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NOTICE OF MEETING

Meeting	Employment in Hampshire County Council Committee
Date and Time	Tuesday, 19th March, 2024 at 10.00 am
Place	Chute Room, Ell Court, The Castle, Winchester
Enquiries to	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 and available for repeat viewing, it may also be recorded and filmed by the press and public. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. 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 - 8)

To confirm the minutes of the previous meeting held on 2 November 2023.

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. PAY AND LEGISLATIVE UPDATE (Pages 9 - 24)

To consider a report from the Director of People and Organisation providing an update on several relevant pay and legislative matters.

7. CHIEF OFFICERS UPDATE - LESS EXEMPT APPENDIX (Pages 25 - 30)

To consider a report of the Director of People and Organisation on recent and proposed changes to the Council's Chief Officer Group.

8. EXCLUSION OF THE PRESS AND PUBLIC

RECOMMENDATION:

That the press and public be excluded from the meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present, there would be disclosure to them of exempt information within Paragraphs 1, 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to any individual and information relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to consultations or negotiations, or contemplated consultation or negotiations, in connection with any labour relations matter arising between the authority and employees of the authority, which should not be disclosed for the reasons set out in the reports.

9. CHIEF OFFICER UPDATE - EXEMPT APPENDIX (Pages 31 - 34)

To receive an exempt appendix to Item 7 on the agenda.

10. AMENDMENT TO SICKNESS ABSENCE POLICY (Pages 35 - 64)

To consider an exempt report of the Director of People and Organisation regarding an amendment to the County Council's Sickness Absence Policy.

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 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 Thursday,
2nd November, 2023

Chairman:

* Councillor Kirsty North

* Councillor Stephen Parker

* Councillor Stephen Philpott

* Councillor Adrian Collett

* Councillor Steve Forster

* Councillor Keith House

a Councillor Zoe Huggins

* Councillor Arun Mummalaneni

*Present

65. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Zoe Huggins.

66. **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 Personal interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 5 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.

67. **MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting held on 30 June 2023 were agreed and signed by the Chairman.

68. **DEPUTATIONS**

There were no deputations received on this occasion.

69. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman was pleased to announce that the re-signing of the Armed Forces Covenant had taken place recently. This re-signing was in continued recognition and support of the large Armed Forces and Veteran community in Hampshire and covers the support offered through our service directorates as well as the support offered to our workforce in line with national legislation.

70. **PAY AND LEGISLATION UPDATE**

The Committee considered a report of the Director of People and Organisation giving an update on pay and legislation.

Councillor Keith House declared a non-pecuniary interest in this item as a member of the National Employers' Organisation for School Teachers and the JNC for Local Government Services.

Each element of the report was briefly introduced and a number of key details discussed. In doing so, Members were advised that since the report had been published, the national pay award for local government employees had been agreed for 2023 and would be paid in December salaries, backdated to 1 April 2023.

The Director also advised on several Bills that were passing through parliament:

- Neonatal care (Leave and Pay) Act 2023 - not expected to commence until 2025
- Carer's Leave Act 2023
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Employment Relations (Flexible Working) Act 2023
- Strikes (Minimum Service Levels) Act 2023

RESOLVED:

1. That EHCC note that the pay award for Local Government employees (those paid on EHCC terms and conditions) had been agreed for 2023 and would be backdated to April.
2. That EHCC note that all teacher unions have confirmed their members have voted to cease strike action in relation to the pay award of 6.5% from 1 September 2023. However, NASUWT remain in dispute on 'excessive workload and long working hours' and are taking industrial action short of strike in Autumn.
3. That EHCC note several new employment-related Acts that are pending commencement regulations.

71. **HAMPSHIRE COUNTY COUNCIL PAY STATEMENT – FINANCIAL YEAR 2024/25**

The Committee considered a report of the Chief Executive regarding the County Council's Pay Statement for financial year 2024/25.

The Committee heard that following publication of this report, the Pay Settlement for 2023/24 had been agreed and that this statement would be updated prior to it being considered by Full Council in February next year.

The main points of the report were summarised and Members noted that 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.

RESOLVED:

1. That the EHCC Committee recommends to the County Council approval of the Pay Statement as detailed in the report and at Appendix A, setting out the County Council's policies in respect of pay accountability for the financial year 2024/25 in accordance with the requirements of the Localism Act.
2. That the EHCC Committee delegates authority to the Chief Executive, in consultation with the Chairman of 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, the creation of new roles, and changes to existing roles or responsibilities determined prior to consideration of the Pay Statement by Full Council.

72. **MEMBERS' ALLOWANCES SCHEME 2023/24 - REVIEW OF SPECIAL RESPONSIBILITY ALLOWANCES**

The Committee considered the recommendations of the Independent Remuneration Panel (IRP) which met on 7 September 2023 to review Special Responsibility Allowances for the roles set out in paragraph 1 a), b) and c) of the report and members of the Pension Fund Panel and Board.

RESOLVED:

That the EHCC Committee:

1. Thank the IRP for their work in considering this matter and their recommendations
2. Notes the recommendations of the IRP.
3. Recommends to the County Council that approval be given to continued payment of the SRAs for the role of Deputy Leader of the Council, Opposition Group Leaders and Opposition Group Spokespersons without further changes and that no other amendments are to be made to the

Members' Allowance Scheme, if appropriate, taking into account the recommendations of the IRP and the views of the EHCC Committee.

73. CHIEF OFFICER UPDATE

The Committee considered a report of the Director of People and Organisation giving an update on changes to the Chief Officer Group following the retirement of the Director of Children Services and subsequent period of interim appointments for the Director and Deputy Director of Children's Services.

RESOLVED:

That the Committee notes the permanent changes to the Chief Officer Group through the appointment of a replacement Director and Deputy Director of Children's Services.

Chairman,
19 March 2024

HAMPSHIRE COUNTY COUNCIL

Committee:	Employment in Hampshire County Council
Date:	19 March 2024
Title:	Pay and Legislation Update
Report From:	Director People and Organisation

Contact name: Andy Bailey, Assistant Director HR and OD

Tel: 07837 894673

Email: andy.bailey@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to provide an update on the national pay award for local government staff for April 2023 and the current position on the national pay awards for 2024, which cover local government staff and teachers.
2. To update EHCC on the national pay award for staff employed on Soulbury terms and conditions (Soulbury staff) covering 2022 and 2023.
3. To update EHCC on previously notified significant legislative changes that now require actions from Officers.
4. To update EHCC on the proposal to sign the Local Declaration on Tobacco Control.

Recommendations

5. That EHCC note that the 2023 national pay award for Local Government employees (those paid on Grades A-G EHCC terms and conditions) has now been accepted and was implemented in pay in December 2023.
6. That EHCC also note that as per EHCC decision in March 2023, the pay award was implemented in December 2023 pay for Grades H+.
7. That EHCC note the Trade Union side's pay claim for April 2024.
8. That EHCC note that Cabinet is proposing to sign the Local Declaration on Tobacco Control, which is a public statement of the Council's commitment to

action on tobacco control and to protect people from the harm caused by smoking.

9. That EHCC agree to apply the national pay award agreed (for those paid on Grades A-G EHCC terms and conditions) to staff on Grades H and above, with effect from 1 April 2024. This is on the basis that national negotiations are concluded and that the national pay award does not exceed 3% of the pay budget.
10. That EHCC note the pay award for 2023 for Teachers was applied in December payroll and the current position on the national Teachers pay award for September 2024. Further, that the NASUWT's mandate for industrial action on workload and excessive working hours has now expired.
11. That EHCC note that the national pay award for Soulbury staff covering 2022 and 2023 has been agreed and was implemented in February 2024 payroll.
12. That EHCC note several new employment-related Regulations are coming into force in April 2024, requiring action from Officers.

Executive Summary

13. As reported to EHCC in November 2023, the Trade Unions submitted their pay claim for the April 2023 national pay award and the National Employers made a final offer which was rejected by all three local government unions. Following the closure of their ballot on 24 October 2023, GMB joined Unison in confirming their acceptance of the offer. Although Unite did not agree to the offer, the majority of unions did accept the offer, which is all that is needed to reach agreement. This concludes the pay negotiations that cover the period 1 April 2023 – 31 March 2024.
14. The nationally negotiated pay award applies to EHCC staff, Grades A-G. The pay award for Grades H and above are determined by EHCC committee. The pay award for those earning over £49,590 did not change from the originally offered 3.88%. Therefore, as determined by EHCC in March 2023, the pay award of 3.88% was implemented for staff on Grades H and above. The pay award for all EHCC staff was applied in December payroll.
15. The Trade Unions have submitted their pay claim for 1 April 2024 – 31 March 2025. Their claim is for an increase of at least £3,000 or 10% on all spinal column points (whichever is greater). Further details of their pay claim are provided below.
16. As the nationally negotiated pay award (i.e., the percentage increase) applies to EHCC staff Grades A-G, EHCC are asked to agree to a pay award for

Grades H+, to ensure there is no delay to implementation between any nationally negotiated award, and the next EHCC committee.

17. As reported in November 2023, teacher unions withdrew industrial action in relation to the national Teachers' pay award, which concluded its parliamentary process in October 2023. The pay award for teachers covering the period 1 September 2023 – 31 August 2024 was applied in payroll in December 2023. The Secretary of State has commenced the process for the pay award to apply from 1 September 2024.
18. The national pay award for those paid on Soulbury terms and conditions, covering a two-year period (from 1 September 2022 to 31 August 2024) was agreed at the end of December and was implemented in February 2024 payroll. One union, representing a subset of staff paid on Soulbury Terms (Association of Educational Psychologists) did take one day of strike action, however following this agreement, a second date of strike action was called off, and action short of strike ceased.
19. Several significant employment related regulations all of which have been noted in previous EHCC papers will be coming into force during 2024. These are;
 - The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024
 - The Flexible Working (Amendment) Regulations 2023
 - The Carer's Leave Regulations 2024
 - The Paternity Leave (Amendment) Regulations 2024
 - The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023
 - The Trade Union 2016 (Commencement) Regulations 2023
20. Cabinet is proposing to sign the Local Declaration on Tobacco Control, which is a public statement of the Council's commitment to take action on tobacco control and protect people from harm caused by smoking. This will have a positive impact for our staff who smoke, of which it is estimated 60% want to quit. The Council will use a government grant to fund initiatives to support residents of Hampshire and our staff, to quit.

Context and Background

NJC National Pay Award 2023

21. As detailed in EHCC papers during 2023, the National Employer Side made a full and final offer of:
- A consolidated increase of £1,925 on salaries up to and including NJC spine point 43 (£49,590). This is pro-rata for part time staff,
 - a 3.88% pay increase on salaries above this.
22. Following all three national unions (UNISON, Unite and GMB) conducting national ballots, Unison accepted the pay offer and in October 2023, GMB did the same. Unite did not agree, however the national collective agreement requires only two of the three unions to agree.
23. The consolidated increase of £1,925 was applied to all staff on grades A-G as required by the EHCC Collective Agreement. The EHCC Committee agreed in March 2023 to apply a pay award of 3.88% to all staff on Grades H and above once the national pay award had been agreed. The pay award was applied to all staff on EHCC terms and conditions in December payroll, backdated to 1 April 2023

National Pay Award 2024

24. On 29th February 2024, the Trade Unions' side (UNISON, Unite and GMB) submitted their pay claim for the year 1 April 2024-31 March 2025 to the National Employers. Their claim is for an increase of at least £3,000 or 10% on each spinal column point, whichever is greater.
25. In addition to the above, they have requested;
- a. Reviews of gender, ethnicity and disability pay gaps in local government
 - b. A 2-hour reduction in the working week with no detriment
 - c. An additional day of annual leave for personal or well-being purposes (with term time only staff also receiving a full day rather than a pro-rata amount, that they can use at any time, including term time)
 - d. A phased approach to reaching a minimum pay rate of £15 per hour in a maximum of two years, sooner if possible.
26. The terms and conditions of the majority of staff in the Council are governed by a collective agreement, called the Employment in Hampshire County Council agreement ('EHCC agreement'). This agreement was signed by recognised unions and the Council and has been in effect since 1 April 2007. Under the EHCC agreement, the nationally negotiated pay award (percentage

increase only - as described in paragraph 24) applies to EHCC staff Grades A-G. It is the responsibility of the EHCC committee to determine the pay awards for staff paid at Grades H and above.

27. The elements of the pay claim (other than the percentage award) described in paragraph 25, even if they are agreed nationally, will not apply to Hampshire County Council. The EHCC agreement defines our working hours per week and our annual leave entitlement. Further, the EHCC agreement does not require us to follow any minimum salaries agreed nationally, other than the statutory minimums set by the National Minimum/Living Wage.
28. The Council has budgeted for a pay award with an average increase of 3% for 2024/2025. EHCC are recommended to agree to apply the nationally agreed pay award to staff on Grades H and above, providing;
 - National negotiations are concluded, and
 - The national pay award does not exceed the pay budget of 3%.
29. If the nationally negotiated pay award exceeds 3% of the pay budget, a recommendation will be brought back to EHCC. Reaching this decision now avoids any delay, should the national pay award be settled between now and the next EHCC committee in June 2024. If the settlement is higher than this a decision will be brought back to EHCC.
30. Officers will be attending a regional pay briefing with the National Employers on 27 March 2024. Further updates on the progress of the pay award for 2024 will be provided at the next EHCC Committee

Teachers Pay Award & Industrial Action

31. As reported in November 2023, the government accepted the School Teachers' Pay Review Body's (STRB) recommendation of a pay rise of 6.5% for teachers. The pay award was implemented in December payroll, backdated to 1 September 2023.
32. All four teacher unions agreed that industrial action in relation to the pay award should cease. However, the NASUWT had a mandate for action short of strike, in relation to 'excessive workload and long working hours'. This expired in January 2024, with very little impact on schools or Directorates. At the time of writing, there is therefore no union with a mandate for industrial action in Hampshire schools or directorates.
33. The Secretary of State (SoS) has commenced the next pay round by setting out the remit of the School Teachers Pay and Review Body (STRB). The STRB will gather views of stakeholders, which includes unions, before making

a recommendation to the Secretary of State. Further updates will be provided at the next EHCC Committee.

Soulbury National Pay Award

34. Approximately 120 employees in the Council are paid on Soulbury Terms and Conditions. This is a nationally negotiated set of terms and conditions that apply to Education Psychologists and Education Inspectors. The terms are negotiated separately from the NJC for Local Government Staff.
35. The national pay award for those paid on Soulbury terms and conditions, covering a two-year period (from 1 September 2022 to 31 August 2024) was agreed at the end of December and was implemented in February 2024 payroll.. As reported to EHCC in November, the Association of Educational Psychologists (AEP) had a mandate for industrial action in Hampshire and as a result some staff took strike action on 15th December 2023. This did not have a significant impact on services.
36. The pay agreement that was reached was;
- an increase of £1925 on all pay points from 1 September 2022
 - an increase of 4.04 per cent on all allowances from 1 September 2022
 - an increase of 4 per cent on all pay points from 1 September 2023
 - an increase of 3.88 per cent on all allowances from 1 September 2023
 - Structural changes to the Soulbury pay spines from 1 September 2023
37. The structural changes impact the lowest and highest points of the pay spine, within which local authorities can set their pay ranges. These changes do not have any impact on the pay ranges currently in use by Hampshire County Council.

Legislation coming into Force in 2024

38. Over the course of 2023, several Acts of parliament on a range of employment issues, received Royal Assent. The regulations that are required to commence these Acts are now being drafted which will effect changes to employment-related rights and entitlements. The changes brought about by the following regulations have previously been shared with EHCC, however a summary of the changes can be found in Appendix 1. Officers are working through the required amendments and are updating policies and guidance where necessary.
- The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024
 - The Flexible Working (Amendment) Regulations 2023

- The Carer's Leave Regulations 2024
 - The Paternity Leave (Amendment) Regulations 2024
 - The Trade Union 2016 (Commencement) Regulations 2023
39. The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023 will bring into force a statutory minimum entitlement to annual leave and pay for irregular hours workers and part-year workers. This legislation resolves a number of issues that have been the subject of two government consultations since the outcome of the Brazel-v-Harpur Trust Supreme Court decision in July 2022. The details of this ruling and the government consultations have been shared previously with EHCC throughout 2023.
40. Irregular hours workers are those where the number of paid hours they work in a pay period is, under the terms of their contract, wholly, or mostly variable. Part-year workers are workers that are required, under the terms of their contract, to work only part of that year and there are periods within that year of at least a week, where they are not required to work and for which they are not paid. The council has terms of employment / engagement that meet these definitions – namely annualised hours workers in directorates and schools, term time only staff (mostly in schools) and casual workers in schools.
41. The implications of these regulations for each group of staff are being reviewed by officers to determine whether any changes to annual leave entitlement or pay during annual leave are required.

Government Consultations and future policy updates

42. Two key government consultations have recently closed, both in the area of industrial action;
- Strikes (Minimum Service Levels) Act 2023 – Education
 - Repeal of restriction to engage agency workers to cover striking workers
43. The provisions of the Strikes (Minimum Service Levels) Act was reported to EHCC in March 2023. The government have proceeded to consult on each of the service areas impacted by the Act. These proposals set out how the government proposes that Minimum Service Levels (MSL's) in schools (including academies) are determined. It is understood from the consultation document that services provided by the Council to schools, would not be in scope of the regulations. This means the council could not set a Minimum Service Level in teams that provide services to schools, including, but not limited to, school improvement service and the Primary Behaviour Service.

44. The government have consulted on repealing legislation that prevents employers from engaging agency workers to cover striking employees. This restriction was repealed by the then Secretary of State in 2023, but the repeal was considered unlawful by the High Court. This consultation seeks to repeal the legislation which would once again allow employers to engage agency workers, where needed, to cover employees that are taking strike action.
45. Officers will monitor the outcomes of these consultations and update policies as required.

Enhanced Voluntary Redundancy (EVR2) Scheme

46. The Council's preference is to achieve any reduction in headcount through voluntary means. This includes through natural staff turn-over, vacancy management and or voluntary redundancy where this is appropriate.
47. Voluntary redundancy is typically used where there would otherwise be the need to make compulsory redundancies, and this can be avoided by allowing individuals to apply to leave on a voluntary basis in lieu of someone being made compulsorily redundant. For example, where there is a need to reduce the number of roles in a team and this can only be achieved by making redundancies. Were no individuals to apply for voluntary redundancy then the Council would have no alternative than to make staff compulsorily redundant.
48. Similarly, where there is complete closure of a work location, the closure of a whole team or service area or the termination of fixed term contracts (where this is legally classified as a redundancy situation) voluntary redundancy is not appropriate, and a compulsory redundancy process will apply.
49. In either case there is a genuine redundancy situation, and the Council fulfils its collective consultation requirements in accordance with the Managing Change Policy.
50. To enable voluntary redundancy, the Council implemented an enhanced voluntary redundancy scheme known as EVR2. In March 2022, EHCC agreed to an extension, until March 2025, of this scheme.
51. Officers will review the operation and future requirement of the EVR2 scheme ahead of March 2025 and will bring an update and proposal regarding any extension of the scheme to EHCC in November 2024.

Local Declaration on Tobacco Control

52. Cabinet is proposing to sign the Local Declaration on Tobacco Control, which is a public statement of the Council's commitment to action on tobacco control

and to protect people from the harm caused by smoking. A copy of the Local Declaration is attached in Appendix 2.

53. This will have a positive impact for our staff who smoke, of whom an estimated 60% want to quit, by offering a comprehensive package of support for them to quit smoking. There is also an opportunity to train frontline staff to deliver smoking cessation support to Hampshire residents to improve their health and wellbeing.
54. In 2022, it was estimated that 10.5% of the adult residents in Hampshire smoked, ranging from 5.5% in Winchester to 18.4% in Rushmoor. Every year in Hampshire, 4,522 residents die, and 8,631 residents are admitted to hospital because of smoking.
55. Reducing smoking prevalence is a core part of the Public Health duties of the Council led by the Director of Public Health. Smoking continues to be the most important cause of preventable ill health and premature death and main driver of health inequalities in Hampshire.
56. Smoking is no longer considered a lifestyle choice but a preventable addiction that requires treatment. Effective tobacco control measures can reduce the rates of smoking in the population and our workforce by preventing uptake in non-smokers and by supporting current smokers to quit. Supporting people to stop smoking directly contributes to improving health and wellbeing. Evidence-based, specialist smoking cessation services are the most effective way to quit.
57. Hampshire County Council through its role as the Public Health Authority leads local action to tackle smoking and youth vaping through convening the Hampshire Tobacco Control Alliance, commissioning a community stop smoking service, and working in partnership across the system to embed smoking cessation and prevention. The Council leads a multi-agency Tobacco Control Strategy which agencies have signed up to delivering together. This was presented at the Health and Wellbeing Board in March 2023.
58. In October 2023, the government announced new grant funding to local authority Public Health Directors as part of their ambition to create a Smokefree Generation and make smoking obsolete by 2050. Hampshire County Council's annual allocation of the Smokefree Generation Grant amounts to £1.3m from 06 April 2024 through to 05 April 2029, and will be spent on initiatives to support people, including our workforce, to quit smoking.

59. The Local Government Declaration on Tobacco Control is a public commitment to prioritising tobacco control and reducing the harm caused by tobacco use in Hampshire.
60. The Declaration does not commit the Council to specific policies but to overarching principles on which local action can be taken.
61. The Local Government Declaration on Tobacco Control is a public statement of the Council's commitment to action on tobacco control and to protect residents and our workforce from the harm caused by smoking.

Consultation and Equalities

62. 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

63. The Council's carbon mitigation tool and climate change adaption tools are not applicable to changes in these paper as they are administrative in nature.

Conclusions

64. The pay awards for EHCC staff have been implemented in December 2023 pay, backdated to 1 April 2023.
65. The Council will wait for the outcome of national negotiations for 1 April 2024 before applying any pay award. If negotiations are delayed, any pay award will be backdated to 1 April 2024 once agreed.
66. By EHCC agreeing now to the pay award for staff Grades H and above, (subject to conclusion of national negotiations, and subject to the pay award being no more than 3% of the pay budget), any application of the pay award will not be delayed for this group of staff should national negotiations conclude before the next EHCC committee.
67. The pay award for Soulbury staff for 2022 and 2023 has been implemented in February pay. The Council will wait for the national negotiations to commence for the pay award for Soulbury staff, which will apply from 1 September 2024.

68. Officers will implement the required amendments to our policies and procedures as a result of the statutory changes and will continue to monitor the outcomes of further legislation and consultations.

69. Reducing the prevalence of smoking is a core part of the duties of the Council, led by the Director of Public Health. Signing the Local Declaration on Tobacco Control will provide overarching principles on which local action can be taken. The use of the government grant will support initiatives that positively impact our staff as well as Hampshire residents.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	no
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>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.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

70. 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.

71. Equalities Impact Assessment:

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

Appendix 1: Summary of legislation changes

- 1. The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024** bring into force an extended period of protection for those who are on, or recently returned from, maternity, adoption and shared parental leave. During the protected period, if an employee's employment is due to be terminated on the grounds of redundancy, any suitable alternative employment must be directly offered to the individual, rather than them be invited to apply. The protected period is being extended to cover the 18 months from the first day of the Expected Week of Childbirth. There are comparable extensions for those on adoption leave (18 months from placement) or taking shared parental leave. These regulations come into effect where employers are first informed of the pregnancy on or after 6 April 2024 (or where adoption leave ends on or after 6 April 2024, or shared parental leave starts on or after 6 April 2024)
- 2. The Flexible Working (Amendment) Regulations 2023** come into force for requests made on or after 6 April 2024. These regulations make the ability to request flexible working a 'day one' employment right. Under current regulations, employee's must have 26 weeks' service with their employer to make a request. These regulations mean an employee can request flexible working on day one of employment.
- 3. Additional regulations are expected to be coming into force**, for flexible working requests made on or after 6 April 2024. These regulations are not yet published, however they will increase the number of requests that can be made per year from one, to two requests, and reduce the timescales within which an employer must respond, from three months to two months. The regulations will also require the employer to consult with the employee before rejecting their request and remove the requirement on the employee to identify the impact of their request and how this could be mitigated.
- 4. The Carer's Leave Regulations 2024** introduce the right for employees to request one week of unpaid leave, where they are responsible for caring for a dependant that has a long-term care need. This is a 'day one' employment right and comes into effect on 6 April 2024. There is a minimum statutory notice period, dependent on the length of leave being requested, and the ability for the employer to postpone this for up to one month if operation of the business would be unduly disrupted.
- 5. The Paternity Leave (Amendment) Regulations 2024** will increase the flexibility of those taking paternity leave to request this in either one two-week block, or to split this into two one-week blocks of leave. Under the current regulations, paternity leave can only be taken in a consecutive block. Notice periods for taking such leave will be reduced from the current 15 weeks' notice before the Expected Week of Childbirth, to 28 days before the start of

the leave. In addition, the period in which the leave can be taken will be increased from 56 days following the birth, to 52 weeks following the birth.

6. **The Trade Union 2016 (Commencement) Regulations 2023** bring into force the provisions of the Trade Union Act 2016, some 7 years after their originally expected commencement. Hampshire County Council, like other employers, offers the ability for employees to pay their union subscriptions fees directly from their payroll. These regulations require public sector employers to ensure that their costs in providing this service are reclaimed from the relevant unions.

Appendix 2: Local Declaration on Tobacco Control

Local Government Declaration on Tobacco Control

As public health leaders, we acknowledge that:

- Smoking is a leading cause of premature death, disease and disability in our communities;
- Reducing smoking in our communities significantly increases household incomes and benefits the local economy;
- Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities;
- Smoking is an addiction largely starting in childhood, two thirds of smokers start before the age of 18;
- Smoking is an epidemic created and sustained by the tobacco industry, which promotes uptake of smoking to replace the tens of thousands of people its products kill in England every year; and
- The illicit trade in tobacco funds organised criminal gangs and gives children access to cheap tobacco.

We welcome the:

- Opportunity for local government to lead local action to tackle smoking and secure the health, welfare, social, economic and environmental benefits that come from reducing smoking prevalence;
- Government's ambition to make England smokefree by 2030 and tackle inequalities in smoking prevalence;
- Commitment by the government to live up to its obligations as a party to the World Health organization's framework convention on Tobacco control (FCTC) and in particular to protect the development of public health policy from the vested interests of the tobacco industry; and
- NHS Long Term Plan commitments to provide all smokers in hospital, pregnant women and long-term users of mental health services with tobacco dependence treatment.

We commit _____ from this date _____ to:

- Act at a local level to reduce smoking prevalence and health inequalities, to raise the profile of the harm caused by smoking to our communities and in so doing support delivery of the national smokefree 2030 ambition;
- Develop plans with our partners and local communities to address the causes and impacts of tobacco use;
- Participate in local and regional networks for support;
- Support the government in taking action at national level to help local authorities reduce smoking prevalence and health inequalities in our communities;
- Protect our tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to officials or employees;
- Monitor the progress of our plans against our commitments and publish the results; and
- Publicly declare our commitment to reducing smoking in our communities and to join the Smokefree Action Coalition, the alliance of organisations working to reduce the harm caused by tobacco.

Signatories:

Leader of Council

Chief Executive

Director of Public Health

Endorsed by:

Prof Sir Chris Whitty, Chief Medical Officer,
Department of Health and Social Care

Councillor David Fothergill, Community Wellbeing
Board Chair, Local Government Association

Prof Jim McManus, President,
Association of Directors of Public Health

Prof Maggie Rae, President,
Faculty of Public Health

Julie Barratt, President,
Chartered Institute of Environmental Health

John Herriman, Chief Executive,
Chartered Trading Standards Institute



9th March 2022

HAMPSHIRE COUNTY COUNCIL

Decision Report

Committee	Employment in Hampshire County Council Committee
Date:	24 March 2024
Title:	Chief Officers Update
Report From:	Director of People and Organisation

Contact name: Jac Broughton

Email: jac.broughton@hants.gov.uk

1. Purpose of this Report

- 1.1 The purpose of this report is to update the Committee on recent changes, and changes due to be made, to the Councils Chief Officer Group.

2. Recommendations

- 2.1 That EHCC notes the contents of the report.
- 2.2 That EHCC notes the changes described in the exempt appendix.

3. Executive Summary

- 3.1 The Council appoints Chief Officers and Deputy Chief Officers in accordance with arrangements set out in the constitution and officers appointed to these roles form the Chief Officer Group or COG.
- 3.2 All members of COG, designated as Director are Chief Officers, and those designated as Deputy Director or Assistant Director are Deputy Chief Officers, in accordance with the constitution.
- 3.3 All members of COG are appointed using recruitment processes previously agreed by EHCC and which align to the constitution.
- 3.4 The Local Government Act 1972 and other related legislation determines certain statutory responsibilities that the Council must fulfil and that we must have designated post holders to fulfil these responsibilities. As such our statutory responsibilities are divided by the posts outlined in paragraph 4.6.
- 3.5 Following the retirement of our Director of Children's Services in 2023 the Chief Executive took the opportunity to confirm that post holders of our

statutory roles should hold the relevant qualification and professional accreditation and arrangements have been put in place accordingly.

- 3.6 The appendix updates EHCC on recent and forthcoming changes within the Chief Officer Group and by its nature means reference to individual employee data and therefore is exempt from the press and public.

4. Contextual Information

- 4.1 The Council appoints Chief Officers and Deputy Chief Officers in accordance with the arrangements set out in its constitution.
- 4.2 These Chief and Deputy Chief Officers form what is referred to in the Council as COG.
- 4.3 All members of COG designated as Directors, whether fulfilling statutory or non-statutory roles, are Chief Officers in accordance with the definition contained within the constitution.
- 4.4 Members of COG designated as Deputy Director or Assistant Director, whether fulfilling statutory or non-statutory roles, are Deputy Chief Officers in accordance with the definition contained within the constitution.
- 4.5 All Chief Officers and Deputy Chief Officers are appointed using the recruitment processes previously agreed by EHCC and which align to the constitution.
- 4.6 The Local Government Act 1972 and other related legislation, reflected in the constitution, determines certain statutory responsibilities that the County Council must fulfil. As such the constitution makes clear that we must have designated post holders for our statutory responsibilities, but it does not describe how these responsibilities should be organised, and it does not in all instances describe the qualification or professional accreditation that is required to fulfil those statutory responsibilities. Where the constitution is silent it is as the discretion of the Chief Executive (as Head of Paid Service) to determine.
- 4.7 Our statutory responsibilities are divided between the following COG roles:
- Director and Deputy Director Adults' Health and Care
 - Director and Deputy Director Children's Services
 - Chief Finance Officer and Deputy Chief Finance Officer (filled by Director Corporate Operations and Deputy Director Corporate Operations)
 - Director Public Health
 - Assistant Director Legal Services and Monitoring Officer
- 4.8 The retirement of the Director Children's Services in March 2023 and the subsequent appointment of a new Director and Deputy Director for the Directorate provided an opportunity for the Chief Executive to confirm her

position that, where a Chief Officer or Deputy Chief Officer role fulfils a statutory responsibility the post holders should be qualified and registered in that statutory function.

- 4.9 More broadly, movements between roles, within our existing COG is, in accordance with the constitution, at the discretion of the Chief Executive (Head of Paid Services).

5. Consultation and Equalities

- 5.1 All necessary considerations to the equalities implications have been made in implementing the changes outlined in the exempt appendix, including ensuring engagement with all impacted officers has taken place.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

This 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>
None	

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:

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.

Equalities Impact Assessment:

See guidance at [Equality Impact Assessments \(EIA\) \(sharepoint.com\)](#)

Insert in full your **Equality Statement** which will either state:

- (a) *why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- (b) *will give details of the identified impacts and potential mitigating actions.*

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of the Local Government Act 1972.

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