

# Public Document Pack



## NOTICE OF MEETING

<b>Meeting</b>	Employment in Hampshire County Council Committee
<b>Date and Time</b>	Thursday, 11th November, 2021 at 10.00 am
<b>Place</b>	Chute Room - HCC
<b>Enquiries to</b>	members.services@hants.gov.uk

Carolyn Williamson FCPFA  
Chief Executive  
The Castle, Winchester SO23 8UJ

## FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on the County Council's website.

## AGENDA

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

### 2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

### 3. MINUTES OF PREVIOUS MEETING (Pages 5 - 10)

To confirm the minutes of the previous meeting.

### 4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

**5. CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

**6. SENIOR MANAGEMENT UPDATE (Pages 11 - 20)**

To consider a report of the Chief Executive providing an update on the organisational and senior management changes since the last management capacity update paper in July 2021.

**7. PAY, POLICY AND LEGISLATION UPDATE (Pages 21 - 32)**

To consider a report of the Director of Human Resources, Organisational Development and Communications & Engagement, providing an update on the National Pay Award and an update on potential employment related legislative changes.

**8. MANDATORY VACCINATIONS POLICY (Pages 33 - 44)**

To consider a report of the Director of Human Resources, Organisational Development and Communications & Engagement, regarding a new legislative requirement that workers working or deployed in a Care Quality Commission (CQC) registered care home are fully vaccinated against Covid-19.

**9. CLOSE PERSONAL RELATIONSHIPS AT WORK POLICY (Pages 45 - 60)**

To consider a report of the Director of Human Resources, Organisational Development and Communications & Engagement, seeking EHCC agreement to implement a new Close Personal Relationships at Work policy for the Council.

**10. HAMPSHIRE COUNTY COUNCIL PAY STATEMENT - FINANCIAL YEAR 2022/23 (Pages 61 - 76)**

To consider a report of the Chief Executive setting out the proposed Pay Statement for 2022/23, and to seek the recommendation of the EHCC Committee of the proposed Pay Statement to the County Council.

**11. MEMBERS ALLOWANCES SCHEME (Pages 77 - 94)**

To consider a report of the Chief Executive regarding amendments to the Members' Allowances Scheme 2021/22 and Members' Allowances Scheme for 2022/23, 2023/24, 2024/25 and 2025/26.

**ABOUT THIS AGENDA:**

**On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.**

**ABOUT THIS MEETING:**

**The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk) for assistance.**

County Councillors attending as appointed members of this Committee or by virtue of Standing Order 18.5; or with the concurrence of the Chairman in connection with their duties as members of the Council or as a local County Councillor qualify for travelling expenses.

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# Agenda Item 3

AT A MEETING of the Employment in Hampshire County Council Committee of  
HAMPSHIRE COUNTY COUNCIL held at the castle, Winchester on Monday, 5th  
July, 2021

Chairman:

\* Councillor Stephen Reid

Councillor Gary Hughes  
\* Councillor Adrian Collett  
a Councillor Steve Forster  
a Councillor Keith House  
\* Councillor Zoe Huggins  
Councillor Stephen Parker

a Councillor Stephen Philpott  
\* Councillor Arun Mummalaneni  
\* Councillor Tanya Park

\*Present

Also present with the agreement of the Chairman: Councillor Keith Mans, Leader of the Council and Councillor Edward Heron, Executive Member for Recreation, Heritage and Rural Affairs

## 1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Philpott, Cllr Mummalaneni attended in his place as the Conservative substitute. Apologies were also received from Cllr House, Cllr Park attended in his place as the Liberal Democrat substitute. Apologies were also received from Cllr Forster.

## 2. **DECLARATIONS OF INTEREST**

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

No declarations were made.

## 3. **MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were reviewed and agreed. It was requested that in future the minutes reflect if a substitute member attended, but not list the substitutes if they did not attend.

4. **DEPUTATIONS**

No deputations were received.

5. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman noted that it would be the last meeting John Coughlan, Chief Executive, would be attending before retiring and thanked him for his support to the Committee over the years. The Chairman congratulated Carolyn Williamson on being appointed to take over as the new Chief Executive.

The Chairman also recorded thanks to the members who previously sat on the Committee who had stood down at the County elections in May.

6. **CONNECT2HAMPSHIRE - AN UPDATE ON HAMPSHIRE'S STAFFING AGENCY**

The Employment in Hampshire County Council (EHCC) Committee considered a report of the Director of Corporate Resources regarding the County Councils joint venture agency, Connect2Hampshire (C2H). Members heard that the joint venture had been created two years ago in order to enable the council to better manage supply of agency workers.

The report highlighted that the provider of IT services to C2H experienced a significant cyber attack in April 2020. There was no loss of personal data, however the agency had to operate without many key systems for several months. The pandemic also impacted the agency, with demand up in some areas such as agency workers in social care, but below expectations in other areas of business as a result of the lockdowns.

While it was difficult to quantify improvement in the quality of the temporary workforce as a result of the venture, feedback suggested recruiting officers had greater confidence in the quality of candidates being sourced. There was also a small estimated profit share that would be received by the County Council.

Members asked questions for clarification. It was confirmed that social care agency staff were only placed with one care home, not working across locations, to minimise risk.

RESOLVED:

The EHCC Committee note the challenges faced by Connect2Hampshire during 2020/21, and its performance during this period in relation to the provision of temporary agency workforce to the County Council.

7. **ANNUAL WORKFORCE REPORT 2020-21**

The Employment in Hampshire County Council (EHCC) Committee considered a report of the Director of Corporate Resources regarding the Annual Workforce Report for 2020/21. It was noted that the look of the report had been changed

based on accessibility feedback and the report now included additional data on diversity. Members welcomed the style of the report.

It was reported that in March 2021 around 800 county council staff had been on furlough. A new staff network for working parents had been established. Data on ethnicity suggests the proportion of staff from a minority background was now higher than the proportion in the Hampshire population.

Members asked questions about the report and received responses, including:

- that the lowest pay rate was higher than the national minimum wage, however the county didn't currently have living wage accreditation.
- Staff had been provided with tools to support remote working, and a hybrid model of working partly in the office and partly remotely was being developed to start in September

RESOLVED:

The Employment in Hampshire County Council Committee:

1. Review the content of the Annual Workforce Report
2. Note the progress of the actions and next steps.

## 8. **PAY, POLICY AND LEGISLATION UPDATE**

The Employment in Hampshire County Council (EHCC) Committee considered a report of the Director of Corporate Resources providing an update on the National Pay Award, proposed employment related legislative changes and a change to terms and conditions for future appointments to Chief Officers on the Corporate Management Team.

It was noted that a pay award of 1% had been allowed for in the budget, and a report would be brought back to the committee if the award agreed nationally was higher than 1.5%. It was reported that the government were consulting on proposals to require Councils to publish data on exit payments on an annual basis. It was also noted that the normal minimum pension age was currently 55 and would rise to 57 in 2028.

It was proposed to make future Corporate Management Team appointments on EHCC terms and conditions with 30 days annual leave. Members asked questions for clarification.

RESOLVED:

1. That EHCC note the current position of national pay negotiations and agree to apply the national pay award to EHCC Grades A – G and payments for standby and sleeping in duties, once national negotiations have concluded as contractually obliged to do so.
2. As in previous years, that EHCC agree to officers applying the same national pay award to EHCC Grades H and above, on the presumption that it is no more than 1.5%. If the settlement is higher than this a decision will be brought back to EHCC. Consultation with recognised Trade Unions will be undertaken regarding this decision.

3. EHCC notes that if in the national negotiations the employer side considers making or accepting an offer which is higher than 1.5% overall, updates will be provided to EHCC and Cabinet as required to advise of the implications including any unfunded financial pressure created consequently.
4. That EHCC note the ongoing national discussions regarding exit payments.
5. That EHCC note the forthcoming change in 2028 to the Normal Minimum Pension Age.
6. That EHCC agree all future Corporate Management Team (CMT) appointments will be made on EHCC terms and conditions only, with 30 days annual leave. Other Chief Officers, who are not members of CMT, will continue to be appointed on EHCC terms and conditions only.

## 9. SENIOR MANAGEMENT UPDATE

The Employment in Hampshire County Council (EHCC) Committee considered a report of the Chief Executive regarding organisational and senior management changes since the last update in March 2019.

Members heard that functions previously under the 'Transformation and Governance' section had been re-aligned to other areas of the Council. An existing Assistant Director had been appointed to Deputy Director in both Children's Services and Culture Communities and Business Services (CCBS). Two existing senior officers in CCBS had also been acting up to Assistant Director roles, and an appointment panel would be following this meeting to consider making those permanent appointments.

RESOLVED:

The EHCC Committee note the adjustments that have been made to departmental arrangements as outlined in the body of the report.

## 10. SENIOR MANAGEMENT ADJUSTMENTS

The Employment in Hampshire County Council (EHCC) Committee considered a report of the Chief Executive Designate regarding organisational and senior management changes required as a result of the current Deputy Chief Executive and Director of Corporate Resources being appointed as the next Chief Executive from 19 July 2021.

It was noted that the current Assistant Chief Executive would remain in post until October 2021 to assist with a smooth transition of Chief Executive. Members asked questions for clarification. It was noted that the two deputy Chief Executive's would have equal standing, and an arrangement would be established so that it was clear who was deputising at any one time.

RESOLVED:

The EHCC Committee agree the organisational and senior management changes necessary as a result of the current Deputy Chief Executive and

Director of Corporate Resources being appointed as the County Councils next Chief Executive, commencing 19 July 2021 as follows:-

- To delete the post of Director of Corporate Resources.
- To agree the expansion of the role of the current Head of Finance and redesignate to Director of Corporate Operations / Chief Financial Officer and, with an appointment panel in early September followed by a recommendation to County Council on 30 September in line with the requirements of the Constitution regarding this Statutory Appointment.
- To agree the expansion of the current Assistant Director Human Resources & Workforce Development and redesignate to Director of Human Resources, Organisational Development & Customer Engagement Services, with a Member Appointment Panel in early September.
- To agree to redesignate the current Corporate Finance Manager role to Head of Finance and this role holder will be the Deputy Chief Finance Officer for the County Council, with a Member Appointment Panel in early September.
- To note that the current Head of Pensions will become the Deputy Chief Finance Officer for the Pension Fund.
- To agree the expansion of the current role of the Head of Shared Services and redesignate as Director of Shared Services, with a Member Appointment Panel in early September
- To agree that the following posts will be appointed to on an interim basis with effect from 19 July:-
  - Director of Corporate Operations / Chief Financial Officer
  - Director of Human Resources, Organisational Development & Customer Engagement Services
  - Head of Finance
  - Director of Shared Services

With a report to County Council on 22 July to appoint the Chief Financial Officer on an interim basis as required in line with Constitutional requirements regarding this Statutory Appointment.

- To agree the appointment of two Deputy Chief Executive roles through due process and appointment by the Chief Executive, open to current members of the Corporate Management Team.
- Agree to the creation of a new Assistant Chief Executive role reporting directly to the Chief Executive, focussing on Partnerships, to be filled through an open recruitment process.
- It is also proposed that subject to Member appointment panel, delegated authority be given to the Chief Executive in consultation with the Chairman of the EHCC Committee to set salary rates for each of the post holders referred to in this report which are reflective of the established rates for the posts.

11. **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED:

That in relation to the following item the press and public be excluded from the meeting, as it was likely, in view of the nature of the business to be transacted or the nature of proceedings, that if a member of the public were present during the item there would be disclosure to them of exempt information within Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exempt information outweighs the public interest in disclosing the information, for the reasons set out in the report.

12. **EXEMPT MINUTES OF PREVIOUS MEETING**

The exempt minute of an exempt item considered at the meeting on 11 March 2021 was agreed as a correct record.

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Chairman,

## HAMPSHIRE COUNTY COUNCIL

<b>Committee:</b>	Employment in Hampshire County Council
<b>Date:</b>	11 November 2021
<b>Title:</b>	Senior Management Update
<b>Report From:</b>	Chief Executive

**Contact name:** Carolyn Williamson

**Tel:** 01962 847300

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### **Purpose of this Report**

1. The purpose of this report is to provide an update to EHCC on the organisational and senior management changes since the last management capacity update paper in July 2021.

### **Recommendation(s)**

2. It is recommended that the EHCC Committee note the adjustments that have been made to departmental arrangements as outlined in the body of the report and as summarised below:
  - Completion of the changes in Corporate Services following appointment of the Chief Executive.
  - Deletion of the post of Assistant Director Transport.
  - Deletion of the post of Assistant Director Economic Development.
  - Revision of the role of Deputy Director of ETE and Lead on Economy, Infrastructure and Spatial Planning, subject to a Member Appointment Panel.
  - Expansion of the role of Head of Transformation ETE and redesignation to Assistant Director of Transformation and Business Services Group subject to a Member Appointment Panel.
  - widening of the remit of the Assistant Director of Highways, Traffic & Engineering and the change of job title to Assistant Director of Highways, Engineering and Implementation.
  - widening of the remit of the Assistant Director of Waste Planning & Environment.

## **Executive Summary**

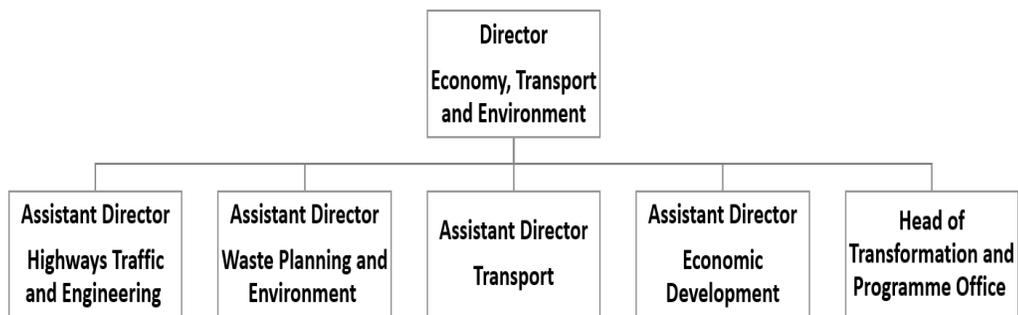
3. Further to the report submitted to EHCC in July, this paper confirms the actions taken in relation to Corporate Services.
4. Also detailed in the paper are recent and proposed changes to the departmental management team for ETE (Economy, Transport and Environment) in order to ensure service delivery remains strong and that sufficient capability and capacity are in place to provide ongoing leadership to meet continuing financial pressures.
5. It was agreed, as per the Corporate Management Capacity paper submitted to EHCC on 13 March 2019 that 'Directors should have the ability to nominate an existing Assistant Director as a formal deputy to provide support and additional capacity on transformation and departmental leadership. Such arrangements will only apply to established and 'senior' Assistant Directors and should have little if any financial implications, all of which will be borne within departments'.
6. The areas of change within ETE incur no additional costs and are detailed further in this paper.

## **Corporate Services**

7. All recommendations as agreed by EHCC on 5 July 2021 have been progressed and completed, with key updates being:
  - The following roles were subject to a Member Appointment Panel in September, the outcome being that the postholders were confirmed in permanent roles:
    - Director of Corporate Operations / Chief Financial Officer,
    - Director of Human Resources, Organisational Development & Communications and Engagement Services
    - Head of Finance
    - Director of Shared Services
  - The permanent appointment to two Deputy Chief Executive roles are on hold for a period of 12-months, during which time interim arrangements are in place with the Director of Children's Services and the Director of Adults' Health and Care appointed respectively to each of the deputy roles to provide effective cover and continuity.
  - Selection and offer has been made, following a Member Appointment Panel, in October, to the new role of Assistant Chief Executive, with a focus on the County Deal and Partnerships.

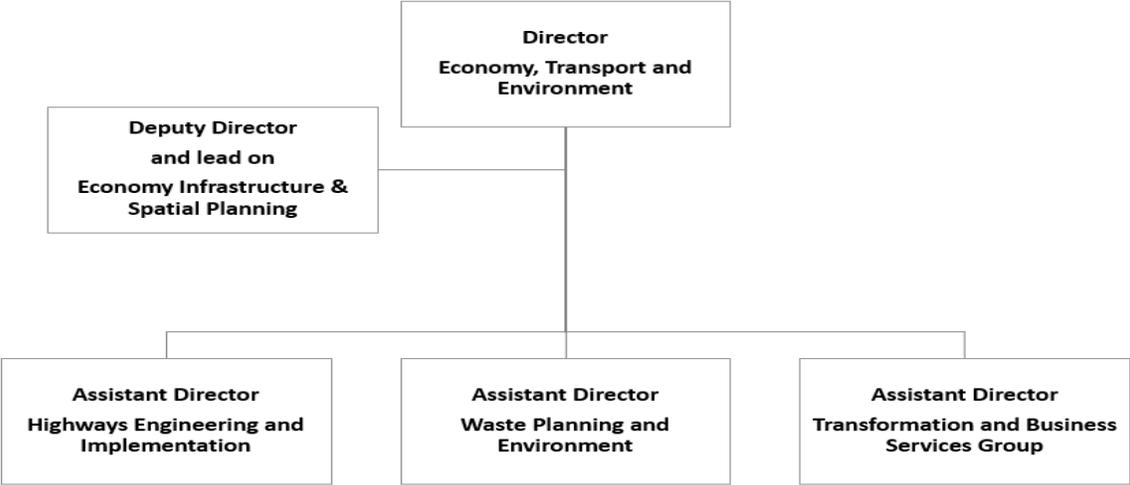
## ETE DMT

8. There have been several key factors in the last few years that have resulted in careful consideration of how the departmental management team for ETE needs to be shaped in order to ensure it has in place, and is able to retain, the capability and capacity it needs over the next 2 to 5 years.
9. Some of the key drivers include challenging savings targets (SP23); re-shaping some of its service delivery models to maximise efficiencies and effectiveness; the exit of two senior leaders within a 12-month period, one being a planned retirement, the other as a result of the individual securing a role elsewhere.
10. The Director of ETE has therefore been reviewing the departmental management structure and considers that now is the right time to effect a small number of changes to ensure retention of current and critical expertise.
11. The DMT up until recently has been made up of:
  - Assistant Director Highways Traffic and Engineering
  - Assistant Director Waste Planning and Environment
  - Assistant Director Transport (post holder leaving 21 November 2021)
  - Assistant Director Economic Development (post holder left December 2020, and has been covered since then through interim arrangements)
  - Head of Transformation and Programme Office



12. The new DMT will be re-shaped to include:

- Deputy Director of ETE and Lead on Economy, Infrastructure & Spatial Planning
- Assistant Director of Highways, Engineering and Implementation
- Assistant Director of Waste, Planning and Environment
- Assistant Director of Transformation and Business Services Group



13. The following two roles are expansions to current roles and do not require any governance to progress, however it is important that EHCC is sighted on changes as they develop:

**Assistant Director - Highways, Engineering and Implementation**

14. This role will continue to hold its current responsibilities for ensuring that robust and effective management of services are in place which deliver value for money, balanced budgets, income generation and to make a full contribution to the organisation’s Transformation and Savings programmes. In addition to these responsibilities the remit will widen to include the whole of ETE’s Capital Programme and developer funded work through road agreements. The full remit of the role includes highways, traffic and engineering services as well as the management of significant external contracts. The majority of the ETE workforce is aligned to this service area and the current role-holder will continue to be accountable.

**Assistant Director – Waste, Planning and Environment**

15. The current role-holder is and will continue to be accountable for the responsibilities of this role which include waste and recycling, environmental services as well as the County Council’s statutory planning responsibilities. The additional

responsibilities of the role will include strategic oversight and accountability for responding to climate change and the significant changes being introduced by the current Government to waste and recycling.

16. The following two roles are new, and have substantive senior managers undertaking these on an interim basis; and so in line with the County Council's Constitution and Standing Orders, EHCC are asked to agree that an Appointment panel considers both roles with a view to confirming both posts and individuals.

### **Deputy Director of ETE and Lead on Economy, Infrastructure & Spatial Planning**

17. The creation of a Deputy role, which also combines two previous roles (Assistant Director of Economic Development and Assistant Director of Transport) will provide a strong cohesiveness to the areas of strategic spatial planning and development management, along with economic development and regeneration, strategic land use and transport planning and reflect the County Council's enhanced place shaping role. The responsibilities sit well alongside each other and fit with the Deputy aspects of the role given the reach across all areas of the department. Having a Deputy Director for ETE will ensure there is effective cover and ongoing resilience in place.
18. The current role holder has been undertaking a proportion of this role since January 2021 on an interim basis, and has taken up the wider elements since September, alongside a significant role on co-ordinating and leading the technical input to the County Deal initiative.

### **Assistant Director of Transformation and Business Services Group**

19. The Head of Transformation role has had accountability for all matters relating to ETE's transformation agenda, and whilst it already reports to the Director of ETE it doesn't have a formal place on the DMT.
20. It is now considered the right time, given the ongoing challenges around the transformation agenda and 2023 savings targets to make this role a full member of the Departmental Management team and to widen the remit to include strategic oversight and accountability for the department's transformation programme including SP23, as well as performance management, service planning and co-ordination of the department's resource. Furthermore, the role has been expanded to be the department lead for management and leadership development, inclusion and diversity, safeguarding, department SIRO and Prevent, and in doing so, is the ETE DMT lead on such initiatives corporately.

21. All above changes above will be made in accordance with governance approvals being in place where required.
22. In summary, and given the criticality of these roles, the interim arrangements referenced and the appointments requested are being drawn from our current senior leadership cadre.
23. The recommendation is now to confirm, where relevant, these arrangements on a substantive basis and in doing so, ensure that capacity and capability at the required level is retained, ensuring essential stability at a time of significant challenge. A Member Appointment Panel will therefore review the relevant proposals and consider whether to confirm these arrangements. This is a process which meets the requirements of Standing Orders and has been adopted for a number of years whereby Panels have approved the appointment of internal candidates to key senior management roles. This enables the County Council to appoint senior managers who are developing their career and provides opportunities to create and build capacity in the organisation.

#### **Financial Implications**

24. There are no additional costs resulting from this report, all costs are contained within the current budgets.

#### **Consultation and Equalities**

25. It is not envisaged that an equalities impact assessment will be required for any of the updates included in this paper.

#### **Climate Change Impact Assessment**

26. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

#### **Climate Change Adaptation and Carbon Mitigation**

27. The carbon mitigation tool and climate change adaptation tools were not applicable on this occasion because the decision relates to a programme that is strategic/administrative in nature.

## **Conclusion**

28. The core purpose of this paper was to ensure that the Committee is updated on changes to the way in which the ETE DMT is being re-shaped to preserve ongoing high quality service delivery, continued efficiencies and which have resulted in role changes from within existing resource; whilst also seeking agreement to the proposal for a Member Appointment Panel to review and consider confirming current arrangements from temporary to permanent.
29. The recommendation is to agree these arrangements to ensure that capacity and capability at the required level is retained, ensuring essential stability at a time of significant challenge.
30. It is therefore proposed that a Member Appointment Panel considers confirmation of these arrangements. This is a process which meets the requirements of Standing Orders and has been adopted for a number of years whereby Panels have approved the appointment of internal candidates to key senior management roles.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

This proposal does not link to the Strategic Plan but potentially impacts the County Council's workforce strategy.

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
Corporate Management Capacity	13 March 2019
Senior Management Adjustments	5 July 2021

<b>Section 100 D - Local Government Act 1972 - background documents</b>	
<b>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</b>	
<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

- Equality objectives are not considered to be adversely affected by proposals in this report.

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## HAMPSHIRE COUNTY COUNCIL

<b>Committee:</b>	Employment in Hampshire County Council Committee
<b>Date:</b>	11 November 2021
<b>Title:</b>	Pay, Policy and Legislation Update
<b>Report From:</b>	Director of HR, OD and CES

**Contact name:** Nichola Andreassen

**Tel:** 0370 7795597

**Email:** nichola.andreassen@hants.gov.uk

### **Purpose of this Report**

1. The purpose of this report is to provide an update to EHCC on the National Pay Award and an update on potential employment related legislative changes.

### **Recommendation(s)**

2. That EHCC note the current position of the national pay negotiations and agree the application of the same national pay award to EHCC Grades H and above (as applied to Grades A – G), on the presumption that it is no more than 1.75%. Consultation with recognised Trade Unions will be undertaken regarding the implementation of this decision. It is not expected that the final settlement will be higher than this but if it is higher a decision will be brought back to EHCC.
3. That EHCC note the final position on the Home Working Allowance following consultation.
4. That EHCC note the updates on government consultations and potential employment legislation changes

### **Executive Summary**

5. The National Employers have made an improved one-year final pay offer of 2.75% for the lowest pay point on the national pay framework and 1.75% for all other pay points. Unison, GMB and Unite members have voted to reject the offer. All three unions are considering next steps, which includes a ballot for industrial action. The LGA has been informed that industrial action ballots are expected to take place in December and January.
6. As reported to EHCC in March 2021 (exempt paper) negotiations to amend the Home Working Allowances have progressed and have now concluded. Recognised trade unions have agreed the proposals, and these are now being implemented.
7. This report provides updates on the following legislation updates and Government consultation topics:
  - Public sector exit payments including 'Special Severance Payments'
  - Government response to a consultation on sexual harassment in the workplace
  - Government response to a consultation on reducing ill health-related job losses

## **Contextual information**

### **National Pay Award**

8. Following the Unions' rejection of the initial 1.5% pay offer made by the National Employers, a final offer of 2.75% for the lowest pay point on the national pay framework and 1.75% for all other pay points was made in August. This offer was made notwithstanding the fact that government indicated a pay freeze for the public sector. The National Employers confirmed to Unions on 19<sup>th</sup> October that the offer was "full and final" and that negotiations would not be re-opened.
9. Union members have been asked to vote on the final pay offer. All three unions are recommending that their members vote to reject the pay offer. Unison, GMB and Unite members have voted to reject the offer. All three unions are considering next steps, which includes a ballot for industrial action
10. The Employment in Hampshire County Council (EHCC) agreement that governs the terms and conditions of the majority of staff employed by the Council requires the application of the outcomes of the national pay bargaining to Grades A-G. It is not possible to influence the national pay negotiations at this point.

11. In July, EHCC agreed to the implementation of the pay award to Grades A-G. EHCC also agreed that if the settlement was higher than 1.5%, an update would be brought to EHCC for consideration, prior to consulting with local trade unions regarding implementation of the pay award for grades H and above.
12. EHCC previously noted that if the settlement was higher than 1%, this would be required to be funded through financial contingencies.
13. The local government employer offer of 1.75% exceeds the forecast assumption of 1% included in the medium-term financial strategy. If agreed at 1.75%, the consequent c.£2.5m pressure will need to be covered by general inflation contingencies and reviewed as part of future budget setting.
14. It is recommended that when agreement on the national pay award is reached, EHCC agree to applying the same percentage increase (as applied to Grades A - G) to Grades H and above. If this is agreed by the Committee, Trade Unions will be consulted as required. This recommendation is dependent on the pay award being no more than 1.75% for Grades D and above.

### **Home Working Allowance**

15. As presented to EHCC in March 2021, it was the Council's proposal that the current (taxable) contractual Home Working Allowance be removed and replaced with a non-contractual (non-taxable) Home Working Allowance aligned with the HMRC rate, payable to only those staff that are contractually required to work from home. There are currently 296 contractual home workers employed by the Council. Staff who are hybrid working in accordance with the Council's Open Workplace policy are not eligible to be paid a Contractual Home Working Allowance.
16. During the negotiation process the Council put forward a significantly improved revised proposal that offered to freeze the existing Home Working Allowance for those members of staff currently in receipt of the Home Working Allowance. Additionally, the Council proposed that the new Home Working Allowance would only apply to new members of staff.
17. The negotiations concluded on 6 August and following further discussions, the Council and the Trade Unions reached agreement as set out in paragraphs 18-20 below.
18. The EHCC collective agreement will be updated to reflect these changes.

### Existing staff in receipt of the current (taxable) contractual Home Working Allowance

19. Staff who are in roles that are eligible to receive the current (taxable) Home Working Allowance will continue to receive the allowance, applied pro rata, based on their annualised hours entitlement, until such time that they leave the employment of Hampshire County Council or move into a role that is not eligible to receive the allowance.

### New Employees and Internal Job Changes, effective 1 October 2021

20. Any new starters who meet the eligibility criteria to receive a home working allowance will be paid a pro-rated Home Working Allowance aligned to the HMRC allowance rate (currently £6 / week).
21. Existing members of staff who are appointed to a role that meets the contractual home working eligibility criteria will be paid a pro-rated Home Working Allowance aligned to the HMRC allowance rate (currently £6 / week).

### **Exit Payments and Special Severance Payments**

22. As reported to EHCC in July 2021, MHCLG asked all Councils to share data on exit payments that were made between 1 April 2014 and 31 March 2021. Hampshire County Council complied with this requirement, and it is understood that annual reporting of this data will now be required.
23. It is further understood that the Government intends to make a further announcement 'in the Autumn' about exit payment caps. EHCC will be updated when further details are known.
24. On 2 July, MHCLG launched a consultation on Special Severance Payments. The intention of the guidance was not to limit such payments, but to set an expectation that such payments should be exceptional and where required, would be subject to a senior level of approval.
25. Hampshire County Council responded to the consultation to seek clarification of what was in scope of such payments and to feedback concerns about the suggested level of approval. Hampshire County Council already has a robust process to ensure exit payments represent value for money. Our existing governance matrix defines levels of approval for such exit payments. Our matrix and business process will be reviewed when the final guidance is published.

## **Government response to consultation on sexual harassment in the workplace**

26. Consultation on sexual harassment in the workplace ran between 11 July and 2 October 2019. Sexual harassment in the workplace has been prohibited for some time and is defined in the Equality Act 2010 as unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
27. The purpose of that consultation was to:
  - seek views on the existing legal framework that prevents sexual harassment, and
  - to ask the public about their experiences in order to gather insight in this area
28. The response was published on 21 July 2021. The main finding was that many consultees were supportive of a new duty to prevent harassment and believed it would prompt employers to take positive steps in this area.
29. The government intends to introduce a new duty to require employers to prevent sexual harassment. They will also introduce explicit protections from third-party harassment.
30. The government will support the Equality and Human Rights Commission to develop a statutory code of practice that will help employers to understand whether they have taken 'all reasonable steps' to prevent harassment. They will also produce guidance that complements the statutory code of practice.
31. The government will also look closely at extending the time limit to six months for bringing claims about sexual harassment. The current time period is three months, which is the same for all claims under the Equality Act. The government have indicated that any extension to time limits for sexual harassment claims would also need to apply to other Equality Act-based claims.
32. Hampshire County Council already has a Dignity at Work policy that sets out clear expectations on our workforce including a zero tolerance of harassment, discrimination, bullying and abuse and that it will respond promptly to any incidents of these. The Dignity at Work Policy may need to be reviewed once further detail of the new statutory code of practice and guidance is known.
33. At the time of writing, there are no known timescales for the consultation on regulations changes, the statutory code of practice, or draft guidance. EHCC will be updated when further detail is known.

## **Government response to consultation on reducing ill health-related job losses**

34. On 20 July 2021, the government published its response to a consultation that sought views on how to reduce ill health -related job losses. This consultation follows on from a 2017 document 'Improving Lives: The Future of Work, Health and Disability'. The 'Improving Lives' document set out the government's plans to transform employment prospects of disabled people and those with long-term health conditions up to 2027.
35. The response is heavily focussed on improving advice and support to Small and Medium Enterprises. The key elements of most relevance to the Council are:
- The Government no longer intends to introduce a Right to request workplace modifications, however it does feel that more should be done to make people and employers aware of their rights and obligations. The Council already has a Reasonable Adjustments policy, with supporting guidance and resources to aid managers and staff.
  - The Government has asked the Health and Safety Executive to explore ways to strengthen non-statutory guidance on how employers can best support disabled people and those with long-term health conditions to remain in work.
  - Further consultation will take place on Statutory Sick Pay, adjustments and other changes that would support phased returns to work; The Council already supports employees with phased returns to work where this would enable or better support a more successful return.
  - Exploring ways to improve capacity in the market to address OH workforce shortages, particularly clinical staff, although it is recognised that this will take time.
  - A review of the 'fit note' which is required from the 8<sup>th</sup> calendar day of absence. This will include a review to widen who is authorised to sign the note, and embedding these in hospital systems to reduce the burden on GPs to provide them for hospital stays
  - Increasing visibility and marketing of the Access to Work scheme that supports individuals with disabilities to remain in work. The Council has guidance on the Access to Work scheme and applies it where appropriate.
36. The Council is a Disability Confident-Committed Employer, which underpins our approach to recruitment and support of individuals with a disability. The Council's existing guidance, Occupational Health and Wellbeing provision, and our staff networks work together to support individuals with a disability to work for, and remain in work with, the Council in the way the government

envisages for all employers. As guidance is released, our documents and processes will be reviewed, and any required changes made.

### **New consultation – Making Flexible Working the Default**

37. The government launched a new consultation on 23 September 2021, that is proposing several changes to regulations that provide the statutory right to request flexible working. The consultation is asking questions on the following:
- The impact of allowing all UK employees to request a flexible working arrangement from day one with their employer
  - Whether the list of reasons an employer can refuse a request are still valid
  - Requiring an employer to demonstrate that they have considered alternatives to the request, rather than a simple refusal
  - The frequency with which employees can request to work flexibly (currently limited to once in a 12-month period) and how fast employers need to respond to such a request
38. EHCC will be aware that the Council recently introduced an Open Workplace Policy that sets out how managers and employees can reap the benefits of working flexibly in roles where this can be accommodated. The Open Workplace policy is in addition to the Council's Right to Request Flexible Working policy, which is a statutory requirement. Several of the proposals in the consultation would necessitate a change to the Councils' Right to Request Flexible Working policy if legislation is amended.

### **Government response to consultation on carer's leave**

39. The government sought views in 2020 on its proposed introduction of a new right to take up to 5 days unpaid carers leave per year. An outline of the proposal was provided to EHCC in July 2020. The consultation showed overwhelming support for this new right and therefore government will legislate for this provision as soon as parliamentary time allows. This new entitlement will:
- be a 'day one' right - requiring no previous service; and
  - be for the care of a dependent - a spouse, civil partner, child, parent, a person who lives in the same household as the employee (other than by reason of them being their employee, tenant, lodger, or boarder) or a person who reasonably relies on the employee for care; and
  - depend on the person being cared for having a long-term care need. This would be defined as a long-term illness or injury (physical or mental), a disability as defined under the Equality Act 2010, or issues related to old age. There would be limited exemptions from the

requirement for long-term care, for example in the case of terminal illness.

- be flexible, allowing individuals to take leave in a minimum of half-day blocks, or full days, or one whole week
- require the employee to give notice. The notice must be the twice the length of time being requested as the length of the leave, plus one day. This separates the entitlement from the existing

40. The Council will update its policy in line with the legislative requirement when it is implemented.

### **Outstanding National Consultations and Government responses**

41. As reported at EHCC in July, we continue to monitor these consultations in order that we are ready to support any appropriate actions should they become necessary:

- Ethnicity pay gap reporting
- Measures to address one-sided flexibility

### **Consultation and Equalities**

42. It is not envisaged that an Equalities Impact Assessment will be required for any of the updates included in this paper.

### **Climate Change Impact Assessment**

43. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

### **Climate Change Adaptation and Carbon Mitigation**

44. The carbon mitigation tool and climate change adaptation tools were not applicable on this occasion because the decision relates to a programme that is strategic/administrative in nature.

## **Conclusions**

45. The recommendations in this paper will provide authority to implement pay awards for grades H and above, where certain conditions described in paragraph 13 are met. This will prevent any unnecessary delays to consulting on and subsequently paying the award once the national position on the pay award is settled.
46. Implementing changes to the Home Working Allowance will ensure that all new starters, or staff who are new to post that is a contractual home worker is remunerated in accordance with the new agreed EHCC terms and conditions.
47. Monitoring consultations and announcements on legislative changes or new requirements will allow adjustments to policies and business processes to be implemented and therefore continued compliance.
48. Updates on other matters covered in this paper, notably sexual harassment in the workplace and making flexible working the default and other national consultations will be provided as further details and clarity are provided.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

This proposal does not link to the Strategic Plan but potentially impacts the County Council's workforce strategy

**Other Significant Links**

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>
Pay, Policy and Legislation update	July 2021

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

- It is not envisaged that an Equalities Impact Assessment will be required for any of the updates included in this paper.

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## HAMPSHIRE COUNTY COUNCIL

<b>Committee:</b>	Employment in Hampshire County Council Committee
<b>Date:</b>	11 November 2021
<b>Title:</b>	Mandatory Vaccinations Policy
<b>Report From:</b>	Director of HR, OD and CES

**Contact name:** Nichola Andreassen

**Tel:** 0370 7795597

**Email:** Nichola.andreassen@hants.gov.uk

### **Purpose of this Report**

1. The purpose of this paper is to make EHCC aware of a new legislative requirement that workers working or deployed in a Care Quality Commission (CQC) registered care home are fully vaccinated against Covid-19 and to note a new policy that will implement this requirement.

### **Recommendation(s)**

2. It is recommended that EHCC note the new statutory requirement and the Council's new Mandatory Vaccinations policy at Appendix A.

### **Executive Summary**

3. The Mandatory Vaccinations policy sets out how the Council will meet its statutory obligation to ensure all workers working or deployed in a registered care home are fully vaccinated against Covid-19 on or before 11 November 2021, unless they are medically exempt.

### **Contextual information**

4. The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 come into force on 11 November 2021. These regulations require all workers working in a CQC registered care home to be fully vaccinated by 11 November 2021. There are very limited exceptions to this requirement.
5. The Council has 24 CQC registered care homes that are covered by the new regulations. There are approximately 1,500 members of staff employed in

these care homes who will be required to be fully vaccinated against Covid-19 as a result of the new legislation.

6. A new policy (Appendix A) has been produced to enable the Council to comply with this requirement.
7. Senior Managers across the County Council have been working with employees and our wider workforce, such as casual staff, volunteers and contractors whose staff may attend relevant premises, to ensure that they understand the requirement for them to be vaccinated. Recognised unions have also been consulted.
8. In addition to the regulations that come in to force on 11 November 2021, the Government are in consultation to seek views on extending the requirement to be vaccinated against Covid-19 to other social care settings, and to people who are over 16 years old and also on whether other vaccinations like flu should become mandatory. When the outcome of this consultation is known, the policy may need to be reviewed.

### **Policy Provisions**

9. The policy is written in accordance with the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021. The policy:
  - sets out the provisions of the regulations and in particular, the legal requirement to have received a complete course of a Medicines and Healthcare Products Regulatory agency (MHRA) authorized Covid - 19 vaccine.
  - clarifies who is covered by the regulations.
  - clarifies any exceptions to the regulations in line with the Green Book on Immunisation against infectious disease ([COVID-19: the green book, chapter 14a](#)) and clinical advice from The Joint Committee of Vaccination and Immunisation (JCVI).
  - outlines the temporary, self-certification exemption procedure that is currently in place.
  - sets out the steps the Council will take where those in scope of this policy do not comply with the regulations.
  - sets out how to recruit within the boundaries of the regulations.
  - sets out how to demonstrate Covid-19 vaccination status.

### **Consultation and Equalities**

10. The government published an Equalities Impact Assessment (EIA) for these regulations. This EIA identified significant potential impacts of the regulations on those with a disability, women, some ethnic minorities, some religions or beliefs, pregnancy/maternity and age. The key mitigations identified by the government focus on education of the population to reduce vaccine hesitancy.
11. The potential impacts identified by the government's EIA have been considered in the development of the Council's policy. The impact of the council's policy is mitigated by:
  - The policy not going beyond the statutory requirement,
  - Senior Managers working with employees to ensure they understand the requirement leading up to 11 November, by ensuring national information is shared with staff that are vaccine hesitant to increase uptake,
  - Senior Managers supporting employees seeking alternative employment if they do not intend to become fully vaccinated and they are not exempt,
  - The policy requiring managers to consider all options before considering terminating the employee from their employment with the Council.

### **Climate Change Impact Assessment**

12. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

### **Climate Change Adaptation and Carbon Mitigation**

13. The carbon mitigation tool and climate change adaptation tools were not applicable on this occasion because the decision relates to a programme that is strategic/administrative in nature.

### **Conclusions**

14. The new Mandatory Vaccination policy will ensure that the Council is compliant with legislation in this area.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

This proposal does not link to the Strategic Plan but potentially impacts the County Council's workforce strategy

**Other Significant Links**

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>
N/A	

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

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## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

The government's Equality Impact Assessment identifies several groups where there was evidence of increased levels of vaccine hesitancy at the time of publication (16 June 2021). Therefore any policy that requires vaccination of these groups may have a negative impact on them:

- Employees with a disability,
- Women,
- Those who are pregnant or in periods of maternity,
- Race – ethnic groups –vaccine hesitancy is highest amongst Black people, people of Pakistani and Bangladeshi heritage and non-UK/Irish White ethnic groups,

- Religion or Belief – the government identified a significant impact based on religion or belief, whether those beliefs are religious or non-religious, such as (but not limited to) those with a dietary practice that excludes animal products,
- Age - the government identified that at the time of the EIA, vaccinations had not been rolled out to the under 40's and there was evidence of increased vaccination hesitancy in this age group.

As set out in the paragraphs above, Senior Managers have been working with employees to reduce vaccine hesitancy since the regulations were announced to mitigate the risks identified.

There are a limited number of exceptions under the Regulations including for individuals with medical conditions that are listed in the Green Book on Immunisation against infectious disease. There are also time-limited exemptions for example, people receiving hospital care or receiving medication which may interact with the vaccination and for pregnant women should they choose to take it.

## Appendix A



# Hampshire County Council's Mandatory Vaccinations – Policy

## 1 Policy Statement

- 1.1 Hampshire County Council has a responsibility to comply with the principles of the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 (“the Regulations”)

## 2 Scope

- 2.1 All employees, workers, agency staff, contractors, volunteers, and suppliers of services (excluding staff in schools) are covered under the Regulations.

## 3 Policy Outcomes

- 3.1 The aims of this policy are to:
- set out the provisions of the Regulations
  - clarify any exceptions to the Regulations
  - set out the steps Hampshire County Council will take where those in scope of this policy do not comply with the Regulations

## 4 Key Definitions

### 4.1 Employee

An employee is any individual who works for Hampshire County Council, under a contract of employment. The following groups of people are likely to be employees:

- those working under a contract of employment with Hampshire County Council, on a fixed term, temporary or permanent basis.

### 4.2 Worker

A worker is any individual who works for Hampshire County Council under a contract for undertaking any work or service. The following groups are people likely to be workers:

- most agency workers (those that are engaged through an agency, such as Connect to Hampshire (C2H) or other employment agency.)
- short-term casual workers (those that are directly engaged as casual workers on an ad-hoc basis and submit claims.)
- some freelancers, or external contractors
- suppliers of services

- 4.3 **Volunteer**  
A volunteer is a person who freely gives their time, skills, and experience without expectation of financial reward.
- 4.4 The policy and How to Guide will refer to individuals within 4.1, 4.2 and 4.3 as employees thereafter.
- 4.5 **Responsible person**  
The responsible person is defined as the decision maker for a Hampshire County Council building as defined by the department. For example, in Adult's Health and Care Services the responsible person will be known as the Registered Manager or delegated person.
- 4.6 **Premises**  
The term premises is currently defined by the Regulations as: A building which provides accommodation for those who require nursing or personal care in a care home.

This includes any Care Quality Commission registered (CQC) care home providing a service in the Hampshire County Council area which is covered by the Regulations and may be provided by Hampshire County Council in premises owned by the Council or by a non-Hampshire County Council provider in their own premises.

## **5 What the law says**

- 5.1 In order to enter HCC premises as defined above there is a statutory requirement under the Regulations for all employees over the age of 18 to be vaccinated with a full course of an authorised COVID-19 vaccine with effect from 11 November 2021, unless medically exempt or within a defined exception (see exceptions)
- 5.2 The statutory requirement applies to any Hampshire County Council premises covered under the Regulations.
- 5.3 The Regulations govern the requirements for all employees and set out:
- the requirements of vaccinations
  - exemptions to the Regulations
  - booster doses
  - demonstrating vaccination status

## **6 Requirements of vaccinations**

- 6.1 To have received a complete course of an authorized vaccine. The vaccine must be an approved MHRA (The Medicines and Healthcare Products Regulatory Agency) COVID-19 vaccine.

## **7 Exceptions to the Regulations**

- 7.1 There are a limited number of exceptions under the Regulations. These are:

- 7.2 There are a limited number of exceptions under the Regulations. These are:
- 7.3 Having a medical exemption. Eligibility will reflect the Green Book on Immunisation against infectious disease (COVID-19: the green book, chapter 14a) and clinical advice from The Joint Committee of Vaccination and Immunisation (JCVI).
- 7.4 Being under the age of 18
- 7.5 Individuals visiting residents who are dying or offering bereavement support.+
- 7.6 Friends, relatives, and essential care givers of the service user+
- 7.7 Other reasons (\*):
- Urgent Maintenance Work
  - Emergency assistance
  - Emergency Services (in the line of duty)

\* These are types of emergency exemptions and would not happen regularly. These exemptions are determined on a case-by-case basis by the responsible person.

+ For all employees at Hampshire County Council (HCC) these exceptions are not applicable

## **8 Booster doses**

- 8.1 The mandatory provision for booster vaccines is not currently included in the Regulations but may be added in the future.

## **9 Flu vaccinations**

- 9.1 The mandatory provision for flu vaccines is not currently included in the Regulations but may be added in the future.

## **10 Demonstrating evidence of vaccination status**

- 10.1 Evidence of vaccination status in England can be demonstrated via:
- NHS App
  - NHS website
  - COVID Pass letter
- 10.2 Should the vaccination have been carried out in Scotland, Wales or outside of the UK please refer to How to Guide for more information.
- 10.3 A vaccination card cannot be used as evidence.

## **11 Evidence of Medical Exemption**

- 11.1 The responsible person will need to verify evidence of medical exemption. Eligibility will reflect the Green Book on Immunisation against infectious disease (COVID-19: the green book, chapter 14a) and clinical advice from The Joint Committee of Vaccination and Immunisation (JCVI). Exemption status will be recorded by the responsible person in the premises.
- 11.2 Evidencing medical exemption is completed via the COVID Pass, please refer to the how to guide for more information.

## **12 Exemption – Temporary Self-Certification**

- 12.1 The government has announced a temporary self-certification for medical exemption. This temporary self-certification scheme will expire on 23rd December 2021.
- 12.2 While this list is not exhaustive, examples of medical exemptions from COVID-19 vaccination could include individuals:
- receiving end of life care where vaccination is not in the individual's interests
  - with learning disabilities or autistic individuals, or with a combination of impairments which result in the same distress, who find vaccination and testing distressing because of their condition and cannot be achieved through reasonable adjustments such as provision of an accessible environment
  - with medical contraindications to the vaccines such as severe allergy to all COVID-19 vaccines or their constituents
  - who have had adverse reactions to the first dose (for example, myocarditis)
- 12.3 Time-limited exemptions will also be available for those with short-term medical conditions (for example, people receiving hospital care or receiving medication which may interact with the vaccination). A time-limited exemption is also available for pregnant women should they choose to take it.
- 12.4 Pregnant women can alternatively use MAT B1 certificates to evidence their decision to choose to use a medical exemption. Pregnant women do not need to apply for a medical exemption NHS COVID Pass if they have a MAT B1 certificate. For pregnant women the exemption will expire 16 weeks post-partum. This will allow them to become fully vaccinated after birth.
- 12.5 Exemptions for conditions listed in section 4.4 (special warnings and precautions for use) in the Summary of Product Characteristics for each of the approved COVID-19 vaccines (Pfizer, AstraZeneca and Moderna) may also be considered.
- 12.6 Individuals that have received a COVID-19 vaccination abroad can also self-certify as medically exempt. This is because it is not clinically appropriate for them to be vaccinated in the UK if they have already received a partial or full course of vaccination overseas. The government has said they may update the guidance on this so the policy may need to alter to reflect this.
- 12.7 The formal medical exemptions process currently does not apply to individuals vaccinated abroad. Self-certification for medical exemptions will continue for this group and until further notice. The exemption will not expire 12 weeks after the NHS COVID Pass system is launched.

## **13 Recruiting new employees covered by the Regulations**

- 13.1 In order to work in HCC premises as defined in paragraph 4.6 there is a statutory requirement for an individual over the age of 18 to be fully vaccinated, unless they have an exemption as outlined in Exceptions to the Regulations section of this policy.

- 13.2 This requirement is applicable to any applicant attending premises covered by the Regulations.
- 13.3 The recruiting manager has responsibility to ensure that the requirement is included in the recruitment paperwork, which makes the applicant aware of the statutory requirement.
- 13.4 The recruiting manager must ensure the requirement is included when advertising a vacancy when there is a statutory requirement to be vaccinated in a role.
- 13.5 The recruiting manager could also be the responsible person who is required to see the evidence upon arrival.
- 13.6 The recruiting manager will be responsible for making the applicant aware of how to evidence their vaccination or exemption prior to interview.

#### **14 Checking and storing evidence of status**

- 14.1 The responsible person must see evidence of vaccination or exemption status for any employee or visitor covered under the Regulations unless covered by an exception (as shown in Exceptions to the Regulations section of this policy).
- 14.2 The responsible person is responsible for recording and storing this data in line with General Data Protection Regulation (GDPR).
- 14.3 This information **is classed as special category data and should be processed and stored accordingly in line with the Safe Information Handling Policy.**

#### **15 Non-Compliance with the Regulations**

- 15.1 With effect from 11 November 2021 Hampshire County Council must comply with the Regulations by ensuring employees who enter premises covered under the Regulations are either fully vaccinated or medically exempt (this includes employees who visit a location which is not their substantive work location).
- 15.2 Should an employee not be fully vaccinated by the 11 November 2021, all options available will be considered by the manager. This may include discussions about alternative roles not covered by the Regulations or terminating employment for not meeting the statutory requirement (excluding those defined in 4.2 & 4.3). More information can be found in the How to Guide and advice should be sought from HR Operations before any action is taken.

#### **16 Policy governance**

SharePoint ID:	HRDOCID-561776108-88231
Date of publication:	V1.1 28/10/2021 V1.0 15/10/2021
Owner:	HR Operations
Related EHCC 2007 section:	N/A

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## HAMPSHIRE COUNTY COUNCIL

<b>Committee:</b>	Employment in Hampshire County Council Committee
<b>Date:</b>	11 November 2021
<b>Title:</b>	Close Personal Relationships at Work Policy
<b>Report From:</b>	Director of HR, OD and CES

**Contact name:** Andy Bailey

**Tel:** 0370 7790443

**Email:** andy.bailey@hants.gov.uk

### **Purpose of this Report**

1. The purpose of this paper is to seek EHCC agreement to implement a new Close Personal Relationships at Work policy for the Council.

### **Recommendation(s)**

2. It is recommended that EHCC agree to implement a Close Personal Relationships at Work policy as attached at Appendix A of this paper.
3. It is further recommended that EHCC delegate, to the Director of Human Resources, Organisational Development and Communications and Engagement Services, the authority to make any final amendments to the Close Personal Relationships at Work policy prior to its implementation following the conclusion of consultation with Trade Union representatives and departmental management teams and any ongoing minor amendments that arise from the future application of this policy.

### **Executive Summary**

4. The Close Personal Relationships at Work policy defines how the Officers' Code of Conduct will be applied in the workplace. The policy requires managers to avoid being in the line management chain of someone with whom they are in a close personal relationship. There are also some roles where there are no circumstances under which such relationships can be allowed.
5. Where such relationships exist, the working arrangements will be reviewed to ensure appropriate mitigations are in place to avoid any possible or

actual conflict of interest, perception or accusation of bias, favouritism or prejudice - both towards the individuals that are in a close personal relationship and towards the County Council. Those arrangements will be subject to senior management approval and regular review.

### **Contextual information**

6. There have been a small number of instances where close personal relationships were a factor in performance or misconduct cases. These cases have highlighted some of the challenges that can arise from close personal relationships within the workplace. If not declared and then managed appropriately, such relationships can result in significant negative impact on service performance, financial costs, and legal risk to the Council.
7. The Officers' Code of Conduct requires our workforce to give the highest possible standards of service to the public. The Code sets out expectations for our employees regarding close personal relationships – with other employees, suppliers, contractors, or with councillors.
8. To ensure that close personal relationships do not negatively impact upon performance, service delivery, or the ability to manage, it is important that staff are aware of the Council's expectations with regards to 'close personal relationships at work'. It is therefore our intention to implement a policy to support the Code of Conduct that will describe in practical terms the expectations as set out in the Code.
9. The policy strikes a balance between ensuring staff retain their right to a private life whilst also ensuring the Council's right to protect its interests with regards to managing its people and providing the highest possible standards of service to the public.

### **Close Personal Relationship – Definition**

10. A close personal relationship is a relationship which a manager/senior manager has determined is so close or is of a nature that there is a potential for conflict of interest, or perception of conflict of interest. The following list provides some examples, but this list is not exhaustive.
  - i. Employees or applicants who are married, in a civil partnership or cohabiting, or dating, or in a sexual, or intimate relationship,
  - ii. Immediate family members of the applicant or employee, including those formed through legal arrangements such as marriage, civil partnership, adoption e.g., parents and step-parents, son and daughter, siblings, grandparent and grandchild, mother-in-law, father-in-law, sister/brother-in-law, son/daughter-in-law.

- iii. Other relations of the applicant or employee, e.g., extended family such as aunts, uncles, cousins, nieces, nephews and any other individuals with whom the relationship is as close as the relationship to those described in (i) or (ii) above.
11. A close personal relationship can be with an existing or future employee, manager or team member, a volunteer, a contractor or supplier, service user, or Councillor of Hampshire County Council or a related organisation with whom an employee interacts regularly as a result of their employment.
  12. Close personal relationships include pre-existing relationships as well as relationships that develop between employees whilst in employment.

### **Key Policy Requirements**

13. The key policy provisions state;
  - Employees and Applicants will declare close personal relationships to their manager or their recruiting manager at the earliest opportunity
  - Managers will avoid being in the same line management chain as an employee with whom they are in a close personal relationship
  - Managers will seek to avoid asking employees to work immediately alongside someone with whom they are in a close personal relationship
  - Employees will not be involved in the recruitment process if they have a close personal relationship with the applicant
  - Managers will not normally recruit someone into a team or service area if they will work immediately alongside an employee that they have a close personal relationship with
  - Employees will not be directly involved in decisions regarding pay, role evaluation, authorisation of expenses, promotion, job opportunity, redundancy, misconduct, grievance or any other matters that impact pay or the employment relationship, of someone with whom they are in a close personal relationship
  - Employees will avoid approving or authorising any decisions regarding allocation of funding, placements, access to services or any similar Council services for those with whom they are in a close personal relationship.
  - Employees will avoid being involved in the direct provision of care by Hampshire County Council, to someone with whom they have a close personal relationship
  - Any employee who has a close personal relationship with a contractor or supplier where the employee's job allows him/her authority over the contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), must not be involved in the award of that contract.

14. Where the policy states that such working arrangements will be 'avoided' or should 'not normally occur' the line manager is responsible for assessing the risks and putting in place appropriate mitigations where those circumstances arise and will be subject to approval by a senior manager.
15. The policy also recognises that there are some parts of the Council's activities where the risks of these relationships cannot be mitigated. It is anticipated that this will only occur in exceptional circumstances, for example where an individual is carrying out a role with a statutory oversight responsibility.

### **Implementation**

16. From the date of implementation, any new recruitment decisions will be made in line with the policy. Where relationships already exist, an appropriate senior manager will consider, in light of the new policy, what risks are posed by the relationship and consider what proportionate mitigating action is required to manage those risks. The mitigations are subject to approval and will be regularly reviewed.
17. The final draft policy is contained in Appendix A and consultation with recognised unions and the organisation will be completed in November. It is recommended that EHCC delegate the authority to make any final amendments to this policy as a result of that consultation, to the Director of HR, OD and CES.
18. It is further recommended that any future minor amendments to this policy are delegated to the Director of HR, OD and CES.

### **Consultation and Equalities**

19. An Equalities Impact Assessment (EIA) is being completed as part of the consultation process. Equalities impacts have been considered as part of the development of this policy and the draft policy has been created in a way that mitigates identified impacts. The Director of HR, OD and CES will consider whether any additional amendments to the final policy are required to mitigate any further impacts identified when the consultation has been concluded and the EIA finalised.

### **Climate Change Impact Assessment**

20. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

### **Climate Change Adaptation and Carbon Mitigation**

21. The carbon mitigation tool and climate change adaptation tools were not applicable on this occasion because the decision relates to a programme that is strategic/administrative in nature.

### **Conclusions**

22. The policy will enable employees, workers and Hampshire County Council to avoid any possible or actual conflict of interest, perception or accusation of bias, favouritism or prejudice - both towards the individuals that are in a close personal relationship and towards the County Council.

REQUIRED CORPORATE AND LEGAL INFORMATION:

**Links to the Strategic Plan**

This proposal does not link to the Strategic Plan but potentially impacts the County Council's workforce strategy

**Other Significant Links**

**Direct links to specific legislation or Government Directives**

Title

N/A

Date

**Section 100 D - Local Government Act 1972 - background documents**

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

None

Location

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

An Equalities Impact Assessment (EIA) is being completed as part of the consultation process. Equalities impacts have been considered as part of the development of this policy and the draft policy has been created in a way that mitigates identified impacts. The Director of HR, OD and CES will consider whether any additional amendments to the final policy are required to mitigate any further impacts identified when the consultation has been concluded and the EIA finalised.



**Hampshire**  
County Council

## Hampshire County Council's Close Personal Relationships at Work Policy

**-DRAFT-**

### 1. Policy Statement

- 1.1. Hampshire County Council recognises that employees who work together may have or form close personal relationships. It is necessary to ensure that all employees/workers behave, and are perceived to behave, in an appropriate and professional manner at work and in accordance with the Officers' Code of Conduct set out in the constitution.

### 2. Scope

- 2.1. This policy applies equally to all employees and workers in a Hampshire County Council department (i.e., outside of schools) regardless of their job, level of seniority, or protected characteristic. The term 'employees' is used in this policy to mean both employees and workers of Hampshire County Council.
- 2.2. The policy also applies to individuals that apply to work for Hampshire County Council – referred to as 'applicants' in this policy.
- 2.3. Although this policy references relationships with Councillors, this policy does not apply to Councillors as they are governed by a separate Code of Conduct.

### 3. Policy outcomes

- 3.1. This policy sets out actions the Council will take to ensure that close personal relationships at work do not have an adverse impact in the workplace or on the reputation of the Council.
- 3.2. This policy sets out the provisions of the Officer's Code of Conduct in the constitution. All employees are contractually required to abide by the Code of Conduct.
- 3.3. The Code of Conduct and this policy enables employees, workers, and Hampshire County Council to:
  - avoid any possible or actual conflict of interest, perception or accusation of bias, favouritism or prejudice - both towards the

individuals that are in a close personal relationship and towards the County Council.

- ensure that all employees and workers feel confident of fair treatment without the fear that a close personal relationship will influence their or other colleague's treatment or broader working relationships
- ensure that professional boundaries are maintained

#### **4. Definition of close personal relationship**

- 4.1. A close personal relationship is a relationship which a manager/senior manager has determined is so close or is of a nature that there is a potential for conflict of interest, or perception of conflict of interest. The following list provides some examples, but this list is not exhaustive.
- i. Employees or applicants who are married, in a civil partnership or cohabiting, or dating, or in a sexual, or intimate relationship,
  - ii. Immediate family members of the applicant or employee, including those formed through legal arrangements such as marriage, civil partnership, adoption e.g., parents and stepparents, son and daughter, siblings, grandparent and grandchild, mother-in-law, father-in-law, sister/brother-in-law, son/daughter-in-law,
  - iii. Other relations of the applicant or employee, e.g., extended family such as aunts, uncles, cousins, nieces, nephews and any other individuals with whom the relationship is as close as the relationship to those described in (i) or (ii) above.
- 4.2. A close personal relationship can be with an existing employee, or applicant, manager or team member, a volunteer, a contractor or supplier, service user, or Councillor of Hampshire County Council or in a related organisation with whom an employee interacts regularly as a result of their employment.
- 4.3. Close personal relationships include pre-existing relationships as well as relationships that develop between employees whilst in employment.

#### **5. Principles**

- 5.1. The Council recognises that close personal relationships as defined above may exist or develop within the organisation.
- 5.2. Any disclosure relating to a close personal relationship under the terms of this policy will be treated sensitively, fairly and with an appropriate level of confidentiality.
- 5.3. Wherever possible, a manager will agree, with both parties, a resolution to any issues raised because of close personal relationships at work. However, the manager reserves the right to impose a solution if an agreed approach cannot be achieved.
- 5.4. The misconduct policy may be used to deal with breaches of this policy, which includes failure to disclose a close personal relationship that an employee themselves is in.

## 6. Policy

- 6.1. Any employee who is involved in a close personal relationship, must not allow that relationship to influence their conduct at work in a way that could be, or be perceived to be, detrimental to the interests of the Council or to other employees.
- 6.2. Employees and applicants are required to declare a close personal relationship to their manager, or the recruiting manager at the earliest opportunity.
- 6.3. Applicants will be asked to declare any existing close personal relationships on their application form.
- 6.4. Any declaration should be treated with confidence and recorded in the interview notes for a candidate, or the electronic personnel file for an employee.
- 6.5. Managers will avoid being in the same line management chain as an employee with whom they are in a close personal relationship. Where this does occur, it is subject to the senior manager completing a risk assessment, documenting mitigations and approval as set out in the departmental governance matrix.
- 6.6. In limited circumstances there will be some roles, where due to safeguarding or service requirements, an individual must not be in a close personal relationship with an employee in the same line management chain. The department will be responsible for determining and communicating any such requirements in accordance with the departmental governance matrix.
- 6.7. Managers will seek to avoid asking employees to work immediately alongside someone with whom they are in a close personal relationship. Where this does occur, it is subject to the line manager completing a risk assessment, documenting mitigations and approval as set out in the departmental governance matrix.
- 6.8. Employees will not be involved in the recruitment process, including shortlisting, interview or selection decision if they have a close personal relationship with the applicant.
- 6.9. Managers will not normally recruit someone into a team or service area if they will work immediately alongside an employee that they have a close personal relationship with. Where this does occur, it is subject to risk assessment, mitigation and approval as set out in the departmental governance matrix.
- 6.10. Employees will not be directly involved in decisions regarding pay, role evaluation, authorisation of expenses, promotion, job opportunity, redundancy, misconduct, grievance or any other matters that impact pay or the employment relationship, of someone with whom they are in a close personal relationship whether this has been declared under this policy or not.

- 6.11. Employees will avoid approving or authorising any decisions regarding allocation of funding, placements, access to services or any similar Council services for those with whom they are in a close personal relationship.
- 6.12. Employees will avoid being involved in the direct provision of care by Hampshire County Council, to someone with whom they have a close personal relationship. See Section 13 for further details.
- 6.13. Any employee who has a close personal relationship with a contractor or supplier where the employee's job allows them authority over the contractor or supplier (for example if the employee has the authority to decide to whom to award contracts), must not be involved in the award of that contract.
- 6.14. An employee must not engage in any work-related activities with the named contractor following the disclosure of a close personal relationship unless this has been agreed in accordance with the departmental governance matrix.

## **7. Relationships formed whilst in post**

- 7.1. Employees are expected to disclose, at the earliest opportunity, any relationships that have developed into a close personal relationship as defined in section 4.

## **8. Relationships formed whilst in post, where the close personal relationship is with someone in the same line management chain**

- 8.1. The appropriate senior manager within the team or service group should, in consultation with HR operations and both employees:
  - i. make alternative supervision/line management arrangements for the team member(s) or seek approval for this to continue in line with the governance matrix.
  - ii. consider more specific operational issues and what other actions may be proportionate and appropriate to address the issues this policy seeks to address.
  - iii. assess any impact on service users and the public, including issues relating to trust and confidence and the public image of the Council.
  - iv. agree with the individuals concerned what, if any, communications are issued to colleagues e.g., any agreed adjustments etc., to manage any current or potential concerns or issues arising. However, in principle such relationships should be treated in confidence unless all individuals involved agree to make it public.
- 8.2. Following consideration of the above points and anything else that is particularly relevant to the circumstances, the appropriate senior manager will seek to agree with both employees, a suitable course of action to effectively manage the risks and issues identified. That course of action must be clearly defined, documented, communicated in writing and

managed/reviewed as appropriate. Any actions must be proportionate to the risks/issues identified.

#### **9. Relationships formed whilst in post, where the close personal relationship is between employees in the same team or service area**

- 9.1. The specific operational needs will be considered by the appropriate manager (see section 8) and any issues/risks will be identified, discussed with the employees and appropriate actions agreed. Any actions must be proportionate to the risks/issues identified.

#### **10. Risks and issues that cannot be managed effectively, or with agreement**

- 10.1. Where any issues identified cannot be managed effectively, or the individuals within the relationship feel uncomfortable remaining within the same team (including after the breakdown of a relationship), a discussion should take place with both employees to explore whether a transfer to another team, service or location might be the most appropriate way forward.
- 10.2. When discussing such an issue there should be no assumptions made, on gender, status/grade, length of service etc. as to who might be the most appropriate employee to move. Care should be taken to avoid discrimination and ensure that the views of both individuals involved are considered, balancing this with the needs of the service and the issues that present themselves.
- 10.3. Transfer
- 10.4. A transfer could mean a move to a different team, service or directorate, or a move to a different location for one or both the employees.
- 10.5. Wherever possible the transfer should be to a 'suitable alternative' post on the same terms and conditions as the employee's current post. Redeployment will be sought with transferees being given priority for vacant posts, after prior consideration of any redeployees on the grounds of redundancy or ill-health capability.
- 10.6. Of the two employees involved in the close personal relationship, the Council is likely to consider transferring the employee whose skills, experience and knowledge could be more easily deployed elsewhere and/or has the least impact on the functioning of the team or that facilitates the most effective provision of services.
- 10.7. Dismissal
- 10.8. Dismissal will only be considered as a last resort, where the risks cannot be mitigated and/or the employee has not found suitable alternative employment.

#### **11. Personal Relationship Breakdowns**

- 11.1. If the close personal relationship breaks down, all involved employees should ensure that no acts that could be interpreted as personal

arguments or disagreements occur at work. Such employees must inform their manager so that any mitigations can be reviewed and updated as appropriate.

- 11.2. The employees should ensure that the breakdown of their close personal relationship does not bring the reputation of the County Council into disrepute.
- 11.3. Employees are reminded that they may access the employee support services <https://extra.hants.gov.uk/employee/policy-guidance/occupational-health/employee-support>

## **12. Raising concerns about personal relationships at work**

- 12.1. Any employee who feels that the close personal relationship of other team members or colleagues is adversely affecting their employment, the functioning of the team or the provision of services is encouraged to share their concerns with their line manager or a more senior manager under the Resolving Workplace Issues policy, or under the Whistleblowing Policy if it meets the criteria set out in that policy.
- 12.2. Employees in a close personal relationship who feel they are being disadvantaged because of that relationship should also raise concerns through the Dignity at Work policy.

## **13. Personal Relationships with Service Users**

- 13.1. The County Council has a duty of care to all service users. Employees must not engage in close personal relationships with service users that they have met as a result of their employment.
- 13.2. It is the responsibility of the employee to maintain each relationship within its own appropriate professional boundary. Employees may experience vulnerable patients disclosing intimate or personal matters, which allow potential for these discussions to be misinterpreted.
- 13.3. If an employee becomes subject to inappropriate comments or behaviours from a patient/service user, they must inform their line manager immediately.
- 13.4. In a large organisation, it is recognised that some employees may have pre-existing close personal relationships with individuals who may at some point become service users, for example relatives, friends etc. If this occurs, the employee must inform their line manager immediately of this relationship. Consideration will be given as to whether there are any potential boundary conflicts.
- 13.5. Each situation will be assessed on a case-by-case basis, and appropriate action will be taken. This action may include the service user being cared for by another employee, another employee managing their case or the implementation of appropriate safeguards and mitigations.
- 13.6. The employee must not access any records of those with whom they are in a close relationship, without approval from their line manager. This will

be considered a non-authorized access to records and may result in action taken in line with the misconduct policy.

- 13.7. If an employee becomes concerned that a personal relationship is developing between a colleague and a service user, they have a responsibility to inform their line manager or more senior manager – section 12.

#### **14. Provision of References**

- 14.1. An employee must not provide an employment or financial reference, on behalf of Hampshire County Council, for someone with whom they are in a close personal relationship. This includes providing a reference on headed paper, or via a work email address or providing a reference that refer to the referee's role, or the fact they are employed by the Council.

#### **15. Roles and Responsibilities**

- 15.1. Managers are responsible for:

- Ensuring that they are familiar with the Code of Conduct for Officers, this Policy and how to guide  
Promoting a culture of openness and transparency regarding personal relationships at work.
- Taking prompt action where there is a conflict of interest or perceived conflict of interest or there is a breach of this policy/code of conduct

- 15.2. Senior Managers are responsible for:

- Ensuring that managers and staff are familiar with the Code of Conduct for Officers, this Policy and how to guide.
- Determining the departmental Governance approval matrix.
- Determining which roles, where due to safeguarding or service critical reasons, an individual must not be in a line management chain.
- Approving line management arrangements for employees who are in a close personal, to allow them to continue working together.

- 15.3. Employees/workers are responsible for:

- Declaring any close personal relationship at the earliest opportunity.
- Ensuring that any personal relationship at work does not interfere with their duties and responsibilities and does not give rise to a conflict of interest, abuse of power or favourable treatment.
- Working positively with their manager to accommodate any reasonable changes to their work arrangements that are required to avoid potential conflicts of interest through personal relationships at work.

- 15.4. HR operations are responsible for:

- Providing support and guidance to employees and managers on the implementation and application of this policy.

## 16. Policy Governance

SharePoint ID:	TBC
Date of publication:	V1.0 TBC
Owner:	HR Operations

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## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Employment in Hampshire County Council Committee
<b>Date:</b>	11 November 2021
<b>Title:</b>	Hampshire County Council Pay Statement – Financial Year 2022/23
<b>Report From:</b>	Chief Executive

**Contact name:** Barbara Beardwell, Head of Law & Governance and Monitoring Officer

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### Purposes of this Report

1. The purpose of this report is to set out the proposed Pay Statement for 2022/23, and to seek the recommendation of the EHCC Committee of the proposed Pay Statement to the County Council.

### Recommendations

2. That the EHCC Committee recommends to the County Council approval of the Pay Statement as detailed in this report and at Appendix A, setting out the County Council's policies in respect of pay accountability for the financial year 2022/23 in accordance with the requirements of the Localism Act,
3. That the EHCC Committee delegates authority to the Chief Executive, in consultation with the Chairman of the EHCC Committee, to make any changes to the draft Pay Statement consequential upon any changes to legislative requirements or other statutory guidance or changes to remuneration of staff determined prior to consideration of the Pay Statement by full Council.

### Executive Summary

4. This report outlines the requirements on the County Council in respect of pay accountability placed on the County Council in consequence of the Localism Act ("the Localism Act"), Chapter 8, Sections 38 to 43.
5. By virtue of Section 38 of the Localism Act, the County Council is required to prepare a Pay Statement ("Pay Statement") for each financial year. This

Pay Statement needs to set out the County Council's policies in respect of the remuneration of its Chief Officers, the remuneration of its lowest paid employees, and the relationship between the remuneration of its Chief Officers and the remuneration of employees who are not Chief Officers.

6. Section 39 of the Localism Act requires that a Pay Statement required under the Localism Act is prepared and approved by full Council prior to 31 March immediately preceding the year to which it relates. The County Council must comply with the provisions of the approved Pay Statement when making any determinations in respect of the remuneration of Chief Officers in the financial year to which such Pay Statement relates. A copy of the proposed Pay Statement for 2022/23 is attached at Appendix A to this report.

### **Contextual information**

- 7 Chief Officer" is defined as Section 43 (2) of the Localism Act, and means each of the following:
  - The Head of Paid Service
  - The Monitoring Officer
  - A Statutory Chief Officer
  - A Non-Statutory Chief Officer
  - A Deputy Chief Officer
- 8 Together with the Head of Paid Service, the terms "Statutory Chief Officer" and "Non-Statutory Chief Officer" include the County Council's current Corporate Management Team (CMT), and the Director of Public Health.
- 9 The Statutory definition of "Deputy Chief Officer" is however much wider and goes beyond the County Council's local definition of how a Chief Officer post might be described, and includes not only Deputy Directors, but also Assistant Directors and Heads of Service, if reporting directly or are directly accountable to a member of CMT in respect of all or most of their duties.
- 10 Section 38 (3) of the Localism Act also requires that the County Council includes within its Pay Statement a definition of its "lowest paid" employees, and the County Council's reasons for adopting the definition. "Lowest paid" employees are defined at paragraph 5 of the Pay Statement to mean those members of staff employed at Grade A on the County Council's main pay framework.
11. Section 38 (4) of the Localism Act sets out a number of mandatory matters which must be included within a Pay Statement. These are:
  - The level and elements of remuneration of each Chief Officer

- Remuneration of Chief Officers on appointment
  - Increases and additions to remuneration for each Chief Officer
  - The use of performance-related pay for Chief Officers
  - The use of bonuses for Chief Officers
  - The approach to the payment of Chief Officers on their ceasing to hold office under or to be employed by the County Council
  - The publication of an access to information relating to the remuneration of Chief Officers.
- 12 There is discretion within the Localism Act for the County Council to also include within its Pay Statement, policies in respect of the remainder of its workforce. In the interests of openness and transparency, the County Council's Pay Policy in respect of employees who are not Chief Officers for the purposes of the Localism Act is set out at Section 1 of the Pay Statement.

### **Statutory Guidance**

- 13 Section 40 of the Localism Act requires that in performing its functions under the Localism Act and in preparation and approval of a Pay Statement the County Council must have regard to any guidance issued by the Secretary of State. Guidance ('the Guidance') has been issued by the Department of Communities and Local Government 'Openness and Accountability in local pay' dated February 2012 in this regard. Further guidance ('the Supplementary Guidance') has been issued dated February 2013 supplementing the Guidance.
- 14 Under the provisions of the Guidance and the Supplementary Guidance the County Council is required to explain in its Pay Statement, its policies in respect of the employment of ex-Chief Officers in receipt of a redundancy payment, including its policy towards the re-engagement of Chief Officers previously employed by the County Council, under a Contract for Services.

### **Commentary**

- 15 The draft Pay Statement attached at Appendix A is divided into three parts. These are an opening generic introduction covering the requirements of the Localism Act and specifically the definition of 'Chief Officers', followed by two policy sections. Section 1 describes the position in respect of employees who are not Chief Officers within the meaning of the Localism Act, and whose remuneration is covered by the County Council's main pay framework. Section 2 describes the position in respect of Chief Officers as defined by the Localism Act.
- 16 As indicated at paragraph 9 of this report, the Localism Act contains a wider definition than the traditional definition of 'Chief Officer' and includes not only Deputy Directors, but also Assistant Directors and Heads of Service, if reporting directly to or accountable to a member of CMT in

respect of all or most of their duties.’. Given the differing scale, size and responsibilities of the respective Chief Officer posts, it is sensible from an organisational perspective to group Chief Officers into three categories as set out below, and referred to at paragraphs 23–25 of the Pay Statement. In doing so the Pay Statement makes better sense of those existing post holders paid at or beyond grade K on the main pay framework. These three categories are:

a) the Head of Paid Service

b) Statutory Chief Officers and Non-Statutory Chief Officers

c) the Monitoring Officer and other Senior Officers falling within the statutory definition of Deputy Chief Officer.

- 17 The County Council’s Constitution requires that the remuneration of Chief Officers on appointment outside the main pay framework require Chief Executive and EHCC Committee approval. In accordance with the Statutory Guidance, the County Council has agreed that the EHCC Committee will exercise this responsibility with regard to all Chief Officer and Deputy Chief Officer remuneration outside the main pay framework, whether on appointment or otherwise. This point is covered at paragraph 22 of the Pay Statement.
- 18 In exercising these responsibilities, it is recognised that the EHCC Committee is the responsible Committee for remuneration of all Chief Officer appointments arising from the implementation of any future structural management arrangements and/or any appointments (joint or otherwise) arising from the formalisation of any new shared services arrangements or legislative changes. The EHCC Committee will determine remuneration in respect of all future Chief Officer appointments or changes to Chief Officer remuneration after appointment in accordance with the policies set out in the Pay Statement. The County Council has also agreed that the EHCC Committee is responsible for approval of any severance packages in respect of Chief Officers leaving the County Council.
- 19 Salary ranges of staff on Grades A-K referred to at paragraphs 9 and 12 and detailed at Annex 1 of the Pay Statement are as currently per 1 April 2021, and cover the period to 31 March 2022. Pay categories for Chief Officers and Deputy Chief Officers referred to at paragraphs 23 to 25 of the Pay Statement are also as currently per 1 April 2021 and cover the period to 31 March 2022. Once details of the Pay Settlement for 2021/22 are known, the table at Annex 1 and Paragraphs 23-25 of the Pay Statement will be updated accordingly. Similarly, should there be a pay award for staff for 2022/23, the table at Annex 1 and Paragraphs 23-25 of the Pay Statement will be updated accordingly.

## **IMPACT ASSESSMENTS:**

### **1. Consultation and Equalities**

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
  - b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
  - c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.
- a. Equalities have been considered and no adverse impact identified.

### **20 Climate Change Impact Assessment:**

- i. How does what is being proposed impact on our carbon footprint / energy consumption?  
No impact has been identified.
- ii. How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?  
No specific measures have been identified.

**CORPORATE OR LEGAL INFORMATION:**

**Links to the Strategic Plan**

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because of the statutory requirements of the Localism Act 2011.**

**Other Significant Links**

**Links to previous Member decisions:**

<u>Title</u>	<u>Date</u>
Hampshire County Council Pay Statement Financial Year 2021/22	25 February 2021

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>
Localism Act	2011
DCLG Guidance 'Openness and Accountability in Local Pay'	February 2012
DCLG Supplementary Guidance 'Openness and Accountability in Local Pay'	February 2013

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
None	

# Hampshire County Council Pay Statement

## Financial Year 2022/23

### (Draft)

1. The purpose of this Pay Statement (“Pay Statement”) is to set out Hampshire County Council’s pay policies relating to its workforce for the financial year 2022/23, including the remuneration of its Chief Officers and that of its lowest paid employees.
2. The responsibility for functions and delegated authority in respect of the determination of the terms and conditions of staff employed by the County Council is detailed in the County Council’s Constitution; in particular, Part 2: Chapter 2.1 and Part 2: Chapter 4, and this Pay Statement is subject to those provisions.
3. With the exception of teaching staff and associated school advisory roles where pay is governed by National consultation groups and apprentices on the National Minimum Wage, pay for all staff, including Chief Officers, is set by the Employment in Hampshire County Council (“EHCC”) Committee with annual pay awards below senior management level being determined by the outcome of the national local government award and customarily applied to senior managers. The EHCC Committee is proportionally constituted and comprises elected County Councillors from the main political parties, and has responsibility for locally determined terms and conditions of employment for staff.
4. For the purposes of this Pay Statement and in accordance with the Localism Act 2011 (“Localism Act”), staff employed by the County Council have been separated into two groups:
  - (a) Employees who are not Chief Officers as defined by the Localism Act
  - (b) Chief Officers as defined by the Localism Act
5. An “employee who is not a Chief Officer” refers to all staff, who are not covered within the “Chief Officer” group as outlined below. This includes the “lowest paid employees”. In the context of the County Council other than apprentices the “lowest paid employees” are those employed at grade A on the County Council’s pay framework. This is because grade A is the lowest grade on the County Council’s pay framework. (Teaching staff and associated school advisory roles, whose pay is governed by other National arrangements and apprentices who receive the National Minimum Wage are not included in the group of “employees who are not Chief Officers” for the purposes of this Pay Statement).

6. Section 43(2) of the Localism Act defines Chief Officers for the purposes of the Localism Act. Currently, the following roles within the County Council fall within the definition of "Chief Officers":
- (a) Head of Paid Service (Chief Executive)
  - (b) Monitoring Officer
  - (c) Statutory Chief Officers (Director of Corporate Operations as Section 151 Officer, Director of Children's Services, Director of Adults' Health and Care, and Director of Public Health)
  - (d) Non-Statutory Chief Officers (Director of Culture, Communities and Business Services, Director of Economy, Transport and Environment, and Director of Human Resources, Organisational Development, Communications and Engagement)
  - (e) Deputy Chief Officers (Deputy Directors, Assistant Chief Executive, Assistant Directors and Heads of Service if reporting directly or are directly accountable to a Statutory or Non-Statutory Chief Officer in respect of all or most of their duties).

## **Section 1 - Employees who are not Chief Officers as defined by the Localism Act**

7. These staff are subject to the County Council's main pay framework. This was implemented in April 2007 in line with National guidance, with the grade for each role being determined by a consistent job evaluation process. This followed a national requirement for all Local Authorities, and a number of other public sector employers, to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer. As part of this, the County Council determined a local pay framework.
8. There are 11 grades (A-K) in the pay framework, grade A being the lowest and grade K the highest. Each employee will be on one of the 11 grades based on the job evaluation of their role. Each grade consists of 5 steps, with the exception of grades A and B which consist of fewer steps. Employees can progress within the salary range of their grade, having regard to the County Council's performance management arrangements.
9. All employees are paid within the salary range for their grade. Each "lowest paid employee" is paid within the salary range for grade A. All other employees are paid within the salary range for the grade of their role i.e. B-K. Details of the Council's salary ranges are published on the County Council's website, and a copy of those salary ranges currently as at 1 April 2021 is attached at **Annex 1** to this Pay Statement.
10. Employees new to the County Council will normally be appointed to the first step of the salary range for their grade. Where the candidate's current employment package would make the first step of the salary range unattractive or where the employee already operates at a level

commensurate with a higher salary, a different starting salary may be considered by the recruiting manager. This will be within the salary range for the grade. The candidate's level of skill and experience should be consistent with that of other employees in a similar position on the salary range.

11. Employees' performance during the course of the year is reviewed within the County Council's performance management arrangements, and pay progression within the grade is subject to satisfactory performance.
12. Pay awards are considered annually for staff. For those staff up to and including grade G the outcome of the national consultations by the Local Government Employers in negotiation with the Trades Unions is applied. For staff at grade H and above the value of any pay award is determined by the EHCC Committee. Since the implementation of the County Council's pay framework, the EHCC Committee has applied the same percentage award determined nationally. The question of a pay award for staff for 2021/22 has not yet been determined. Should there be a pay award for staff for the year 2021/22, then the table at Annex 1 will be updated accordingly. Similarly, should there be a pay award for staff for the year 2022/23, then the table at Annex 1 will be updated accordingly.
13. There is a Special Recognition Scheme, under which a one-off payment may be awarded to a member of staff as a recognition for a particular piece of work or a substantial achievement above what is expected as part of their ordinary day-to-day work. All Special Recognition Scheme payments are subject to departmental governance arrangements, and where required Chief Officer approval, are not consolidated into base salary and are funded from within existing budgets.
14. Allowances such as relocation assistance or other payments, for example shift working, may be made to staff in connection with their role or the patterns of hours they work in accordance with the County Council's collective agreement ('EHCC 2007') and subsequent amendments thereto, and other governance arrangements.
15. The County Council recognises that employees sometimes incur necessary expenditure in carrying out their responsibilities, for example travel costs. Employees will be reimbursed for reasonable expenses incurred on County Council business in accordance with the County Council's collective agreement ('EHCC 2007') and subsequent amendments.
16. Other than where required in order to carry out specific requirements of a role, for example the provision of accommodation for care workers required to live on site, there will be no benefits in kind payable to employees of the County Council
17. All employees who are not Chief Officers are, as a result of their employment, eligible to join the Local Government Pension Scheme. The County Council will not consider the purchase of additional pension for

employees under the provisions of the Local Government Pension Scheme Regulations 2014. However, it will consider enabling employees to use part of any redundancy payment to buy additional pension, where they leave on the grounds of efficiency.

18. Redundancy payment arrangements will be based on the County Council's standard redundancy scheme. In support of efficient organisational change and transformation linked to the need for efficiencies and expenditure reduction, the County Council also operates a voluntary redundancy scheme approved by EHCC Committee. The County Council remains committed to enabling workforce reductions through voluntary measures wherever possible and any future voluntary redundancy or other termination measures will be in accordance with approved County Council policies. Details of the standard and voluntary redundancy schemes are attached at Annex 2 to this Pay Statement.
19. Except in exceptional business circumstances, no employee who has left the County Council under the terms of the standard redundancy scheme or any voluntary redundancy scheme or severance arrangement, will be re-employed by the County Council in any capacity for a minimum period of 12 months from the dismissal date. If re-employment is sought within 12 months of the termination date, approval is required from the relevant Chief Officer, Director of Corporate Operations as Section 151 Officer and the Director of Human Resources, Organisational Development, Communications and Engagement. In addition, if the ex-employee was previously employed at grade H and above and/or is seeking re-employment at grade H and above, Chief Executive approval is also required.
20. Except in exceptional business circumstances, no employee who has left the County Council under the terms of the standard redundancy scheme, any voluntary redundancy scheme or severance arrangements, will be re-engaged by the County Council under a contract for services within a minimum period of 12 months of the dismissal date. In this case the authorisation requirements set out at Paragraph 19 of this Pay Statement in respect of re-engagement of ex-employees will apply.

## **Section 2 - Chief Officers as defined by the Localism Act 2011**

21. Chief Officers are paid either within the County Council's main pay framework, or on "spot" remuneration. The remuneration of Chief Officers on appointment has regard to the relative size, breadth and challenge of the role compared to other Chief Officer roles within the County Council, performance and taking appropriate advice from Korn Ferry (formerly known as HAY) and follows the same principles operated within the main pay framework. Account is also taken of other relevant available information, including the remuneration of Chief Officers in other similar sized organisations.

22. The Constitution requires that remuneration of Chief Officers on appointment outside the main pay framework requires Chief Executive and EHCC Committee approval. The EHCC Committee will continue to exercise responsibility for all Chief Officer remuneration outside the main pay framework, whether on appointment or otherwise. Chief Officer remuneration payable from 1 April 2021 falls within three categories as outlined below.
23. The Head of Paid Service is paid remuneration of £231,000.
24. Statutory Chief Officers and Non - Statutory Chief Officers are paid remuneration within the range of £123,000 - £175,000.
25. The Monitoring Officer and Deputy Chief Officers are paid remuneration within the range £71,750 - £145,000.
26. The annual pay review for Chief Officers paid outside the main pay framework is considered by the EHCC Committee each year, alongside recommendations for staff paid between grades H and K in accordance with Paragraph 12 of this Pay Statement. Likewise to support the annual review of remuneration of these Chief Officers, information may be provided on inflation, earnings growth, and any significant considerations from elsewhere in the public sector.
27. Typically, Chief Officers have received the same percentage pay award as other managers and staff groups within the County Council. In each year since implementation of the new pay framework, EHCC Committee has applied the same percentage award determined nationally for other grades of employees within the County Council. Chief Officers are subject to the same performance management arrangements as detailed for employees who are not Chief Officers. Chief Officers paid outside the main pay framework do not receive incremental pay progression. In years where a pay award is available, performance will be taken into account when determining whether any award will be made. Once details of the Pay Settlement for Chief Officers for the year 2021/22 are known, then Paragraphs 23-25 will be updated accordingly. Similarly, should there be a Pay Award for Chief Officers for the year 2022/23 then paragraphs 23-25 will be updated accordingly.
28. Within the above Chief Officer categories any increase to the remuneration of Chief Officers outside the annual review process, for example as a consequence of increased responsibilities arising from the formalisation or implementation of new shared services arrangements, requires Chief Executive and EHCC Committee approval.
29. The Special Recognition Scheme referred to at Paragraph 13 of this Pay Statement is however also applicable to Chief Officers. Any proposed

Special Recognition Payment in respect of CMT is subject to ratification by EHCC.

30. No other charges, fees or allowances or remuneration are payable to Chief Officers in connection with their responsibilities. No fees for election duties are included in Chief Officer remuneration, nor are any additional fees payable for such responsibilities.
31. Chief Officers may where applicable receive allowances, such as relocation assistance in accordance with the County Councils collective agreement (EHCC 2007), and subsequent amendments thereto, and other governance arrangements.
32. The County Council recognises that Chief Officers sometimes incur necessary expenditure in carrying out their responsibilities e.g. travel costs. Chief Officers will be reimbursed for reasonable expenses incurred on County Council business in accordance with the County Council's collective agreement (EHCC 2007) and subsequent amendments.
33. There are no benefits in kind, such as private health insurance, payable to Chief Officers.
34. Chief Officers as a result of their employment are eligible to join the Local Government Pension Scheme in the same way as other employees. The County Council will not consider the purchase of additional pension for employees under the provisions of the Local Government Pension Scheme Regulations 2014. However, it will consider enabling employees to use part of any redundancy payment to buy additional pension, where they leave on the grounds of efficiency.
35. Chief Officers are subject to the same redundancy payment and severance arrangements as other staff as outlined in Paragraph 18 of this Pay Statement.
36. Chief Officers, who have left the County Council under the terms of the standard redundancy scheme, any voluntary redundancy scheme or severance arrangements are subject to the same policy on re-engagement by the County Council outlined at Paragraph 19 of this Pay Statement as other employees.
37. Except in exceptional business circumstances, no Chief Officer who has left the County Council under the terms of the standard redundancy scheme, any voluntary redundancy scheme or severance arrangement, will be re-engaged by the County Council under a contract for services within a minimum period of 12 months of the termination date. In this case the authorisation requirements set out at Paragraph 20 of this Pay Statement in respect of re-engagement of ex-employees will apply. No Chief Officer, as defined at Paragraphs 23-25 of this Payment Statement, will be employed by the County Council on terms and conditions which allow such an officer to

be an employee of the County Council whilst operating in practice as a limited company for taxation reasons.

38. Details of Chief Officer remuneration have been published annually since 2010 as an extract from the County Council's Statement of Accounts and according to accountancy standards, as soon after the end of the relevant financial year as is reasonably practical. At that time the County Council will also update the publication of its pay multiple, that is the ratio between the highest paid employee and the median average earnings across the organisation, based on base pay. Gender Pay Gap reporting information will also be published as part of the County Council's Open Data in accordance with statutory requirements.

## Pay Statement Annex 1

**Hampshire County Council's Pay Framework****Salary Ranges – from April 2021**

	Step	Grades	
		A	B
Salary Range	3	18,198	18,877
	2	17,962	18,562 (see note 1 below)
	1	17,842	18,562 (see note 1 below)

	Step	Grades								
		C	D	E	F	G	H	I	J	K
Salary Range	5	19,941	24,055	29,583	37,876	46,776	54,525	64,204	80,758	93,491
	4	19,699	23,358	28,724	36,777	45,416	52,940	62,331	78,404	90,768
	3	19,314	22,771	27,887	35,705	44,092	51,397	60,515	76,121	88,124
	2	19,129	22,003	27,300	34,663	42,805	49,900	58,752	73,901	85,555
	1	18,933	21,403	26,544	33,653	41,562	48,447	57,042	71,750	83,064

**Note:**

1. The salaries for steps 1 and 2 of grade B are the same. Staff paid on either step 1 or 2 of grade B will progress to step 3 from April 2022, as appropriate.
2. Salary ranges for Grades A–G are subject to the outcome of national pay negotiations.

## Pay Statement Annex 2

### Hampshire County Council

#### Standard and Voluntary Redundancy Schemes

Payments Based on Actual Weekly Pay

<b>Current Age Groupings</b>	<b>Standard Redundancy Scheme (Weeks per year of service)</b>	<b>Years of Service</b>	<b>Voluntary Redundancy Scheme (Single Payment)</b>
Service accrued up to and inc. 21	0.5	Service accrued – less than 2	0
Service accrued between 22-40	1.0	Service accrued – 2+	20
Service accrued age 41 and above	1.5		
Max Number of Weeks	30		

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## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Employment in Hampshire County Council Committee
<b>Date:</b>	11 November 2021
<b>Title:</b>	Amendments to the Members' Allowances Scheme 2021/22, and Members' Allowances Scheme for 2022/23, 2023/24, 2024/25 and 2025/26
<b>Report From:</b>	Chief Executive

**Contact name:** Barbara Beardwell – Head of Law & Governance & Monitoring Officer

Debbie Vaughan – Head of Democratic & Member Services

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[debbie.vaughan@hants.gov.uk](mailto:debbie.vaughan@hants.gov.uk)

### Purpose of this Report

1. The purpose of this report is for the EHCC Committee to consider a number of recommendations of the Independent Remuneration Panel (IRP) regarding amendment to the Members' Allowances Scheme 2021/22, and a new Members' Allowances Scheme for the years 2022/23, 2023/24, 2024/25 and 2025/26, and for EHCC to make it's recommendations to full Council.

### Recommendations

That the EHCC Committee:

2. Thank the IRP for their work in considering this matter, and their recommendations as referred to in this report.
3. Recommend to the County Council that approval be given to amendment of the Members' Allowances Scheme for 2021/22, if appropriate, and to a Members' Allowances Scheme for 2022/23, 2023/24, 2024/25 and 2025/26, which takes into account the recommendations of the Independent Remuneration Panel and the views of the EHCC Committee.

### Executive Summary

4. The legislative framework governing the payment of Members' Allowances is set out in the Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Members Allowances Regulations').

5. Under the provisions of the Members' Allowances Regulations, the County Council is required each year to make a Members' Allowances Scheme. The Members' Allowances Scheme needs to make provision for payment of Basic Allowances, Special Responsibility Allowances ("SRA's") Dependents' Carers' Allowances, Travelling and Subsistence Allowances, and Co-optees Allowances. Once a Members' Allowances Scheme is made for any year it may be amended during the year in question in accordance with the Members' Allowances Regulations. It is also possible under the Members' Allowances Regulations for any amendment to the Members' Allowances Scheme to be backdated to the beginning of the financial year in which any such amendment is made.
6. By virtue of the Members' Allowances Regulations, before the County Council can make or amend a Members' Allowances Scheme, it is required to have regard to recommendations made in relation to it by an Independent Remuneration Panel ("IRP"). In this regard the IRP met on 29 September 2021. Minutes of the IRP meeting, and the recommendations of the IRP are attached as **Annex 1** to this report.

## **Contextual Information**

### **Amendment to Members' Allowances Scheme 2021/22**

#### **Recommendations of the Independent Remuneration Panel**

7. That an SRA of £4,645 per annum (25% of an Executive Member SRA) be payable to the Assistant to the Executive – Adult Services and Public Health from the date of appointment to this role (13 July 2021), and reviewed again in 12 months' time.
8. That an SRA of £4,645 per annum (25% of the SRA for an Executive Member) be payable to the Assistant to the Executive – Children's Services from the date of appointment to this role (13 July 2021), and reviewed again in 12 months' time.
9. That an SRA of £3,097 per annum (25% of the SRA for a Select Committee Chairman) be payable to the Chairman of the River Hamble Harbour Board from the date of appointment to this role (County Council AGM on 27 May 2021), and reviewed again in 12 months' time.
10. That the present formula for calculation of an SRA to the Leader of a Minority Political Group on the County Council when a Minority Political Group comprises four or more Members should remain.
11. That the list of approved duties for the purposes of the payment of travelling and other relevant expenses should include the roles set out above.
12. That a Members Allowances Scheme for the years 2022/23, 2023/24, 2024/25 and 2025/26 be prepared, whereby Basic Allowances and

Special Responsibility Allowances payable to Members are adjusted from 1 April 2022 and there after annually, in line with the pay award (if any) for Senior Managers at grade H, taking into account any amendments to the Members' Allowances Scheme 2020/21 agreed by the County Council following consideration of the recommendations of the IRP.

### **Amendment to Members Allowances Scheme 2021/22 - Consideration of IRP Recommendations**

#### **Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services**

13. With regard to the two Assistant to the Executive Roles, the IRP noted the depth and breadth of the Adult Services and Public Health, and the Children's Services portfolios including statutory and safeguarding responsibilities, the importance of robust and effective political engagement to meet the challenges that both these important service areas face against the backdrop of organisational-wide recovery from the Covid-19 pandemic, maintaining and developing key partnerships and supporting the stakeholder and public interface in the light of increasing demand and continuing cost pressures. Full details of the roles are set out in **Annex 2a** and **Annex 2b** to this report.
14. As Members of the EHCC will be aware, a number of posts of Assistants to the Executive have been established in recent years where specific support has been required to individual Executive Members or capacity in pursuing wider County Council initiatives. The two Assistant to the Executive roles Adult Services and Public Health and Children's Services are required to support the Executive Member for Adult Services and Public Health and the Lead Executive Member for Children's Services across the breadth of their Executive portfolios.
15. Previous Assistant to the Executive posts have attracted an SRA of 25% of the SRA for an Executive Member. The IRP were in agreement that an SRA of 25% of the SRA for an Executive Member should attach to the roles of Assistant to the Executive – Adult Services and Public Health and Assistant to the Executive – Children's Services, and that any SRA should be reviewed in 12 months' time as the roles develop. The IRP were also in agreement that any SRAs should be backdated to 13 July 2021, being the date of appointment to the roles, and similarly for the avoidance of doubt, the list of approved duties for the purposes of payment of travelling expenses and other expenses should include the duties of Assistant to the Executive.

#### **Chairman of the River Hamble Harbour Board**

16. To date no SRA has attached to the role of Chairman of the River Hamble Harbour Board, and the IRP were asked to consider whether an SRA should attach to the role. Full details of the role is set out at **Annex 2c** to this report. The IRP recognised the unique nature of the role, noted its statutory responsibilities, direct accountability and the level

of risk attached to the role. The IRP were in agreement that an SRA of 25% of the SRA for a Chairman of a Select Committee should attach to the role of Chairman of the River Hamble Harbour Board, and that any SRA should be reviewed in 12 months time. The IRP were also in agreement that any SRA should be backdated to 27 May 2021, being the date of appointment of the Chairman of the River Hamble Harbour Board in the present administration to the role.

### **Leader of Minority Political Group SRA**

17. The IRP considered a request by the Leader of the Labour Group to review the SRA payable to the Leader of a Minority Political Group on the County Council in light of changes to the political composition of the County Council following its Elections in May 2021. For the information of EHCC the IRP had previously been asked in 2013 to consider when an SRA should attach to the position of Leader of Minority Political Group on the County Council, and had recommended a formula be applied to calculate the SRA for the Leader of a Minority Political Group to future proof when changes to the political composition of the Council occurred, and that this should be engaged when a Minority Political Group was comprised of 6 or more Members. The formula was adopted by the County Council on 20 February 2014, save that the decision of the County Council was that the formula should be engaged once a Minority Political Group comprised 4 or more Members. The IRP were of the view that in the absence of compelling evidence to the established criteria for engagement of a Minority Political Group Leader SRA, that the current threshold for engagement of the formula at 4 or more Members was appropriate.

### **Members' Allowances Scheme 2022/23, 2023/24, 2024/25 and 2025/26 - Consideration of IRP Recommendations**

18. As in previous years, the IRP were of the view that Basic Allowances and SRAs should be adjusted by reference to an index, and that it was appropriate that the index adopted should be the pay award for staff (if any) for Senior Managers at grade H, and that the index should apply for four years commencing with the Members' Allowances Scheme for the year 2022/23. As Members of the EHCC Committee will be aware, the County Council determined at its meeting on 22 February 2018 that other allowances payable to persons holding positions required by law under legislation not part of the Members' Allowances Regulations should be adjusted by the same adjustment of allowances (if any) payable under the Members' Allowances Scheme.

### **Next Steps**

19. Amendment of the Members' Allowances Scheme for 2021/22, if appropriate, and a Members' Allowances Scheme for 2022/23, 2023/24, 2024/25 and 2025/26 recommended by the EHCC Committee will be considered by the County Council at its meeting on 17 February 2022.

## **IMPACT ASSESSMENTS:**

### **1. Consultation and Equalities**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

#### **1.2. Equalities Impact Assessment:**

Equality objectives have been considered and no adverse impact identified.

### **2. Climate Change Impact Assessment :**

- a) How does what is being proposed impact on our carbon footprint / energy consumption?

No impact has been identified.

- b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

No specific measures have been identified.

**CORPORATE OR LEGAL INFORMATION:****Links to the Strategic Plan**

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because of the requirements of the Members' Allowances Regulations.**

**Other Significant Links****Links to previous Member decisions:**

<u>Title</u>	<u>Date</u>
Amendments to the Members' Allowances Scheme 2013/14 and Members' Allowances Scheme 2014/15, 2015/16, 2016/17 and 2017/18 – County Council	20 February 2014
Amendments to the Members' Allowances Scheme 2013/14 and Members' Allowances Scheme 2014/15, 2015/16, 2016/17 and 2017/18 – County Council	22 February 2018

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>
Local Government and Housing Act	1989
The Local Authorities (Members' Allowances) (England) Regulations	2003

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
None	



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AT A MEETING of the Independent Remuneration Panel of HAMPSHIRE  
COUNTY COUNCIL held at the Castle, Winchester on Wednesday, 29th  
September, 2021

Present:

Julia Abbott, David Heck, Richard Kinch and Martin James (Chairman)

Also present with the agreement of the Chairman: Councillor Keith House

1. **APOLOGIES FOR ABSENCE**

There were no apologies.

2. **DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

3. **MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 24 September 2019 were agreed as a correct record and signed by the Chairman.

4. **DEPUTATIONS**

There were no deputations on this occasion.

5. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements on this occasion.

6. **COUNTY COUNCILLOR AND RELEVANT CO-OPTED MEMBER COMMENTS**

The Chairman confirmed that the Independent Remuneration Panel (IRP) had received one comment in regard to their review of the Members' Allowances Scheme, which would be considered under Item 7 on the agenda.

## 7. **AMENDMENTS TO THE MEMBERS' ALLOWANCES SCHEME FOR 2021/22**

The IRP considered the report of the Head of Legal and Governance and Monitoring Officer providing information to enable the IRP to make its recommendation as to a Special Responsibility Allowance (SRA) for the following roles:

- Assistant to the Executive – Adult Services and Public Health
- Assistant to the Executive – Children’s Services
- Chairman of the River Hamble Harbour Board

The Director of Adult Services and Public Health, Assistant Director – Performance and Resources in Children’s Services and the Marine Director for the River Hamble Harbour Authority were in attendance to answer the IRPs questions about the roles.

In regard to the two Assistant to the Executive Roles, the IRP noted the depth and breadth of the Adult Services and Public Health, and the Children’s Services portfolios including statutory and safeguarding responsibilities, the importance of robust and effective political engagement to meet the challenges that both these important service areas face against the backdrop of organisational-wide recovery from the Covid-19 pandemic, maintaining and developing key partnerships and supporting the stakeholder and public interface in the light of increasing demand and continuing cost pressures. Full details of the roles were set out in Appendices 1 and 2 to the report.

In regard to the role of Chairman of the River Hamble Harbour Board, the Marine Director provided some background information about the work of the Harbour Authority. The IRP recognised the unique nature of the role, noted its statutory responsibilities, direct accountability and the level of risk attached to the role. Full details of the roles were set out in Appendix 3 to the report.

In reaching its conclusions, the IRP was minded to support an SRA for all three roles from their respective dates of appointment following the County Council Elections on 6 May 2021, with the caveat that the roles be reviewed in 12 months’ time and supported by appropriate evidence to demonstrate their effectiveness.

The IRP were in receipt of a comment from a County Councillor regarding the criteria used to determine whether a Minority Group Leader qualified for an SRA was fit for purpose in light of two smaller minority groups having been formed on the Council. The current criteria, i.e. that an SRA should only be payable to the Leader of a Minority Group on the County Council when the Group comprises four or more Members, was recommended by the Employment in Hampshire County Council Committee, following a recommendation by the IRP, and resolved on by the County Council at its meeting on 23 February 2012.

Following consideration, the IRP were of the view that in the absence of compelling evidence to support an amendment to the current criteria to lower the Group size threshold, that the current threshold remained fit for purpose.

RESOLVED:

That the IRP recommend to the Employment in Hampshire County Council Committee:

- a) That an SRA of £4,645 per annum (25% of an Executive Member SRA) be payable to the Assistant to the Executive – Adult Services and Public Health from the date of appointment to this role (13 July 2021) and reviewed again in 12 months' time.
- b) That an SRA of £4,645 per annum (25% of the SRA for an Executive Member) be payable to the Assistant to the Executive – Children's Services from the date of appointment to this role (13 July 2021) and reviewed again in 12 months' time.
- c) That an SRA of £3,097 per annum (25% of the SRA for a Select Committee Chairman) be payable from the date of appointment as the Chairman of the River Hamble Harbour Board (County Council AGM on 27 May 2021) and reviewed again in 12 months' time.
- d) That an SRA should only be payable to the Leader of a Minority Group on the County Council when the Group comprises four or more Members remained fit for purpose.
- e) That the list of approved duties for the purposes of the payment of travelling and other relevant expenses should be amended to include provision of the roles set out above.
- f) That a Members Allowances Scheme for the years 2022/23, 2023/24, 2024/25 and 2025/26 be prepared, whereby Basic Allowances and Special Responsibility Allowances payable to Members are adjusted from 1 April 2022 and thereafter annually, in line with the pay award (if any) for Senior Managers at grade H, taking into account any amendments to the Members' Allowances Scheme 2020/21 agreed by the County Council following consideration of the recommendations of the IRP.

8. **MEMBERS' ALLOWANCES SCHEME 2022/23, 2023/24, 2024/25 AND 2025/26**

Following full consideration, the IRP were of the view that a Members' Allowances Scheme for the four-year period 2022/23, 2023/24, 2024/25 and 2025/26 should replicate the current Members' Allowances Scheme for 2021/22 and that no revision to the current level of SRA payments within that Scheme was required, subject to the outcome of the recommended SRAs for the three roles set out in Minute 19 above.

As per the current arrangement, any uplift to the Scheme would be linked to the annual pay award for staff at Grade H.

RESOLVED:

That the IRP recommend to the Employment in Hampshire County Council Committee that a Members' Allowances Scheme for the four-year period 2022/23, 2023/24, 2024/25 and 2025/26 be prepared based on the current Members' Allowances Scheme for 2021/22, subject to the outcome of the recommended SRAs for the three roles set out in Minute 19 above.

**The meeting closed at 3.25pm.**

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Chairman,

## Assistant to the Executive – Adult Services and Public Health

**Primary departmental Links:** Principal link to Adults' Health and Care with engagement across all departments of the County Council, as required. Additionally, links to partner organisations, as well as service user representative groups are key to this role, as determined by the Executive Member for Adult Services and Public Health.

### Key outcomes:

The essence of the role is to help co-ordinate political engagement and to provide political advice and support to the County Council in its work to fulfil adult social care and public health statutory responsibilities as set out in the following primary pieces of legislation:

- The Care Act 2014
- The Mental Capacity Act 2005
- The Mental Health Act 1983
- The National Health Service Act 2006
- The Health and Social Care Act 2012.

The need for robust and effective political engagement is critical as the Department seeks to manage ongoing demand and cost pressures, embrace the potential offered by new technology, and respond and recover from the Covid-19 pandemic. Navigating these challenges and opportunities within an increasingly complex partnership landscape is central to ensuring the County Council continues to deliver positive outcomes for Hampshire's adult population, including some of our most vulnerable residents. This post will provide capacity to support political engagement on these areas within the County Council, across Sectors (particularly the NHS and Voluntary and Community Sector) and with Hampshire's communities.

### Key Functional Areas:

- To support the Executive Member in the discharge of their statutory role for all areas relating to social care for adults including: older people, people with physical disability, people with learning disability, people with mental health support needs, carers and ancillary services – as well as a broad duty relating to safeguarding adults.
- To support the Executive Member in carrying out their public health remit, including: work to improve the health and wellbeing of everyone in Hampshire, commissioned services that support residents from birth to adulthood, public health leadership to NHS commissioners and work to protect residents from infections, outbreaks and other hazards, such as chemicals.
- To support the development of, and maintain political links with, key partner organisations such as other local authorities across Hampshire and the Isle of

Wight, NHS organisations, health and care providers and Voluntary and Community Sector bodies.

- Assist in maintaining and developing partnership arrangements, engagement and communication with key local community and service-user led organisations. This includes ensuring positive engagement and support for key agendas, including co-production and user engagement and *Making Safeguarding Personal*.
- Participate in the Hampshire Safeguarding Adults Board, working with partners to safeguard adults, and deputise for the Executive Member as appropriate – recognising the role does not have an Executive function.
- Assist the Executive Member, Leader and wider Cabinet colleagues in making representations as appropriate on areas of regional and national policy development including, for example, anticipated health and care reforms.
- Assist the Executive Member as required to communicate the County Council's position with regards to health and social care matters, as agreed through established corporate communication processes and channels.
- Support the Executive Member in areas of policy development as instructed. This may include, but not be limited to:
  - Learning and applying lessons from Covid-19.
  - Further development of the County Council's strategic partnership arrangements with Health.
  - Safeguarding Adults.
  - Strengthening the voice of service users, their families, carers and wider communities in the co-design and development of health and care services.

Contrary to the Executive Member for Adult Services and Public Health, the Assistant to the Executive is not a statutory role and the post does not carry Executive decision-making powers. However, importantly, it does provide political support and advice to the Executive Member for Adult Services and Public Health and, as required, to the Leader and other Executive Members.

### **Scale of financial gearing/ impact of work undertaken:**

The role encompasses a broad range of statutory services spanning both Adult Social Care services and Public Health functions. This includes circa 3,500 directly employed staff and many tens of thousands more staff operating across some 1,000+ partner and provider services.

The Department has a gross revenue budget of some £520m in 2021/22, which continues to come under increasing demand and cost pressures. The Department faces a further £40.6m shortfall by 2022-23 which must be met on top of the £99.034m required savings between 2017-2021. This role will play an important part in supporting the County Council's interface with its stakeholders and the public to ensure that decisions on what the Department can and cannot provide in the future are informed by the views of residents and service users. This applies equally to engagement on new ways of working, as the County Council seeks to maximise the positive innovations galvanised by the pandemic.

## Assistant to the Executive – Children’s Services

**Primary Departmental Links:** Principal link to Children’s Services with engagement across all departments of the County Council as required. Additionally, links to partner organisations, *service users and other key forums as determined by the Executive Lead Member for Children’s Services.*

### Key outcomes:

The essence of the role is to help support and co-ordinate political engagement and to provide political advice and support for the developing work of the County Council in respect of children and young people *against the backdrop of the Council’s statutory responsibilities as set out in the following primary pieces of legislation:*

- *Children Act 2004*
- *Children and Families Act 2014*
- *Education Act 2002 and 2011*

*The need for robust and effective political engagement is critical as the Department seeks to manage ongoing demand and cost pressures, embrace the potential offered by new technology, and respond and recover from the Covid-19 pandemic.* Ensuring high quality services to safeguard children and young people, ensuring the right support and challenge to schools and colleges and securing the right level of provision for vulnerable children is essential for the County’s future. All of these outcomes require a wide engagement across a range of stakeholders to ensure a common endeavour.

### Key Functional Areas:

- To directly support and advise the Leader, Deputy Leader and Executive Lead Member for Children on all aspects of the council’s work with vulnerable children.
- To support the development of and maintain political links with key partner organisations such as schools, police, NHS and district councils.
- To attend the Children and Young People’s Select Committee, the Children and Families Advisory Panel, The Education Advisory Panel and the Corporate Parenting Board and supports and deputises as appropriate for the Executive Lead Member – *recognising that the role does not have an Executive function.*
- To assist in the establishment and maintenance of relationships with service users, in particular children and young people, through the Corporate Parenting Board and the Youth Council.

- To actively represent Hampshire County Council, including deputising for Executive Members, *as appropriate*, on key forums associated with children and young people and schools, such as Schools Forum and the Local Safeguarding Partnership Board.
- *Assist the Executive Member, Leader and wider Cabinet colleagues in making representations as appropriate on areas of regional and national policy development.*
- *Assist the Executive Member as required to communicate the County Council's position with regards to children and young people related matters, as agreed through established corporate communication processes and channels.*
- *Support the Executive Lead Member in areas of policy development as instructed. This may include, but not be limited to:*
  - *learning and applying lessons from Covid-19*
  - *safeguarding children and young people*
  - *strengthening the voice of service users, their families, carers and wider communities in the developing work of services for children, young people and families*
- Promotes Hampshire County Council's objectives policies and priorities, and associated partnerships as a key contribution to promoting the welfare and improving outcomes for children across the county.

Contrary to the Executive Member Lead Member for Children's Services, the Assistant to the Executive – Children's Services is not a statutory role and post does not carry Executive decision-making powers. However, importantly, it does provide political support and advice to the Executive Lead Member for Children's Services directly in her role, and as required to the Leader and other Executive Members.

#### **Scale of financial gearing/impact of work undertaken:**

The role encompasses a broad range of statutory services requiring engagement across a range of stakeholders.

The Department has a gross revenue budget of some £241m in 2021/22, which continues to come under increasing demand and cost pressures. The Department faces a further savings targets of £21m by 2022/23, which must be met on top of the £68m savings already between 2017/2021. This role will play an important part in supporting the County Council's interface with its stakeholders and the public to ensure that decisions on what the Department can and cannot provide in the future are informed by the views of residents and service users. This applies equally to engagement on new ways of working, as the County Council seeks to maximise the positive innovations arising from the pandemic.

## **Chairman of the River Hamble Harbour Board – Culture, Communities and Business Services**

**Primary departmental Links:** Chairmanship of the Governing Body of the Municipal River Hamble Harbour Authority which sits for administrative purposes within Culture, Communities and Business Services. A unique role with direct statutory accountability to the Secretary of State for Transport for Marine Safety Management and Marine pollution events. Engagement with departments across the County Council for matters affecting the River and the environment. Links to Fareham and Eastleigh Borough and Winchester City Council as well as other national authorities for developments as a statutory planning authority.

### **Key outcomes:**

The essence of the role is to manage the River Hamble Harbour Authority on behalf of Hampshire County Council as a committee of the Cabinet, established further to S.101(1) and S.102(1) of the local Government Act 1972, to which political proportionality applies. The Chairman is a Member of the County Council appointed by the Council. The role is entitled: the 'Duty Holder' within the meaning of the Department for Transport's Port Marine Safety Code (The Code). The Duty Holder is accountable for the Harbour Authority's compliance with The Code. This means:

- Accountability for safe and efficient operations;
- Assigning clear executive and operational responsibilities to an appropriately trained, qualified and experienced person, answerable for their performance;
- Appointing a 'Designated Person' to provide independent assurance of the Marine Safety Management System's effective operation;
- Demonstrating and certifying ongoing compliance to The Code to The Regulator (the Maritime and Coastguard Agency (MCA)).

Responsibilities are set out in the following primary pieces of legislation:

- The Harbours, Docks, Piers and Clauses Act 1847
- The Southampton Harbour Act 1949
- The Harbours Act 1964
- The River Hamble Harbour Revision Order 1969 (S.I. 1970 No 249) as amended by the River Hamble Revision Order 1982 (S.I. 1982 No 1370) and by Section 67 of the Hampshire Act 1983 and
- The River Hamble Bye Laws 1983, confirmed by the Secretary of State for Transport on 2 May 1986
- The Habitats Regulations

The Harbour Board is the Harbour Authority's Executive body. It is made up of seven members. Two are members of the County Council - one each from Fareham and Eastleigh, three co-opted members representing recreational sailing, the marine industry and environmental management and the Marine Director of the River Hamble undertaking. The Board meets four times each year to consider and decide on planning matters. In doing so, the Board receives recommendations on decisions from the consultative, subordinate and larger Management Committee which has broader and deeper riparian representation and powers of scrutiny over Board decisions. The interdependence of these committees is centrally important in the smooth and efficient running of the undertaking.

### **Key Functional Areas:**

- To discharge the River Hamble Harbour Authority's delegated responsibilities as a statutory Duty Holder for the benefit of all those who navigate within the River Hamble
- To ensure that an effective and efficient Marine Safety Management System is maintained and certify to that effect at three yearly intervals to the Regulator
- To ensure conformity with environmental legislation under the Habitats regulations. The River Hamble is listed as a Special Area of Conservation, in various areas as a Site of Special Scientific Interest and is subject to the RAMSAR convention. These instruments place upon the Council particular responsibilities for which the Board is accountable
- Maintaining an Oil Spill Protection Plan to the satisfaction of the Regulator (the MCA) which affords reasonable protection to the natural environment of the River in the event of a spillage within the wider Solent
- Acting as a statutory Planning Authority for proposed developments below Mean High Water Springs, liaising with other planning authorities as necessary
- Communicating strategic risk affecting Hampshire County Council via the appropriate channels

### **Scale of financial gearing/ impact of work undertaken:**

The River Hamble Harbour Authority is self-funding from the collection of Harbour Dues payments collected from qualifying vessels under the Harbours Act of 1964. Its annual turnover is in the order of £1.2m. It employs 12 staff under the Direction of a professional Master Mariner. The Harbour Authority manages the River over 7 miles of waterways, from the Solent to Botley and Curbridge. It is the busiest recreational River in the Country. The Harbour Authority manages 650 moorings under a contractual arrangement with the Crown Estate. There are around 3200 vessels afloat on the River and a similar number ashore. It is also a significant contributor to the local economies in both Fareham and Eastleigh Boroughs.

This role plays an important part in creating a profitable, efficient and stable platform upon which local businesses and River Users can plan and operate safely. It is a rather unusual but significant unit in Hampshire County Council's wide portfolio.