lead to challenge and/or collective grievances. The Local Government Association is unlikely to help NCC manage the challenge. It would also leave some NCC entitlements below the Green Book minimum which is not recommended for recruitment and retention reasons.

Option 2.4.1 is therefore recommended for the reasons set out.

2.5. Selling annual leave

2.5.1. During the pandemic employees could temporarily sell back to NCC up to 10 days annual leave providing they had taken their statutory 28 days (including 8 days bank holiday). This proved popular, especially for people who might have lost days leave in the past. The cost over the two-year period was £634k.

2.5.2. Some employees have asked to sell leave for 2022-23 but there is no current provision to allow this.

2.5.3. While we do not recommend allowing up to 10 days as a long-term approach for the health/wellbeing of employees and cost to the authority, the option to sell up to five days leave (pro rata for part timers) would be a welcome addition to the employment deal for some employees and managers. Requests would be subject to the service being able to support and afford it.

2.5.4. If the extra day of leave is agreed it would also mean employees can choose to either take the extra day or take the equivalent money instead providing their service can finance this and goes some way to support those impacted by cost of living increases.

2.5.5. There would be potential to review the number of days leave employees can sell in future years depending on popularity and feedback.

2.5.6. The selling annual leave policy could go live even if the extra day of annual leave is not agreed.

3. Impact of the Proposal

3.1. Increasing leave entitlements by one day and allowing the selling of up to five days of leave would improve NCC's offer for attracting candidates to key roles impacted by national or local skill shortages. It helps demonstrate our commitment to flexibility and lifelong careers – recognising that at some points in life people may favour time off, and at others extra money.

3.2. It also supports those in less senior roles that cannot afford to buy additional leave or take unpaid leave, and often have less access to day-to-day flexibility if working in services requiring shift cover or fixed opening times.

4. Alternative Options

No alternative options are presented.

5. Financial Implications

5.1. Additional day's leave

There is no additional financial outlay for giving an extra day of leave to everyone covered by the Green Book pay award and Soulbury Officers, as contractual paid time off is included in the annual salary for the role. There would be lost

production time but we do not anticipate extra resource would be needed as a result.

5.2. Selling leave

Many employees are likely to prefer extra time off to a cash alternative. 307 employees (less than 5% in scope) sold leave in 2021-22 despite pandemic pressures in services, but the cost of living rises since might lead to more requests.

If approximately 10% of employees (c700) sold up to three days a year the cost could be in the region of £260,000 (including employer National Insurance Contributions) but will vary depending on the take up mix by salary scale. This would be funded from existing staffing budgets. A reduction in the need to pay additional hours or enhanced overtime might result. Services could decline requests they cannot fund.

6. Resource Implications

6.1. There are no significant resource implications for the change to annual leave entitlement.

6.2. A one-off requirement to develop myOracle to automate the acceptance and processing of selling annual leave would be required. A small amount of policy and payroll oversight once live would be managed within existing resource.

7. Other Implications

7.1. Legal Implications:

None. NCC would continue to ensure that employees take their statutory annual leave.

7.2. Human Rights Implications:

None

7.3. Equality Impact Assessment (EqIA) (this must be included):

Granting extra time off for all employees covered by the pay deal would have a positive impact on employees in protected groups, such as people with child care commitments (often women) and carers, or people with a disability.

Allowing the choice to either take the day off or sell it would help support people in protected groups including the lower paid who are more likely to be young, or women.

7.4. Data Protection Impact Assessments (DPIA):

No new data protection impacts arise from these proposals.

7.5. Any Other Implications:

None.

7.6. Risk Implications / Assessment

None.

8. Recommendations

The Employment Committee is recommended to:

- 8.1.** Agree an increase of one day of additional annual leave entitlement to employees on salary scales A-S and those on Soulbury pay scales.
- 8.2.** Agree to the introduction of a Selling Annual Leave policy which allows employees to sell up to five days of leave per year back to Norfolk County Council.
- 8.3.** Delegate signing off final details of the Selling Annual Leave policy to the Director for People.

9. Background Papers

None

10. Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Sally Albrow, Senior HR Consultant

Telephone no.: 01603 223206

Email: sally.albrow@norfolk.gov.uk

Annual leave entitlement, external organisations

Councils:

Not all councils distinguish by grade but most still offer service length increases (usually five years and sometimes again at 10). The number of days leave tends to be the same or similar to Green Book entitlements:

Councils using grade and service length:

Brighton & Hove (24-27 then 27-30)

Chelmsford (23-28 then 28-33, then 29-34)

Derbyshire (25 then varies up to 34)

Hertfordshire (24-30 then 28-33)

Kent (26-30 then 27-30)

Essex (25-30 then 28-30)

West Sussex (24-29 then 27-29)

Councils using service length only (same entitlement for all grades):

Buckinghamshire (25 then 30)

Cambridgeshire (23-30 then 29-30)

Cumbria (24-30)

Devon (25-33)

Surrey (26-30)

Warwick (23-28)

Wiltshire (25+5+ a further 2 on 40 years' service).

NHS Agenda for change:

Length of service	Annual leave
On appointment	27 days
After five years' service	29 days
After ten years' service	33 days

Elsewhere

Varies from statutory minimum (20 days) - including some private care providers, to more generous entitlements. A recent Chartered Institute of Personnel and Development (CIPD) Reward Management survey reported an increase in the number of organisations offering 25 days or more since 2018, with opportunity for time off and flexibility generally valued by staff.