

HAMPSHIRE COUNTY COUNCIL

Committee:	Employment in Hampshire County Council
Date:	9 July 2020
Title:	Pay, Policy and Legislation Update
Report From:	Director of Corporate Resources

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Purpose of this Report

1. The purpose of this report is to provide an update to EHCC on the national pay award and proposed employment-related legislative changes.

Recommendation(s)

2. That EHCC note the current position of national negotiations on the pay award and developments in relation to legislation.

Executive Summary

3. National negotiations on the national pay award are still not concluded. If the Employers final pay offer of 2.75% is agreed, management will proceed to implement the pay award as agreed by EHCC, backdated to 1 April 2020. Updates on legislation and government consultations that have been previously reported to the EHCC are provided.

Contextual information

2020 Pay Award Negotiations

4. Following the Unions rejection of the initial 2% pay offer made by the National Employers, a final offer of 2.75% was made on 16 April.
5. Union members are being asked to vote on the final pay offer. UNISON and GMB are asking members to vote to accept or reject the pay offer. Unite are

recommending that their members vote to reject the pay offer. The outcome of these ballots is not expected until the end of August at the earliest.

6. If the Employer's final pay offer of 2.75% is agreed, management will proceed to implement the pay award as agreed by EHCC.

Changes to Employment Legislation

7. Legislation enforcing statutory Parental Bereavement Leave and elements of the Good Work Plan, which were previously reported to EHCC, have now been implemented within the Council.
8. To ensure compliance with the legislation arising from the Good Work Plan the following changes have been implemented:
 - Contracts of employment and casual worker documentation have been updated.
 - Issuing of contracts has been automated, to meet the day one requirement to provide staff with a Section One Statement.
 - Corporate communications have been issued to highlight the legislative requirements, reinforce the importance of recruiting in a prompt manner and signposting relevant guidance.
9. To enact Parental Bereavement Leave, the Council have updated the applicable policies and all relevant action to ensure compliance with the new statutory leave. The Council have implemented full pay for staff that are eligible for this leave regardless of their length of service, as opposed to the statutory rate.

Consultation updates

10. The Government are considering responses to several consultations that have been reported previously to EHCC in March 2020. At the time of writing, there is no update on the following consultations:
 - Ethnicity pay gap reporting
 - Cap on Exit Payments
 - Exit Payment recovery
 - How to reduce ill-health related job losses
 - Measures to address one-sided flexibility

- Consultation on sexual harassment in the workplace
 - Confidentiality clauses
11. Although Government have not formally responded following the consultation processes relating to Ethnicity Pay Gap reporting and the Cap on Exit Payments two Private Member Bills have been introduced which are currently progressing through parliament:
 - Equal Pay Bill 2020; this bill seeks to introduce compulsory ethnicity pay gap reporting alongside increasing employers' gender pay gap reporting obligations. This includes lowering mandatory reporting thresholds and would require employers to publish a document setting out how they would reduce any ethnic or gender pay disparities and enhance provisions surrounding equal pay claims.
 - Public Sector Exit Payments (Limitation) Bill 2019-2021; this bill intends to limit exit payments made by public sector organisations to its employees. It looks to implement regulations to enforce the £95,000 cap on exit payments which the Small Business, Enterprise and Employment Act 2015 legislated for.
 12. Less parliamentary time is given to such bills and only a minority of Private Members' Bills actually become law.
 13. In response to the Neonatal leave and pay consultation, Government have announced that they intend to legislate statutory leave and pay for parents of neonatal babies admitted into the hospital for a continuous period of at least a week, within the first twenty-eight days of birth. The leave, capped at a maximum of twelve weeks, can be taken in blocks of one week and will be a day one employment right. Pay set at a statutory rate will be available to employees who have over twenty-six week's continuous service and at the employer's discretion can be topped up to normal pay.
 14. Government intends to legislate the Neonatal leave and pay changes within the forthcoming draft Employment Bill, which has not yet been released. There is currently no proposed date for implementation.

New Consultations

15. Government has recently launched consultation documents covering a proposal for a new statutory right to give carers' one week's unpaid leave per year. There are several existing employment rights which can help individuals balance work and caring responsibilities, such as time off for dependants, parental leave and the right to request flexible working. This consultation seeks views on the practicalities of implementing a new type of leave which would allow employees to take time off from work to provide unpaid care. It indicates

that carer's leave is available to care for dependant family or household members, including anyone else who would reasonably rely on the employee because of a long-term mental or physical healthcare need. It would also look to introduce employment protections so that individuals taking the leave would not be subjected to any detriment. The consultation asks for opinions on the amount of leave that can be taken at any one time and the length of notice employers would want to receive for staff intending to take this leave. The leave does not propose to cover general childcare provisions.

16. Unpaid carer's leave is proposed to be legislated within the anticipated Employment Bill. An update on the outcome of the consultation will be provided, if there is a significant impact of any proposed changes.

Consultation and Equalities

17. It is not envisaged that there will be any negative equalities impact from the known changes. It is anticipated that some of the updates referenced above will make a positive impact to some staff relevant to their protected characteristics.

Conclusions

18. Updates on the matters covered by this paper will be provided to EHCC 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>
Policy and Legislation Update	9 March 2020
Pay, Policy and Legislation Update	22 October 2019

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

Location

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.