

## **Staffing Committee**

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**Date of Meeting:** 21 January 2021

**Report Title:** HR Update

**Senior Officer:** Jane Burns, Executive Director of Corporate Services

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### **1. Report Summary**

1.1. The purpose of the report is to ensure Members are briefed on key Human Resource/Organisational Development priorities.

### **2. Recommendations**

2.1. That Staffing Committee note the report.

### **3. Reasons for Recommendations**

3.1 To ensure Members are kept up to date with Human Resource/Organisational Development priorities and that the Committee's Terms of Reference are followed.

### **4. Other Options Considered**

4.1 Not applicable.

### **5. Background**

5.1 The Committee's current remit is to review regular updates on performance information, in order to assess the effectiveness of current Human Resources, Organisational Development policies and practices.

### **6. NJC Pay**

6.1 The National Employers final offer for the current year 2020/21 of 2.75% has been accepted by the Trade Unions and the updated pay rates and arrears from April 2020 have been paid in October salaries.

6.2 Further work has been undertaken with the trade unions in respect of the Council's NJC Pay Structure and a final proposal was submitted to the trade unions on the 19<sup>th</sup> August 2020 for consideration. Consultation with staff began

on the 9<sup>th</sup> December 2020 after which it is likely that the trade unions will ballot their membership on the proposals with a view to reaching a collective agreement.

## **7. JNC Pay Structure and Performance Related Pay**

7.1 Final proposals were also submitted to the trade unions on the 19<sup>th</sup> August 2020 in respect of the changes to the JNC pay structure and also the removal of performance related pay. Consultation with staff began on the 10<sup>th</sup> December 2020 and it is likely that the trade unions will ballot their membership on the JNC pay structure proposals with a view to reaching a collective agreement. Consultation with staff began on the 10<sup>th</sup> December 2020 regarding the removal of PRP.

## **8. £95k Exit Payment Cap**

8.1 The legislation to implement the £95k cap on exit payments in the public sector has completed the Parliamentary process and was signed into law on the 14<sup>th</sup> October 2020 meaning the regulations, and therefore the cap, come into force on 4<sup>th</sup> November. At the present time neither the guidance nor the directions have been published. MHCLG's consultation on changes to the Local Government Pension Scheme rules required to accommodate the £95k cap were due to conclude on 9<sup>th</sup> November and will, therefore, not conclude before the cap comes into effect. The LGA and the Trade Unions continue to raise concerns about the implementation of this legislation, including the treatment of exits currently in process, with MHCLG and HM Treasury. There are a number of live legal challenges which have had the effect of delaying implementation.

## **9. Attendance Management Update**

9.1 Attendance Management remains a key focus for the Council. The Wellbeing and Attendance Management Policies and Procedures are used in conjunction with each other to proactively promote health and well-being at work and to provide appropriate support for employees when they are absent from work.

9.2 The Attendance Management target is 10 days absence per FTE in 2020/21.

9.3 During Quarter 3, there has been a continued focus for attendance management to support managers and staff in respect of Covid-19 and non-covid sickness absence. There has been an emphasis to protect and reassure staff in terms of attending work, and when they have been required to self-isolate or have had sickness absence due to Covid-19 as well as proactive and supportive management of overall sickness absence.

9.4 Meetings held under the Attendance Management Policy and Procedures routinely are held on a virtual basis provide reassurance to staff. Subject to the

national guidance in force at the time, meetings may take place in person if this is preferred by all parties.

9.5 Absences due to required self or household isolation have not been recorded as sickness absence to ensure that staff remained absent from work in line with national guidance to help control the spread of the virus.

9.6 Similarly, absence due to Covid-19 has been recorded as sickness absence and followed the Council's sick pay entitlements but have not counted towards the absence triggers within the Absence Management Policy and Procedure. This has been extended to 'Long Covid' with Managers monitoring the absence and supporting the employee as they would with other long-term sickness absence. This position is being kept under review in the event of the employee having further complications which result in a prolonged illness and lengthy absence or where guidance on the management of 'Long Covid' is updated by the Government.

9.7 The current absence figure, as shown in paragraph 15.4 was 7.06 days lost per FTE for quarter three. This is lower than during the same period in 2019 -20, when absence was 7.83 days lost per FTE employee. It is also slightly lower than the target of 7.48 days lost in order to reach the 12-month target of 10 days.

9.8 An Attendance Management e-learning package has been launched to complement a range of HR policy e-learning packages. The attendance management workshop has been adapted to be delivered virtually with workshops scheduled throughout 2021.

## **10. Exit Interviews and Surveys**

10.1 There are a number of ways that the Council captures feedback from employees leaving the organisation to help to identify reasons for leaving and any patterns of change which have been occurring within the Council and the individual service. This information helps to identify from an employee experience, any ways in which a service could be improved and/or how new appointments can be supported to do their job. It also acts as an opportunity to confirm the reason for leaving.

10.2 All employees leaving the Council are offered an exit interview with their grandparent manager prior to their leaving date. This process is designed to be informal and constructive process by all parties. With the consent of the employee, the confidential information gathered may be used to take any action required as a result of the discussion.

10.3 A short online survey of leavers in late 2019 provided useful information on the exit interview process which, from the respondents, summarised:

- 85% of leavers confirmed they were offered an exit interview;

- Of which 72% of exit interviews were conducted;
- Where exit interviews were not undertaken, the most common reason was that the leaver declined the invitation.
- The most commonly reported reasons for not offering an exit interview were that the employee left with no notice or that they left under the MARS scheme which included a separate exit interview.

10.4 Following this survey, there was further promotion of the procedure for offering and conducting exit interviews to managers.

10.5 An on-line exit survey has also been developed to enable leavers to express their thoughts and share their experience in a confidential and anonymous manner. The survey ensures that we listen and learn from those leaving the organisation with the intent of, where necessary, improve our performance.

10.6 During 2020, there were 76 exit surveys completed which represented 21% of the overall leavers during the period. Further work continues to promote exit interviews for all staff who leave the organisation.

## **11. Education HR Consultancy**

11.1 The Education HR Consultancy Services is a buy back service of the Council providing advice and support to head teachers and governing bodies on the full range of HR matters as well as the pay and conditions for teachers and head teachers.

11.2 During the third quarter of 2020/21, the HR Consultancy Service has continued to support schools in their response to the Covid-19 pandemic through the Autumn term when the schools re-opened in September 2021 by:

- Interpreting the regularly updated national Public Health and DfE guidance for school setting and providing tailored and updated Frequently Asked Questions (FAQs);
- Providing telephone advice and guidance on specific issues that arose;
- Meeting regularly with Director of Education and 14-19 Skills and the trade unions to maintain good employee relations and collaborative working.

11.3 The Safer Recruitment Training has been adapted so that it can be delivered on a virtual basis with training being successfully delivered during the Autumn term with six further sessions scheduled for the Spring term 2021.

11.4 Following a review of holiday pay across the Council due to a number of case law developments in recent years, there has been a change in relation to how holiday pay should be calculated for all employees. This has already been rolled out in services across the Council and now the review has been rolled out in all Cheshire East maintained schools with staff owed holiday receiving payment for

the 2017/18, 2018/19 and 2019/20 financial years. Schools are responsible for the calculation and payment of holiday pay from April 2020 onwards.

11.5 Cheshire East is also liable for the payment of holiday pay backpayment for eligible non-teaching staff from the 2017/18 financial year to the date that former maintained schools converted to academies. The HR Consultancy team are liaising with these academies in respect of the payments to staff and the reimbursement of the cost to the academies. Academies are responsible for any holiday pay calculations and payment from the date of conversion onwards.

## **12. Recognition**

12.1 Engagement with the Council's recognition scheme remains steady, particularly Made my Days with an average of 200 sent each month. This demonstrates that staff are role modelling the 'I Will' behaviours and that the Council is upholding commitments outlined within the employee deal. Use of the monthly recognition scheme has reduced over recent months, following the peak in July which recognised the efforts during the initial lockdown in establishing support to residents and enabling staff to work remotely.

12.2 The decision was taken to not hold an annual awards event, due to current restrictions as well as a desire to recognise the contribution of all staff rather than a select few. However, a One Team Cheshire East thank you video has been produced to recognise the contribution of all staff and highlight what has been achieved during this extraordinary year.

12.3 The scheme will be reviewed during January as is the case each year, to ensure it recognises staff in the most appropriate way.

## **13. Wellbeing**

13.1 The Council has made a clear commitment to every member of staff, through the Employee Deal, to care for their health and wellbeing. To support this a virtual winter wellbeing month was held during October covering a range of physical and mental wellbeing activities as well as opportunities for personal growth and learning new skills. Sessions were well attended and we have been able to continue to offer activities moving forward, helping staff observe some of the principles set out in the Golden Practices. We continue to promote wellbeing activities, suggestions and tips across a range of platforms, with a particular focus on Winter Wellbeing currently.

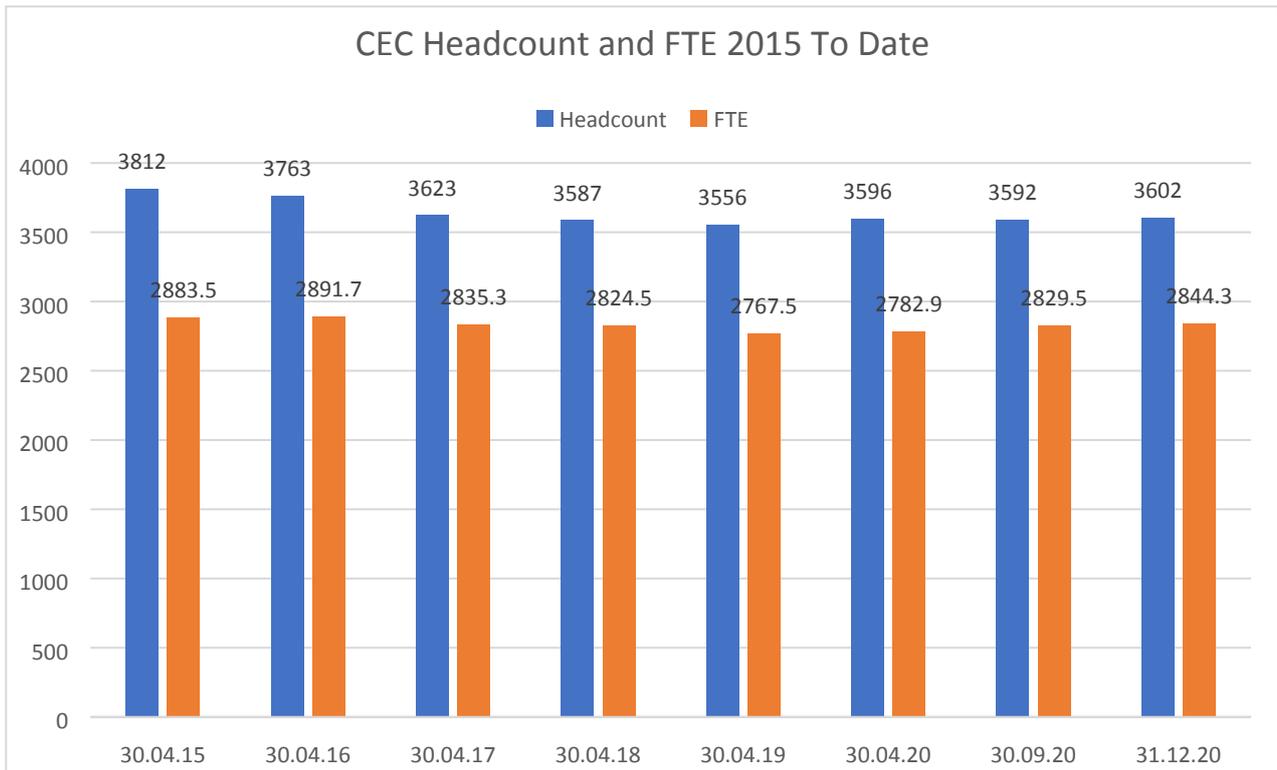
13.2 Work is currently underway to produce additional wellbeing principles following on from the Golden Practices to ensure staff continue to look after their health and wellbeing.

## **14. Apprenticeships**

14.1 The Council's apprenticeship programme offers a variety of apprenticeship standards across all three Directorates and its ASDVs. New apprenticeship standards are introduced to the Council regularly, across all levels. A new cohort of 8 social work degree apprentices have been recruited and will begin their training programme in January 2021 with Staffordshire University, directly addressing current skills gaps. There are currently 112 apprentices on programme at the Council. 86 of these apprentices were already council employees and 26 were from outside the Council and new employees. This figure is slightly lower compared to the same period for 2019/2020. At the end of July 2020, there were 83 apprentices on programme. This included 64 existing members of staff undertaking an apprenticeship qualification and 19 new employees to the organisations, recruited in response to an apprenticeship being advertised.

## 15. HR PERFORMANCE DATA (Q3 2020-21)

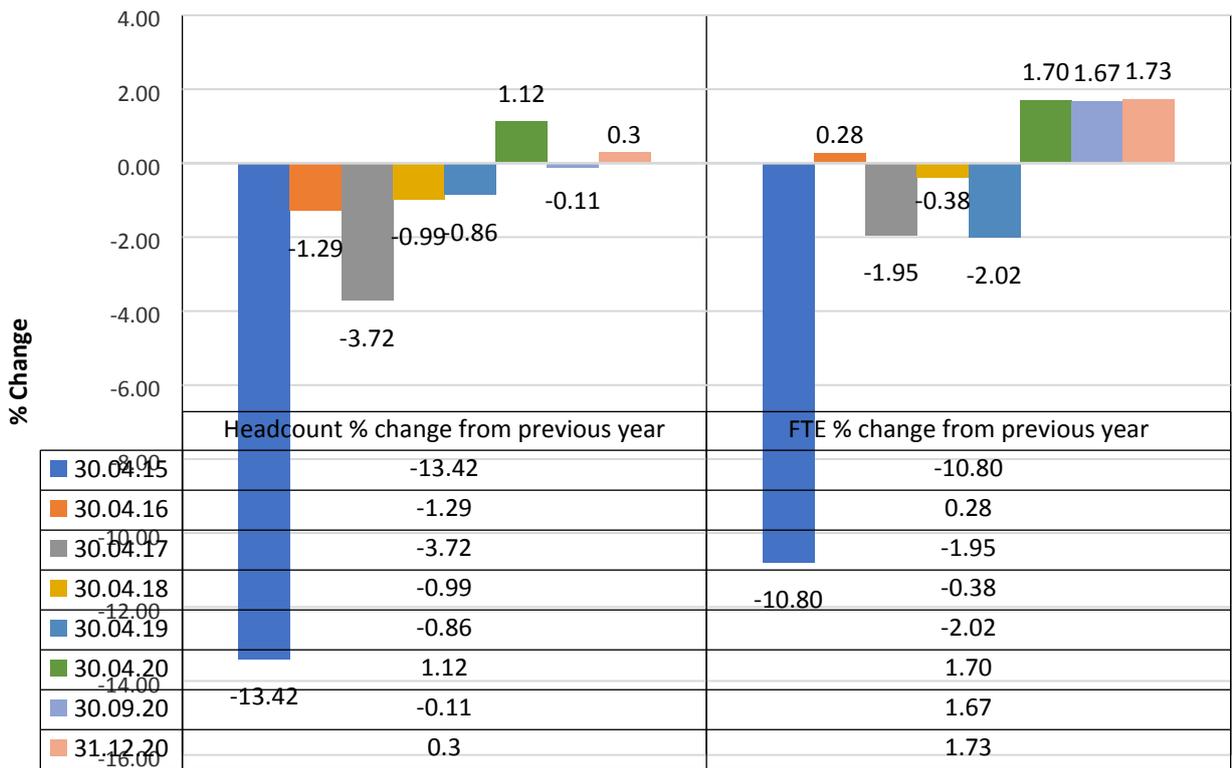
### 15.1 Headcount



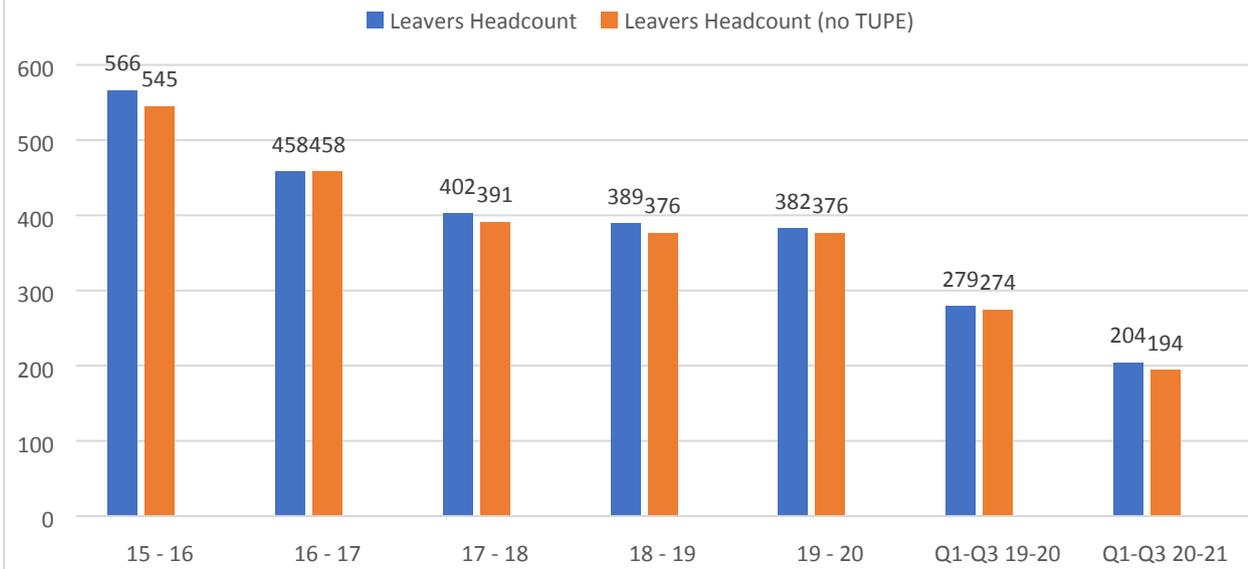
The chart above shows the overall Cheshire East headcount and FTE from 2015-16 to the third quarter of 2020-21. Between April 2015 and December 2020, the employee headcount has decreased by 5.5% and the number of FTE employees has decreased by 1.4% within the council.

During the current financial year, in comparison to the end of quarter three 2019-20, the headcount has increased by 0.3% and the FTE employees has increased by 1.7%. This can be seen in the chart below, which depicts the percentage change for both headcount and FTE during the same time periods.

### CEC Headcount & FTE 2015 To Date



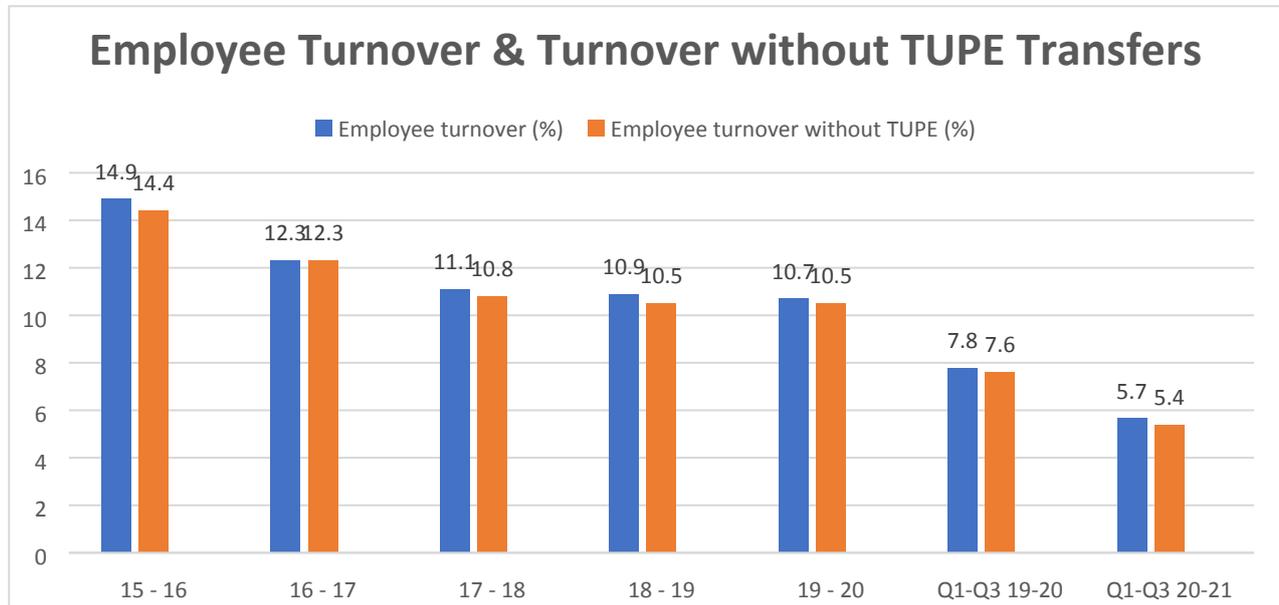
### Total Leaver Headcount & Headcount without TUPE Transfers 2015 To Date



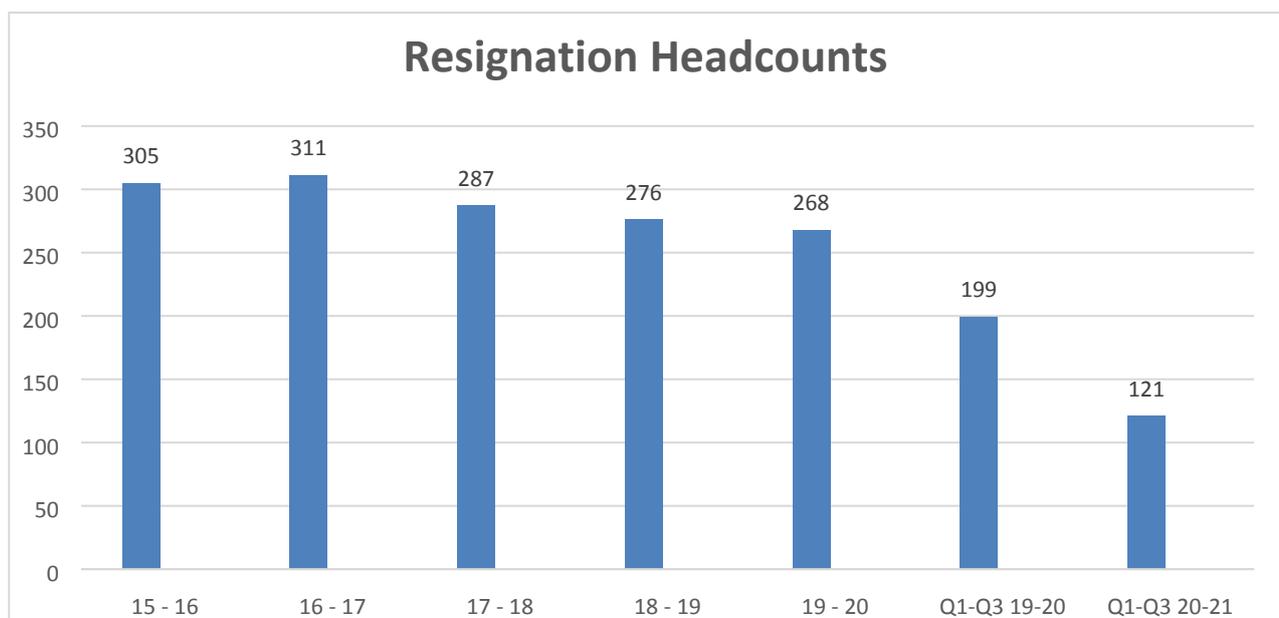
The chart above displays total leaver headcounts beside headcounts for all leavers except TUPE transfers between 2015-16 and 2019-20. There were no leavers due to TUPE transfers within the first or third quarters of 2020-21, however, in Quarter 3, 10 employees TUPE transferred into Cheshire East from Civivance, one of the former ASDVs.

These figures can be compared with the first three quarters of 2019-20, when there were 5 TUPE transfers but 75 more leavers than in the current financial year. The chart below shows the corresponding turnover figures; in quarters one to three of 2020-21 turnover was 5.7%, which is lower than 7.8% in the in quarters one to three of 2019-20.

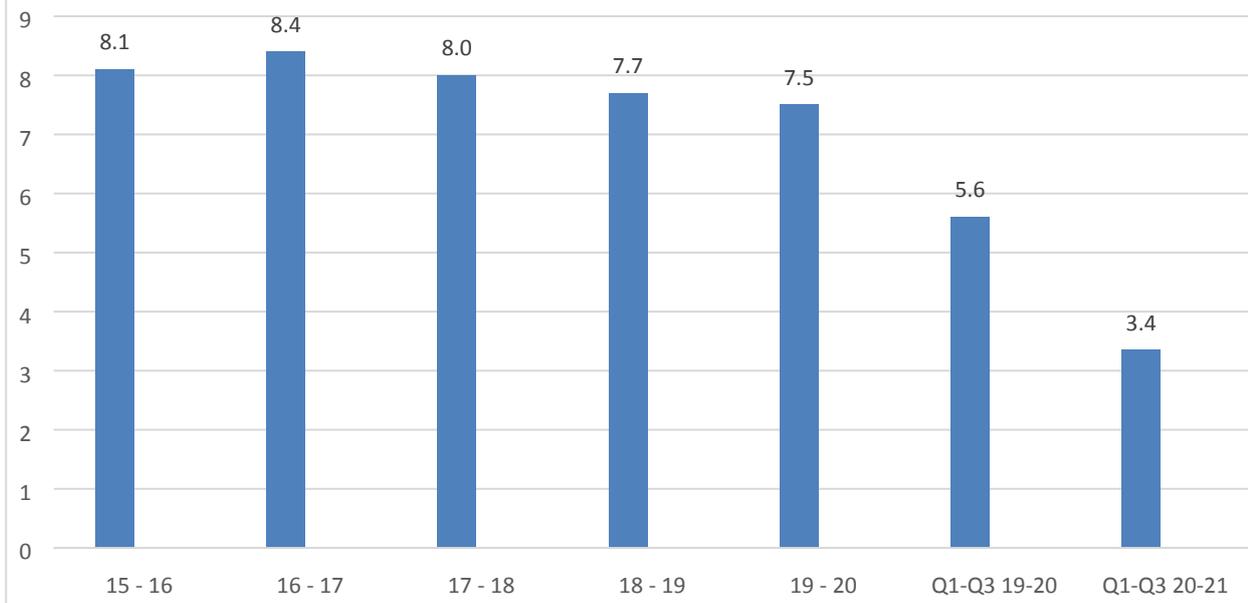
## 15.2 Employee Turnover



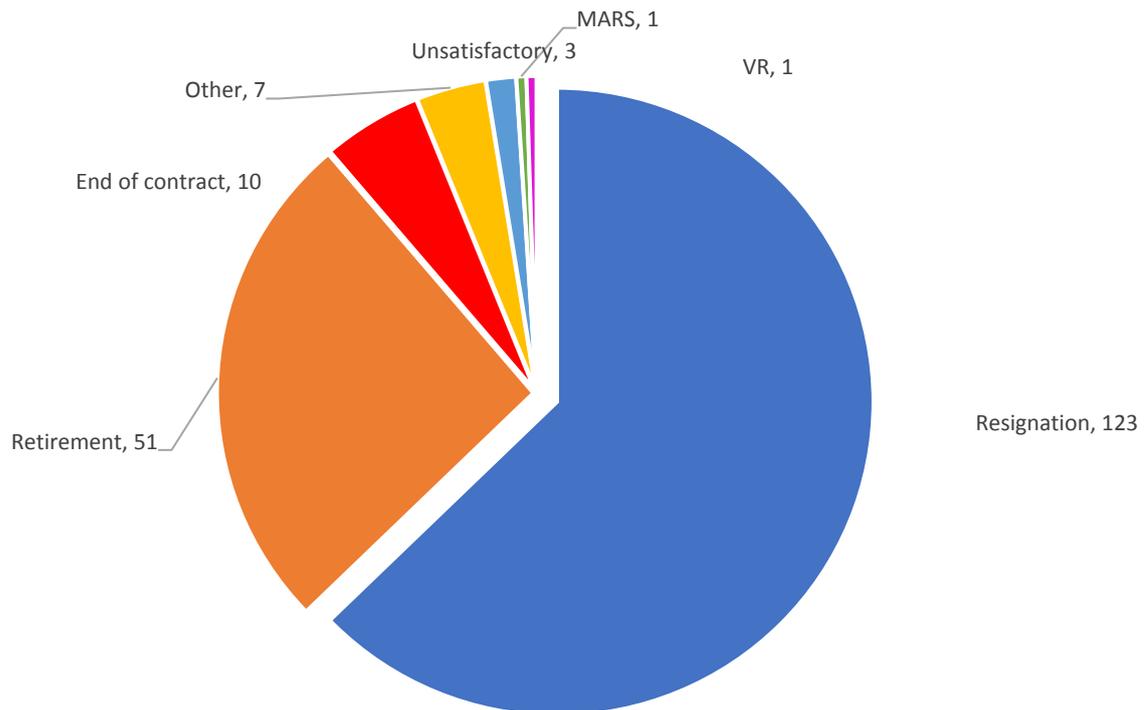
There were 121 resignations during the first three quarters of 2020-21, compared with 199 during the same period in 2019-20. The quarter 1 – 3 comparisons can be seen in the chart below, alongside the figures over full financial years between 2015-16 and 2019-20. Turnover as a result of resignation was 3.4%, lower than 5.6% in 2019-20. It is also visualised below:



## Employee Turnover by Resignation (%)



## Leaving Reasons by Headcount & Proportion



A broad distribution of leaving reasons by headcount is shown in the chart above, excluding TUPE transfers. Resignation remains the most common leaving reason; the 'Unsatisfactory' category includes unsatisfactory probation or performance (capability), gross misconduct, or disciplinary action. 'Other' reflects mutual termination and death.

### 15.3 Agency Workers

Agency workers form an important part of the Council's workforce, providing short term cover, project work and flexible specialist skills to maintain service delivery in areas such as social services, ICT and other professional services.

The table below provides a summary of active agency worker assignments between September and December 2020, together with agency worker assignments as a percentage of all active Cheshire East assignments over the period.

Directorate	Active Assignments on 30.09.20	Active Assignments on 31.12.20	% of all Workforce Assignments on 30.09.20	% of all Workforce Assignments on 31.12.20
People	74	75	3.4%	3.5%
Corporate	87	94	12.8%	14.1%
Place	5	6	0.7%	0.8%
<b>Total</b>	<b>166</b>	<b>175</b>	<b>5.0%</b>	<b>4.8%</b>

The overall number of active agency assignments has remained stable during the first three quarters of 2020/21 with a small increase in the overall active assignments. The slight decrease in the percentage of all workforce assignments is due to an overall increase in workforce headcount between Quarter 2 and 3.

The breakdown of agency worker across the organisation by service area is:

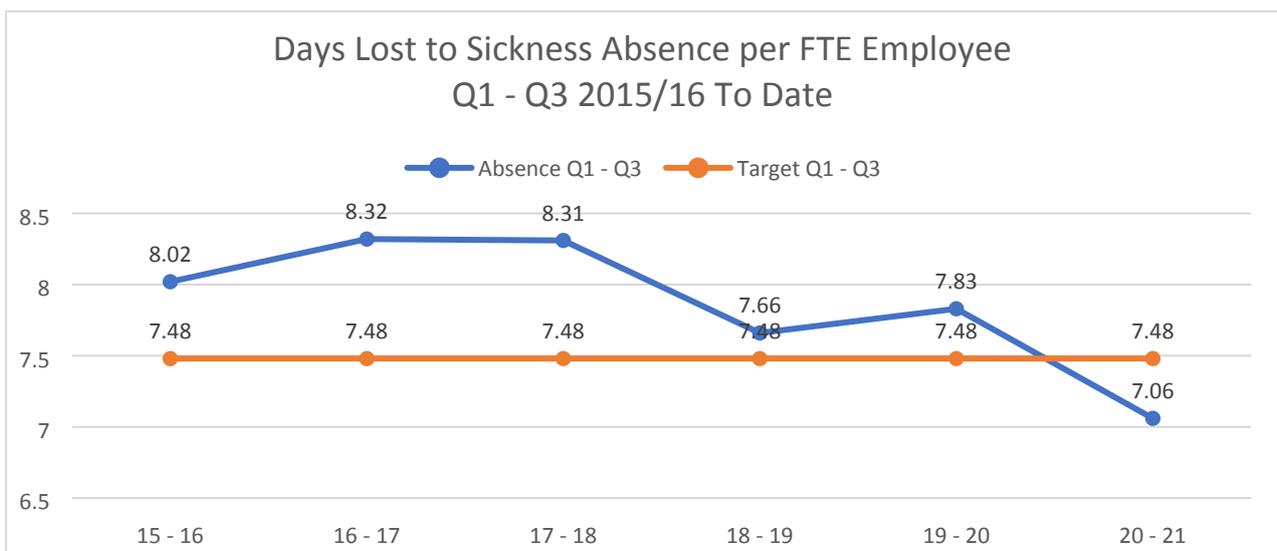
Cheshire East Council	No of Agency Workers
<b>Corporate</b>	<b>94</b>
Communications and PR	1
Customer Operations	10
Finance and Procurement	1
Governance and Compliance	2
Human Resources	5
ICT	62
Legal and Democratic Services	12
Professional Services	1
<b>People</b>	<b>75</b>
Adult Social Care and Health	34
Children's Services	41

<b>Place</b>	<b>6</b>
Growth and Regeneration	3
Infrastructure and Highways	1
Planning and Sustainable Development	2
<b>Overall Total</b>	<b>175</b>

Within Corporate Services, the majority of the agency workers are engaged by ICT (62) with a further 12 workers in Legal services. There are a small number of agency worker in other service areas.

Within People Services, there is a fairly balanced split of agency workers between Adult Social Care and Health and Children’s Services. These are predominately frontline workers such as social workers and other social care roles e.g. social care assessors, occupational therapists and support workers as well as for educational psychologists.

#### 15.4 Sickness Absence



The chart above show sickness absence as days lost per FTE employee during the first three quarters of 2020-21, in comparison with the first three quarters of the previous five financial years. This is shown alongside a target of 7.48 days lost in order to reach the 12-month target of 10 days. Covid-19 Self Isolation and Maternity (including Paternity, Shared and Adoption) has been excluded from this data. Quarters 1 - 3 of 2020-21 has seen sickness levels of 7.06 days per employee which is under the target level of 7.48 days.

#### 15.5 HR Casework

The Council’s HR procedures are used to seek outcomes to concerns raised where it has not been possible, or it is not appropriate to reach an informal resolution. The HR Team

works closely with managers to resolve these matters appropriate and at the earliest opportunity.

The tables below set out those cases that were considered through HR formal procedures. In light of the on-going Covid-19 pandemic, formal hearings are held virtually wherever possible although, if required and subject to national guidance, they may be held safely in person within corporate buildings.

**Summary of current formal case work by employee**

	Capability	Disciplinary	Grievance	Dignity at Work	ET
<b>December 2019</b>	0	6	4	0	1
<b>March 2020</b>	0	4	4	2	1
<b>June 2020</b>	0	1	3	2	2
<b>September 2020</b>	0	3	4	2	2
<b>December 2020</b>	1	2	3	0	1

ET = Employment Tribunal

**Summary of closed formal case work during period by employee**

	Capability	Disciplinary	Grievance	Dignity at Work	ET
<b>Oct – Dec 2019</b>	0	7	0	0	0
<b>Jan – Mar 2020</b>	1	3	0	1	0
<b>Apr – June 2020</b>	0	3	1	2	0
<b>July – Sept 2020</b>	0	0	1	3	1
<b>Oct – Dec 2020</b>	0	3	2	2	1

**losed cases July – September 2020**

Type of Case	Information/Length of Case
Capability	No formal capability cases have been concluded.
Disciplinary	1 x 1 month; 1 x 8 weeks; 1 x 9 months.
Grievance	1 x 2 months; 1 x 3 months.
Dignity at Work	1 x 5 weeks; 1 x 4 months.

With reference to the table above, casework matters are dealt with in as timely a manner as possible. There can be unavoidable slippage of time due to factors such as the general availability of the parties involved; for example, complainant, officers, trade union representatives as well as investigating officers. Since March 2020, the Covid-19 crisis has caused some delay in the conclusion cases.

**Summary of new formal case work during period by employee**

	Capability	Disciplinary	Grievance	Dignity at Work	ET
<b>Oct – Dec 2019</b>	0	4	2	2	1
<b>Jan – Mar 2020</b>	1	3	0	3	0
<b>Apr – June 2020</b>	0	0	0	2	0
<b>July – Sept 2020</b>	0	2	2	2	1
<b>Oct – Dec 2020</b>	1	2	1	0	0

**16. Implications of the Recommendations**

**16.1 Legal Implications**

Activity relating to the summaries in this report contributes to ensuring the Council’s statutory HR and Health and Safety obligations are met.

**16.2 Finance Implications**

No financial implications arising from this report.

**16.3 Policy Implications**

Implications are dealt with in the body of the report.

**16.4 Equality Implications**

Implications are dealt with within the body of the report.

**16.5 Human Resources Implications**

Implications are dealt with in the body of the report.

**16.6 Risk Management Implications**

No significant risks identified as a result of this update report. Risks relating to specific matters are dealt with separately.

### **16.7 Rural Communities Implications**

There are no implications for rural communities.

### **16.8 Implications for Children & Young People/Cared for Children**

There are no implications for children and young people.

### **16.9 Public Health Implications**

There are no implications for public health.

### **16.10 Climate Change Implications**

There are no implications for climate change.

### **16.11 Ward Members Affected**

No specific wards affected.

## **17. Consultation & Engagement**

Implications are dealt with in the body of the report.

## **18. Access to Information**

The background papers relating to this report can be inspected by contacting the report writer.

## **19. Contact Information**

Any questions relating to this report should be directed to the following officer:

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Job Title: Head of HR

Email: [sara.barker@cheshireeast.gov.uk](mailto:sara.barker@cheshireeast.gov.uk)