

Title of report: Approval for new and updated HR policies

Decision maker: Chief Executive

Decision date: 15 May 2023

Report by: HR Improvement Manager

Classification

Open

Decision type

This is not an executive decision

Wards affected

All wards

Purpose

Approval of the following new and updated HR Policies for Herefordshire Council employees, as set out in Appendices A to C.

Recommendation(s)

That:

- a) **The Mutual Early Resignation Scheme (MERS) Lite policy as set out in Appendix A is approved and implemented from March 2023;**
- b) **The Domestic Abuse and Sexual Violence Policy as set out in Appendix B is approved and implemented in April 2023;**
- c) **Herefordshire Council adopts the Real Living Wage as a supplement for council employees with effect from April 2023, without seeking accreditation, and encourages other organisations where the council is a majority shareholder, such as Hoople Ltd to also adopt the Real Living Wage;**
- d) **The Fostering Leave Policy as set out in Appendix C is approved and implemented in May 2023, and the council achieves accreditation with the Fostering Friendly network.**

Alternative options

1. The policies are not approved or adopted. This is not recommended as these policies are intended to support the development of a skilled and stable workforce while managing the council's resources effectively.

Key considerations

Mutual Early Resignation Scheme (MERS) Lite policy

2. MERS Lite is an amendment to the existing MERS policy that has been in operation for some time. The MERS policy provides the option for an individual employee, in agreement with the council, to leave employment in return for a severance payment and to take their pension on an un-reduced basis. This is currently not economically viable to operate.
3. MERS is entirely voluntary and there is no legal obligation on the council to accept any individual application. The scheme is designed to support the council to address periods of rapid change and service re-design and, when necessary, to support the corporate measures to reduce the pay bill.
4. MERS Lite will remove the offer of staff being able to take their pension on an un-reduced basis, however, staff can still choose to access their pension through their provider if they wish, subject to any reductions for early access, as the scheme is entirely discretionary. Applications under MERS Lite will only be accepted where the budget manager does not need to recruit to the post, or can demonstrate an equivalent saving within 12 months. The current MERS policy will be temporarily withdrawn.

Domestic Abuse and Sexual Violence Policy

5. The introduction of the Domestic Abuse and Sexual Violence Policy demonstrates Herefordshire Council's zero tolerance approach to domestic abuse and sexual violence. The policy is designed to cater for everybody regardless of gender or sexual orientation. The aims of the policy are to increase awareness, support staff, increase disclosures, ensure confidentiality is maintained and any disclosures handled compassionately, and also assist in holding perpetrators to account and protecting victims. The policy also supports employees who are looking to address their behaviour.

Real Living Wage

6. The adoption of the Real Living Wage will introduce a supplement to our lowest paid employees (currently 10) and will offer them a supplement as set by the Living Wage Foundation.
7. The proposed policy changes will promote employee wellbeing whilst also positively contributing to employee recruitment and retention which, given the evidenced link to organisational performance, should in turn lead to better outcomes for residents and communities.
8. In its community leadership role the council should encourage other organisations in which it is a majority shareholder, such as Hoople and to also adopt the Real Living Wage.

Fostering Leave Policy

9. The introduction of the Fostering Leave Policy demonstrates that employees who are foster carers or are prospective foster carers are providing a valuable service to the community and

the council. By becoming a working role model and widening the pool of available foster carers, more children in care can be matched with the best foster carer for them.

10. Under the current policy provisions, employees are not eligible for paid time off in relation to duties or training in association with their foster caring responsibilities.
11. The policy will introduce any employee who is either applying to become a foster carer, or is already a foster carer to be granted up to 5 days leave with pay per leave year (pro rata for part time employees) to attend any meeting, home visits, mandatory training or to respond to the needs of a child. These days can also be taken as half days as appropriate.

Community Impact

12. Recruiting and retaining staff with essential skills and experience will support the council to deliver on the priorities and objectives set out in the County Plan. The adoption of these HR policies supports recruitment and retention, whilst ensuring the council can manage its resources effectively. Having the right workforce in place will enable us to ensure children are healthy, and inspired to achieve; and that care experienced children and young people are well supported and make good life choices.
13. The Workforce and Organisational Development Strategy 2021-2024 aims to develop an engaged, agile and resilient workforce. The adoption of the policies set out in this report will enhance our offer to staff and our employer value proposition by being an employer that people want to work for and is recognised that they support staff at times where they may need it most.
14. The 202/23 delivery plan makes the following commitment links to objectives CO0, C01 and C02 & C04.

Environmental Impact

15. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

16. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

17. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. The council's human resources policies pay full regard to the council's responsibility as set out in the public sector equality duty and ensures that all protected characteristics are fully addressed.

Resource implications

18. The introduction of the Real Living Wage supplement will have a financial implication on staffing costs. The additional costs for 2023/24 are based on current known figures. As the rates are set by the Living Wage Foundation, usually 6 months in advance of its implementation it is difficult to ascertain the future financial impact.

Revenue or Capital cost of project (indicate R or C)	2021/22	2022/23	2023/24	Future Years	Total
R – Workforce costs (wage bill)	£000	£000	£838.41	£000	£838.41
TOTAL					£838.41

Funding streams (indicate whether base budget / external / grant / capital borrowing)	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
TOTAL					

Revenue budget implications	2020/21	2021/22	2022/23	Future Years	Total
	£000	£000	£000	£000	£000
<i>note any impact on revenue budget, good or bad</i>					
TOTAL					

Legal implications

19. Authorisation under the MERS Lite scheme above certain financial thresholds must comply with the guidance [Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England](#)

Risk management

Risk / opportunity	Mitigation
<p>MERS Lite – Risk – Although the scheme has been in place for some time, the refresh may see an influx of applications and requests for pensionable figures to our pensions administrators</p> <p>Opportunity - the changes to this procedure are to help the council control costs. Applications will only be accepted where the budget manager does not need to recruit, or can demonstrate equivalent savings within 12 months</p>	<p>The scheme is clear in the parameters of applications that will be accepted or rejected.</p> <p>Our pensions administrators have been made aware of the change and potential impact</p>
<p>Real Living Wage Risk - Consideration of future financial implications in regards to the adopting of the real living wage are not known, as the information is not provided in advance from the Living Wage Foundation, coupled with the changes to the NJC pay structure</p> <p>Opportunity - Given the cost of living crisis, this is an opportunity to enhance the pay for our lowest paid employees</p>	<p>Regular review of the impact of the Real Living Wage Foundation and the pay structure as set by the national employers.</p> <p>By not becoming accredited, the council can remove this supplement at any time.</p>
<p>Domestic Abuse and Sexual Violence Policy Risk – There are no risks identified with the introduction of this policy</p> <p>Opportunities – The introduction of this policy will help foster a safe working environment for our staff</p>	
<p>Fostering Leave Policy Risk – There are no risks identifies with the introduction of this policy</p> <p>Opportunity – With the support and paid time off to support foster carers this will help promote and bust the myth that foster carers would need to give up paid employment to fulfil the role and may encourage more employees to become foster carers. This will have a positive impact on those children needing placements</p>	

20. These risks will be managed at service level.

Consultees

21. Employment Panel have been consulted on the introduction of the above and are in support of all the recommendations set in this report.
- a) MERS Lite - There was support in the change for the MERS Lite and the flexibility it offered;
 - b) Real Living Wage by way of a supplement and not becoming fully accredited as it was understood the risk of costing out suppliers of the council, but should promote and publicise this as part of the big economic plan.
 - c) The panel praised the introduction of the Domestic Abuse and Sexual Violence policy and the council's values and the wider impact the policy will have.
 - d) The panel were supportive of the Fostering Leave Policy and felt it was a good starting point and were pleased to know that partner organisations will also be encourage to join the network, and requested once in operation, to review the usage and feedback to consider whether further measures should be implemented.

Appendices

Appendix A – MERS Lite

Appendix B – Domestic Abuse & Sexual Violence Policy

Appendix C – Fostering Leave Policy

Background papers

Real Living Wage report

Report Reviewers Used for appraising this report:

Governance	John Coleman	Date 05/05/2023
Finance	Judith Tranmer	Date 09/05/2023
Legal	Sean O'Connor	Date 17/04/2023
Communications	Luenne Featherstone	Date 17/04/2023
Equality Duty	Harriet Yellin	Date 18/04/2023
Procurement	Lee Robertson	Date 24/04/2023
Risk	Click or tap here to enter text.	Date Click or tap to enter a date.
Approved by	Tracey Sampson	Date 10/05/2023