

NOTICE OF MEETING

Meeting: HR COMMITTEE

Date and Time: THURSDAY, 18 MARCH 2021, AT 9.30 AM*

Place: MICROSOFT TEAMS - ONLINE

Enquiries to: Email: andy.rogers@nfdc.gov.uk
Andy Rogers - Tel: 023 8028 5070

PUBLIC PARTICIPATION:

*Members of the public may speak in accordance with the Council's public participation scheme:

- (a) immediately before the meeting starts, on items within the HR Committee's terms of reference which are not on the public agenda; and/or
- (b) on individual items on the public agenda, when the Chairman calls that item. Speeches may not exceed three minutes.

Anyone wishing to speak should contact the name and number shown above no later than 12.00 noon on TUESDAY 16 MARCH 2021. This will allow the Council to provide public speakers with the necessary joining instructions for the Microsoft Teams Meeting.

Bob Jackson
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. MINUTES

To confirm the minutes of the meeting held on 14 January 2021 as a correct record.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. PUBLIC PARTICIPATION

To note any issues raised during the public participation period.

4. HR UPDATE (Pages 5 - 8)

To receive an update on HR matters since the last HR Committee meeting.

5. MINUTES OF THE EMPLOYEE SIDE LIAISON PANEL (Pages 9 - 14)

To note the minutes of the Employee Side Liaison Panel Meeting held on 24 February 2021.

6. MENTAL HEALTH MATTERS UPDATE (Pages 15 - 24)

To receive an update on initiatives to support the Mental Health of staff and members.

7. SENIOR PAY RESTRUCTURE REPORT (Pages 25 - 34)

To consider proposed changes to the Senior Management Pay Structure and related issues.

8. IR35 UPDATE (Pages 35 - 38)

To receive an update on IR35 (off-payroll working) obligations.

9. PERFORMANCE REVIEW REPORT (Pages 39 - 46)

To note progress with the performance review system.

10. IDEAS SCHEME (Pages 47 - 48)

To note the development of a staff suggestion scheme.

11. HEALTH AND LEISURE REVIEW

To receive a verbal update on progress on the Health and Leisure Review.

12. KICKSTART

To receive a verbal update with progress on the Kickstart Scheme.

13. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

NEW FOREST DISTRICT COUNCIL – VIRTUAL MEETINGS

Background

This meeting is being held virtually with all participants accessing via Microsoft Teams.

A live stream will be available on YouTube to allow the press and public to view meetings in real time and can also be found at the relevant meeting page on the Council's website, with this published agenda.

Principles for all meetings

The Chairman will read out Ground Rules at the start of the meeting for the benefit of all participants. All normal procedures for meetings apply as far as practicable, as the Government Regulations do not amend any of the Council's existing Standing Orders.

The Ground Rules for all virtual meetings will include, but are not limited to, the following:-

- All participants are reminded that virtual public meetings are being broadcast live on YouTube and will be available for repeated viewing. Please be mindful of your camera and microphone setup and the images and sounds that will be broadcast on public record.
- All participants are asked to mute their microphones when not speaking to reduce feedback and background noise. Please only unmute your microphone and speak when invited to do so by the Chairman.
- Councillors in attendance that have not indicated their wish to speak in advance of the meeting can make a request to speak during the meeting by using the "raise hand" feature in Microsoft Teams. Requests will be managed by the Chairman with support from Democratic Services. Please remember to "lower hand" when you have finished speaking.
- The chat facility should not be used unless raising a point of order or providing the wording for a motion.
- All participants are asked to refer to the report number and page number within the agenda and reports pack so that there is a clear understanding of what is being discussed at all times.

Voting

When voting is required on a particular item, each councillor on the committee will be called to vote in turn by name, expressing their vote verbally. The outcome will be announced to the meeting. A recorded vote will not be reflected in the minutes of the meeting unless this is requested in accordance with the Council's Standing Orders.

By casting their vote, councillors do so in the acknowledgement that they were present for the duration of the item in question.

Technology

If individuals experience technical issues, the meeting will continue providing that it is quorate and it is still practical to do so. The Chairman will adjourn the meeting if technical issues cause the meeting to be inquorate, the live stream technology fails, or continuing is not practical.

Public Participation

Contact details to register to speak in accordance with the Council's Public Participation Procedures are on the front page of this agenda.

In order to speak at a virtual meeting, you must have the facility to join a Microsoft Teams Meeting. Joining instructions will be sent to registered speakers in advance of the meeting.

The Council will accept a written copy of a statement from registered speakers that do not wish to join a Microsoft Teams Meeting, or are unable to. The statement will be read out at the meeting and should not exceed three minutes. Please use the contact details on the agenda front sheet for further information.

To:

Councillors:

Barry Rickman (Chairman)
Mark Steele (Vice-Chairman)
Hilary Brand
Keith Craze

Councillors:

Kate Crisell
Michael Harris
Maureen Holding
Mahmoud Kangarani

HR COMMITTEE – 18 MARCH 2021

HR UPDATE

1.0 BACKGROUND

- 1.1 This report gives an update on HR matters since the last HR Committee. These matters are in addition to the reactive caseload which includes job evaluations, restructuring advice, grievances, disciplinarys and sickness absence matters.
- 1.2 We also continue to provide Payroll and HR Advisory services to the National Park Authority.

2. ITRENT HR SYSTEM

- 2.1 The final aspect of the HR system to go live was the performance module. A separate report is provided at today's meeting.
- 2.2 A considerable amount of testing has been done since January to ensure that the live update will not cause any issues. The update took place on 5 March to ensure full compliance with any end of year tax changes amongst other requirements.

3. FURLOUGH

- 3.1 The closure of the Leisure centres again has meant that we needed to furlough most of our Leisure employees.
- 3.2 It is anticipated that the centres will reopen from 12 April, with group exercise classes returning from 17 May.

4. MCCLOUD DATA COLLECTION

- 4.1 We have been working on collecting the data required by pension services in relation to the McCloud data collection exercise.
- 4.2 Why is the McCloud data collection exercise necessary?
The Government has confirmed that changes will be made to all the main public service pension schemes, including the L G P S, to remove the unlawful age discrimination identified in the McCloud ruling.

In the L G P S, the Government is proposing to provide eligible younger members with a protection equal to the protection provided to older members when the Scheme was changed in 2014. To do this, Pension Services need to collect extra data (hours worked and service breaks) for all members. This

data is needed from the date the L G P S changed in April 2014 up to 31 March 2022 (or earlier if the member left active membership of the scheme or reached their 2008 Scheme N P A before that date).

4.3 Do we have to provide the data?

The data is needed to comply with legislative changes that will be made to the L G P S to remove unlawful age discrimination. NFDC are legally required to provide administering authorities with the information they need to calculate members' benefits.

4.4 The data should be provided for all employees who were active members of the L G P S on:

1 April 2014 or who were active any time after this date, for members of the L G P S in England & Wales, or in respect of each member to each year-end date. If the member left active membership of the scheme before the year-end date, then to the date of leaving active membership. Where the member leaves and re-joins active membership, this should also be included.

4.5 This has been particularly challenging as we have changed Payroll system part way through the period of time the data is required for.

5. EXIT PAYMENT REFORMS

5.1 The Government announced on Friday 12 February that the £95k cap should be treated as if it never applied:

'After extensive review of the application of the Cap, the Government has concluded that the Cap may have had unintended consequences and the [2020] Regulations should be revoked. HMT Directions have been published that disapply the Cap until the Regulations have been revoked.'

<https://www.gov.uk/government/publications/guidance-on-public-sector-exit-payments>

5.2 This means that **for exits from 12 February 2021**, an unreduced pension will be paid to a scheme member leaving on redundancy or business efficiency grounds and Scheme employers will be required to pay full strain costs in relation to those unreduced benefits, as per the current LGPS regulations.

5.3 The Pay Policy Statement for 2021/2 will be updated to reflect this change.

6. SHAREPOINT

6.1 HR are one of two Service Areas to pilot the transition between Meridio and Sharepoint for document management.

- 6.2 Considerable work has taken place to decide the structure moving forward in Sharepoint to ensure the correct access to confidential records.
- 6.3 File structures have now been agreed, and audit trails established to ensure that any deletion of records can be tracked and documents reinstated if required.
- 6.4 It is hoped that this will become live in April / May.

7.0 BRIEF BITE SESSIONS

7.1 Since the last HR Ctte we have run further Brief Bite sessions as listed below

- Absence Management – 9th Feb
- Top Tips for Homeworking - 12th Feb
- Performance Management – when things go wrong - 18th Feb
- Day to Day Performance Management - 4th March
- Recruitment and Selection - 10 March
- Mental Health – 27 January, 2 Feb and 30 March

7.2 These sessions are advertised internally and staff are encouraged to attend booking through the HR Hub.

8.0 RECOMMENDATION:

That the report be noted.

For further information contact:

Name: Heleana Aylett
Title: HR Service Manager
Tel: 02380 285588
E-mail: Heleana.aylett@nfdc.gov.uk

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Notes of Employee Side Liaison Panel

24 February 2021 at 10am via Teams

Employer Side Attendees:

Cllr Barry Rickman
Cllr Hilary Brand
Cllr Jeremy Heron
Cllr Mark Steele

Employee Side Representative Attendees

Kevin Beckett
Bertie Russell
Steve Drodge

Officers Attending

Bob Jackson
Alan Bethune
Heleana Aylett
Manjit Sandhu
Elaine Olden
Brian Byrne
Nikki Swift
Chris Noble

Advisors to Employee Side Attending:

Neil Duncan-Jordan– Unison
Nicola Nixon - GMB

Apologies:

Richard White

Barry (BR) to chair the meeting.

- 1 Minutes of the last meeting – attached

Went through the minutes of the last meeting for any comments. None raised.

- 2 Work Programme – attached

Work programme contained most items being covered today and Heleana went through the items. Rewards scheme will be looked at in another meeting.

- 3 Domestic Abuse Update – Brian Byrne and Nikki Swift to attend

Work is continuing with HCC (Safeguarding Group) and is being led by the Jude Ruddock- Atcherley, strategic domestic abuse manager. Work continues to develop one policy which can be utilised by all district and Boroughs within

Hampshire. When completed this will be shared with the employee side and it is envisaged this will be completed by HCC in the last quarter of 2020/21. The drive for a pan Hampshire policy is that this will deliver a consistent approach and response to any person suffering DV within the county. This is important given a significant number of staff do not reside in the area where they work. There are 2 core partner agencies primarily commissioned for the support and protection of DV victims i.e Hampshire Police and Stop Domestic Abuse.

NFDC provides Safeguarding Training which includes domestic abuse to all staff based on their operational role. i.e staff undertaking public facing roles or office based have this provided every 2 years as part of mandatory training. Different levels are delivered i.e Level 1 is given to all staff and is part of their induction. Level 2 is for visiting officers and others that may have contact with the public either face to face or remotely. We have also commenced staff training session on domestic abuse 'guidance for staff and managers' with a further session booked for March 10th.

Neil emphasised that it was the staff policy he was interested in. Brian explained that it is a staff domestic abuse policy that HCC are working on and it is envisaged this will be available at the next meeting. The policy is to deliver a consistent document to cover all staff within the Hampshire area.

4 Health and Leisure Review – MS and Cllr Steele to attend

Manjit explained that the review is now at the final stages of decision making. It goes to Council tomorrow. In January, there were a number of Staff briefings and the Q&A's that arose from those briefings and questions asked via the leisure review email were shared with Community and Leisure Panel and attached to the Cabinet report. The meetings were well attended and good questions raised.

Support Services impacted by the review are being discussed with Employee Side and will follow normal established review processes.

Cllr M Steele - Once a decision has been made we will move forward with mobilisation. Very happy with the process to date.

Neil – Briefing meetings – talking about 400 staff but only about 90 attended. Less than 50% attended. Wanted to explore the level of staff responses.

Cllr M Steele – first face to face meetings over two years ago was about the same as to the recent meetings. Manjit explained that the number of staff attending virtual staff meetings was very similar to the numbers who attended previous face to face meetings. Staff were also able to send any questions to

a 'LeisureReview' email address, and responses to each question were also provided.

Nicola Nixon (GMB) – requested information on the process. Can she be brought up to speed. Manjit - Will arrange a briefing separately.

- 5 Health and Safety Issues – standing item
- Update on recruitment for Corporate H & S Manager - HA
 - Exit Interview Notes – AB – attached

Bob explained that Neil had contacted him separately to request a meeting on this item and therefore it maybe best to defer the item to next ESLP meeting.

The Corporate H&S Manager vacancy was currently out to advert, this was due to close on Sunday.

- 6 Coronavirus Rapid Flow tests – Bertie

Bertie said that his question had been answered via information placed on the NFDC site by comms.

- 7 Annual Leave Carry forward – KB

Kevin - Carrying over holiday more than 5 days. Heleana – one week can be carried over and Service Managers can allow staff to carry over an additional weeks leave. It was important that staff took their leave entitlement and the council was encouraging staff to have downtime and breaks, even though normal holidays could not be booked, staff still needed to take their leave. Kevin said the approach needed to be consistent. Heleana will provide a further communication to Service Managers.

Neil – People are now entitled to carry over 20 days over a two year period. Neil would like to have a look at the messaging – as to responsibilities as employer. Heleana would share the communication with Employee Side.

- 8 Ideas Scheme - paper attached

Heleana – NFDC previously had a scheme. The briefing paper detailed what the scheme would cover. Employee Forum would consider any corporate suggestions. It was expected that most items would be to do with their own work areas and therefore would be dealt within their service. The suggestion scheme will continue to encourage staff to share ideas within their service or wider across the council.

- 9 Senior Pay Structure - paper attached

Heleana went through the report sent with the agenda.

Main points were:

- The introduction of a new band between current band 9 and service manager grade 10.
- New Service Managers to have a revised JD and not use the generic one.
- Two exceptional performance points to be introduced for new appointments in Bands 9, new 10 and 11 (Service Manager).
- Removal of the cash alternative car payment. Those currently receiving it in bands 9 would see this incorporated into their basic pay.
- Moving forward Market Supplements would be based on a % increase on top of the normal recruitment salary up to a maximum of 10%

Report going to HR Committee. Employee Side comments can be added to the report.

Heleana asked for Employee Side comments by the end of next week (5th March) so they can be included.

10 Performance Management - paper attached

Heleana – Covering report for this item. As part of the ITrent system there is a performance review module. However, ITrent is primarily a Payroll and HR system and so this does have limitations. We have moved forward from where we were. We can produce reports from the system to see how we are doing. All reviews have not been completed and there are various reasons for this including furlough and shielding. One way forward is to move to a more performance pay system, we need a system that has the items that can take all information in. Performance reviews should be done within a set time scale as currently they are not consistent throughout the council and the timeframe does not inform the increment process. Would need to investigate what systems are available that could meet the councils future needs.

Neil – UNISON is opposed to a performance related pay system – when do you need our comments by – Heleana explains by the 5th March. Is there a problem with Staff performance?

Hilary – timeframe, how often do they have performance reviews.

Nicola – People do not like this sort of system. Concern is that it sounds like a pay and reward system – with links to pay.

Bob – The performance review process reflects individual performance and provides feedback, not all staff can access the current system via technology. Reviews once a year. Not a pay and reward system.

Manjit – People have one to one meetings on a regular basis and these help take into account how the staff are performing and developing, and this contributes to the yearly review.

11 Local Pandemic Pay Claim

Touched on this subject at the last meeting. Richard not here, should we leave until next time.

Neil – no need to delay – additional pandemic payment throughout authorities.

Bob - The Council is not planning to implement an additional pandemic payment for staff.

12 Any other business

Kickstart – Heleana advised that we had a call that NFDC have now moved up the list and our vacancies are now with the job centres. The Council has applied for 18 places. Hope to have more information by the HR Committee.

Nicola – has there been any discussions about post covid – i.e. long covid and how we support staff. No discussions but this will be added to the work programme

After some discussion around whether the current working practices will continue post covid, it was agreed to add new ways of working to the Work Programme

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HR COMMITTEE 18 MARCH 2021

MENTAL HEALTH MATTERS - UPDATE

The council continues to be committed to supporting the mental health of all staff and members.

Over the past year more than ever, we have promoted a wide range of support, including:

- The 'Every Mind Matters' NHS campaign, which included a mental health 'mind plan' quiz which, dependant on the answers given, gives tailored suggestions on how to improve your mental health
- Promoting the iTalk guide on managing work stress
- Promoting World Mental Health day
- Training another group of mental health first aiders, doubling our number to 24 across the Council,
- HR running 'Managing our Mental Health' and 'Tips for Homeworking Well' sessions throughout the year
- Introducing Wellbeing Action Plans - so that managers can develop an awareness of your working style, stress triggers and responses. The aim is to ensure your wellbeing at all times
- Promoting the 'Time to Talk' campaign which included activities such as fun team meetings, creative cooking together, laughing yoga and bollywood dance sessions
- Delivering a Mental Health newsletter – we've had 2 editions so far, one just into the new year focussing on caring for emotional and mental wellbeing, and the second one launched in March focussed on developing better sleep, breathing and talking
- Arranging Mindfulness techniques training sessions which could be attended by all employees virtually
- Promoting Employee Support Line, especially through mental health first aider conversations.

It doesn't stop there – in the last month, we've added some more really useful updates to our Mental Health pages:

- Shout text messaging mental health support service
- Support for the LGBTQ+ community during lockdown through Shout
- Tips for Leaders on managing mental health for themselves and their teams
- Personal resilience tips useful to us all

Staff and members can click on the link to find out more <http://forestnet/article/3688/Mental-Health>. These have been promoted on Forestnet and by email.

We've created additional resources for our operational staff to ensure they're up to date too, and our Mental Health First Aiders are distributing posters at depots in the next week or so for this covering the Shout campaign and highlighting some of our operational Mental Health First Aiders – examples are attached for your information.

In the next month, we will be devising a page which has links to all the range of useful mental health information, so that it is easily accessible for all to use.

We will continue to seek out new and diverse ways to support our mental health as we move forward as a priority.

(PDF Posters attached)

RECOMMENDATION :That the update is noted.

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“ Talk to me ”

Our qualified mental health first aiders are here to listen, talk and help you find the right support.



**Mental Health
First Aider**

MHFA England

Don Faulkner

“ Talk to me ”

Our qualified mental health first aiders are here to listen, talk and help you find the right support.



**Mental Health
First Aider**

MHFA England

Vince Cole₁₈

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MHFA England

Eliot Brewin 20



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Don Faulkner



Eliot Brewin



Vince Cole



Stewart Phillips



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Struggling to cope?

How about trying a text messaging service?

The Shout campaign is there for our Key Workers.
Simply text them on 85258

'Shout' is a text service, with trained volunteers available 24/7



shout

85258

here for you 24/7

FREE AND
CONFIDENTIAL

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EMPLOYEE SIDE LIAISON PANEL – 24 February 2021
HR COMMITTEE – 18 March 2021

SENIOR PAY RESTRUCTURE REPORT

1. INTRODUCTION

- 1.1 This report recommends a change to the existing pay structure for senior managers, this will provide greater flexibility and will utilise additional pay points.
- 1.2 The objective being to provide fit-for-purpose pay bands that will help the council to recruit and retain senior managers. The changes are also expected to help reduce the overall average pay of Senior Officers throughout the Council.
- 1.3 The Council currently has performance based increments for Service Managers (Band 11 in the new proposal), and to ensure we continue to improve performance and recognise exceptional performance within the council, it is proposed to introduce these in Bands 9 and above.
- 1.4 This issue is one identified within Employee Side Liaison Panel work programme, it is proposed that other pay issues within the work programme are also progressed in due course.

2. BACKGROUND

- 2.1 The current NFDC pay structure is inadequate towards the top of the pay spine, with 8 scale points not allocated to a pay band between the existing band 9 and band 10. This creates issues where market forces and conditions deem posts worthy of more than £50,652 (top of band 9 @ £48,377 + Lease Car Payment £2,275), but less than £64,540 (top of band 10).
- 2.2 The Senior Management structure has evolved over time since the original review that introduced Executive Heads and Service Managers in 2016. Service Manager numbers have increased to 19, with the eventual pay point for these 19 posts being a salary of £64,540 per annum.
- 2.3 When introduced in 2016 Service Managers were placed into a generic Job Description and therefore all graded at the same band.
- 2.3 The Lease Car scheme was removed in 2012. Since then, posts in Band 9 have retained an additional 'cash alternative', valued at £2,275 PA as part of their Pay package.

3. CURRENT SITUATION

- 3.1 The overall current pay scale is included as appendix 1 with the summary section being dealt with in this report included at table 1.
- 3.2 As can be clearly see from our current pay scale there is a considerable gap as indicated in red where we have spinal column points that are not within a pay grade.

Current Pay Spine Bands 9 – 10A with Employee Numbers (Table 1)

Leave Days	Salary (April 2020)	SCP	Band 9	Band 10	Band 10A	Employee Numbers	
27	£73,992	68				0	
27	£71,942	67				0	
27	£69,981	66			£69,981	0	
27	£68,088	65			£68,088	0	
27	£66,275	64			£66,275	0	
27	£64,540	63		£64,540		7	
27	£62,878	62		£62,878		9	
27	£61,238	61		£61,238		1	
27	£59,939	60		£59,939		2	
27	£58,729	59		£58,729		0	
27	£57,522	58		£57,522		0	
27	£56,323	57	NOT ALLOCATED WITHIN A PAY BAND				0
27	£55,341	56					0
27	£54,338	55					0
27	£53,344	54					0
27	£52,358	53					2
27	£51,351	52					2
27	£50,361	51					1
27	£49,184	50		1			
27	£48,377	49	£48,377	+ £2,275	= £50,652	11	
27	£47,395	48	£47,395	+ £2,275	= £49,670	2	
27	£46,408	47	£46,408	+ £2,275	= £48,683	5	
27	£45,397	46	£45,397	+ £2,275	= £47,672	5	
27	£44,375	45	£44,375	+ £2,275	= £46,650	1	
27	£43,317	44	£43,317	+ £2,275	= £45,592	1	
						50	

3.3 This reduces our flexibility in recruitment as although we can use market supplements for a band 9 post (which is why there are 6 employees in spine points 50 – 53), it prevents us from using spine points 54-57.

4. PROPOSED CHANGES

The Implementation of a new band and extension of performance pay

- 4.1 To introduce a new pay band between the current band 9 and band 10. The pay band will consist of 4 appointment and progression points, (subject to good performance), with 2 points reserved at the top of the band for exceptional performance. There will be no automatic right for any progression through the band. This will be called Band 10.
- 4.2 The current band 10 (Service Manager) will become band 11. For new appointments, 4 points will exist for appointment and progression (subject

to good performance), with a further 2 points reserved at the top of the band for exceptional performance. There will be no automatic progression through this band and it is not anticipated that all Service Managers will meet the criteria for exceptional performance.

- 4.3 Existing Service Managers that were appointed on the terms that subject to good performance they would be able to progress through to the top of the band will be protected in this regard.
- 4.4 The current band 10A will become band 12. This band is not currently used, so no further changes are proposed at this time.
- 4.4 For new appointments, band 9 will contain 4 points for appointment and progression (subject to good performance), with a further 2 points reserved at the top of the band for exceptional performance.
- 4.5 Existing Band 9 staff will be given the same protection as Service Managers in that that if they were appointed on the terms that subject to good performance they would be able to progress through to the top of the band 9 they will be protected in this regard.

The Removal of the Lease Car Cash Alternative Payment and Revised Placement of Band 9

- 4.6 At the same time as the changes mentioned above it is proposed to implement changes to the current 'cash alternative' payment currently received by some staff on Band 9. This equates to £2,275 per annum.
- 4.7 The 'Cash Alternative' payment will be stopped from 1/4/21, with band 9 shifted up 2 scale points within the pay spine to compensate.
- 4.8 Spinal column points 46 – 50 will be adjusted so the new basic salary matches the current remuneration position (as shown by the grey text within table 1).
- 4.9 The revised pay spine covering the impacted bands as a result of the changes outlined above is shown in Table 2 (with proposed changes highlighted orange) with the complete revised pay spine at appendix 2.

Proposed Pay Spine Bands 9 – 12 (Table 2)

Leave Days	Salary (April 2020)	SCP	Band 9	Band 10	Band 11	Band 12
27	£73,992	68				
27	£71,942	67				
27	£69,981	66				£69,981
27	£68,088	65				£68,088
27	£66,275	64				£66,275
27	£64,540	63			£64,540	
27	£62,878	62			£62,878	
27	£61,238	61			£61,238	
27	£59,939	60			£59,939	
27	£58,729	59			£58,729	
27	£57,522	58			£57,522	
27	£56,323	57		£56,323		
27	£55,341	56		£55,341		
27	£54,338	55		£54,338		
27	£53,344	54		£53,344		
27	£52,358	53		£52,358		
27	£51,351	52		£51,351		
27	£50,652	51	£50,652			
27	£49,670	50	£49,670			
27	£48,683	49	£48,683			
27	£47,672	48	£47,672			
27	£46,650	47	£46,650			
27	£45,592	46	£45,592			
27	£44,375	45	remove			
27	£43,317	44	remove			

5.0 Job Evaluation and Pay Protection

- 5.1 In order to facilitate the proposal we would need to reassess the job evaluation system and the range for each Band.
- 5.2 Existing Service Manager roles (currently on a shared generic JD) would be retained on the current band (albeit from band 10 to band 11 due to the re-numbering as covered above) on the current progression terms and conditions. At the point a Service Manager role becomes vacant, or where organisational change takes effect, a specific JD would be written and scored against the new pay ranges.
- 5.3 New Service Managers (band 11) will progress into SCP's 62 and 63 only if their performance is considered exceptional. Where their standard of performance is considered to be good they will progress through the band to spine point 61.
- 5.4 New band 9 employees will progress into 50 and 51 only if their performance is considered exceptional. Where their standard of performance is considered good

they will progress through the band up to spine point 49 as indicated on the table above.

- 5.5 The 6 employee who are currently paid within the market supplement on band 9 will also have their lease car payment removed, but will receive an equivalent amount in their salary to compensate.

6.0 Future use of Market Supplements

- 6.1 It is recognised that, even with market related pay scales, there will be difficulties in attracting certain skills into employment during times of particular shortage. The Council’s Pay and Reward strategy therefore provides, under delegated authority, for market supplements to be paid in exceptional circumstances. The current policy is based on reflecting a market supplement in an appointment scale point above the band (applicable up to and including band 9).
- 6.2 Going forward the market supplement will be based on a maximum of 10% (available in 2.5% increases) above the highest recruitment point available in the band and will be available up to and including the new band 10. The resultant market supplement salary will be fixed (i.e. not subject to annual pay award) until such a time that the top scale point within the band overtakes the market adjusted salary.

	Highest Recruitment Point	Max 10% Market Supplement	Maximum Fixed Remuneration
Band 9	£48,683	£4,868	£53,551
Band 10	£54,338	£5,434	£59,772

- 6.3 The 6 employees who are currently paid market supplements above band 9 will have their supplements protected where a contractual obligation exists.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no immediate financial implications as there are no plans to move any existing employees into the new proposed band.
- 7.2 Other changes such as the removal of the Cash Alternative will have a neutral cost.
- 7.3 It is envisaged that over time with natural turnover in current Service Manager roles that there will be future savings as roles are re-evaluated.
- 7.4 The impact in the medium to longer term will be to reduce the overall average pay of Senior Officers across the Council.

8. CRIME & DISORDER IMPLICATIONS

- 8.1 None

9. ENVIRONMENTAL IMPLICATIONS

- 9.1 None

10. EQUALITY & DIVERSITY IMPLICATIONS

10.1 The main change is to implement a new pay band. There are no current staff on the proposed band.

10.2 Changes to the cash alternative payment relate to those on band 9, noting of course there is no overall impact to the level of total remuneration for these employees.

The number of employees currently in Band 9 is 31. This can be broken down by gender as follows:

- 22 males 71%
- 9 females 29%

10.3 Other changes proposed such as the new exceptional performance points will only relate to new staff and not existing employees.

11. EMPLOYEE SIDE COMMENTS

11.1 UNISON is Britain's biggest trade union, representing 1.3 million workers across both the public and private sector. As a union we have a long-standing recognition agreement with New Forest District Council (NFDC) and represent a significant proportion of the council's workforce, including some in senior grades.

11.2 We would therefore like to make the following comments with regards to the Senior Pay Restructure Report:

- Item 1.3 outlines that the council currently uses performance based increments or Service Managers, but it does not explain the mechanism or process that is used to assess this performance. Further detail on this would therefore be appreciated.
- UNISON has submitted its detailed comments on our opposition to performance based pay as part of a separate document on Performance Review.
- The document makes it clear that a significant driver behind the proposal is the need to amend the pay structure so as to avoid the need to use market supplements in the future. However, item 6 suggests that even under a revised pay spine, the council still intends to use market supplements for certain posts. This seems rather contradictory.
- On examining the council's current pay spine it appears that there are even greater inconsistencies that need addressing beyond those raised by this report. For example, staff on Band 6 have 6 incremental points, whereas those on Band 7 only have 5. UNISON would therefore be keen to see how this situation could be addressed going forward.

12. RECOMMENDATION

12.1 That the HR Ctte supports and recommends to Council the implementation of the proposed changes to the senior management pay structure, the lease car scheme, job evaluation and Market Supplements as covered in the report from 1 April 2021.

For Further Information:

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Heleana.aylett@nfdc.gov.uk

Alan Bethune
Chief Financial Officer
Tel: 02380 285001
Alan.bethune@nfdc.gov.uk

New Forest District Council - 1st April 2020

Leave Days	April 2020	Hourly Rate Apr 2020	SCP	BAND 1	BAND 2	BAND 3	BAND 4	BAND 5	BAND 6	BAND 7	BAND 8	BAND 9	BAND 10	BAND 10A	BAND 11	Chief Exec (CX)
27	£121,371	£62.91	CX3													121,371
27	£117,731	£61.02	CX2													117,731
27	£114,198	£59.19	CX1													114,198
27	£108,040	£56.00	81													
27	£104,897	£54.37	80													
27	£101,841	£52.79	79													
27	£98,875	£51.25	78													
27	£95,997	£49.76	77													
27	£93,186	£48.30	76													
27	£90,485	£46.90	75													
27	£87,897	£45.56	74												87,897	
27	£85,396	£44.26	73												85,396	
27	£82,960	£43.00	72												82,960	
27	£80,594	£41.77	71												80,594	
27	£78,316	£40.59	70												78,316	
27	£76,115	£39.45	69													
27	£73,992	£38.35	68													
27	£71,942	£37.29	67													
27	£69,981	£36.27	66												69,981	
27	£68,088	£35.29	65												68,088	
27	£66,275	£34.35	64												66,275	
27	£64,540	£33.45	63										64,540			
27	£62,878	£32.59	62										62,878			
27	£61,238	£31.74	61										61,238			
27	£59,939	£31.07	60										59,939			
27	£58,729	£30.44	59										58,729			
27	£57,522	£29.81	58										57,522			
27	£56,323	£29.19	57													
27	£55,341	£28.68	56													
27	£54,338	£28.16	55													
27	£53,344	£27.65	54													
27	£52,358	£27.14	53													
27	£51,351	£26.62	52													
27	£50,361	£26.10	51													
27	£49,184	£25.49	50													
27	£48,377	£25.07	49									48,377				
27	£47,395	£24.57	48									47,395				
27	£46,408	£24.05	47									46,408				
27	£45,397	£23.53	46									45,397				
27	£44,375	£23.00	45	Politically Restricted Above Point 43								44,375				
27	£43,317	£22.45	44									43,317				
27	£41,939	£21.74	43													
26	£41,356	£21.44	42									41,356				
26	£40,320	£20.90	41									40,320				
26	£39,316	£20.38	40									39,316				
26	£38,290	£19.85	39									38,290				
26	£37,300	£19.33	38									37,300				
26	£36,123	£18.72	37								36,123					
26	£35,080	£18.18	36								35,080					
26	£34,099	£17.67	35								34,099					
26	£33,207	£17.21	34								33,207					
26	£32,536	£16.86	33							32,536	32,536					
26	£31,622	£16.39	32							31,622						
26	£30,705	£15.92	31							30,705						
25	£29,825	£15.46	30							29,825						
25	£28,895	£14.98	29							28,895						
25	£27,950	£14.49	28							27,950						
24	£26,876	£13.93	27							26,876						
24	£26,271	£13.62	26							26,271						
24	£25,436	£13.18	25							25,436						
23	£24,624	£12.76	24							24,624						
23	£23,872	£12.37	23							23,872						
23	£23,214	£12.03	22							23,214						
23	£22,206	£11.51	21							22,206						
22	£21,556	£11.17	20							21,556						
22	£21,023	£10.90	19							21,023						
22	£20,314	£10.53	18							20,314						
22	£19,719	£10.22	17							19,719						
22	£19,141	£9.92	16							19,141						
22	£18,582	£9.63	15							18,582						
22	£18,037	£9.35	14							18,037						
22	£17,842	£9.25	13							17,842						
Employee Notice Period				1 Month				Two Months				Three Months				

New Forest District Council - 1st April 2021

Leave Days	April 2020	Hourly Rate Apr 2020	SCP	BAND 1	BAND 2	BAND 3	BAND 4	BAND 5	BAND 6	BAND 7	BAND 8	BAND 9	BAND 10	BAND 10-11	BAND 11-12	BAND 10A-13	Chief Exec (CK)
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27	£50,652	£26.25	51									50,652					
27	£49,670	£25.75	50									49,670					
27	£48,683	£25.23	49									48,683					
27	£47,672	£24.71	48									47,672					
27	£46,650	£24.18	47									46,650					
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22	£17,842	£9.25	13	17,842													
Employee Notice Period				1 Month						Two Months				Three Months			

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HR COMMITTEE 18th MARCH 2021 - BRIEFING PAPER

IR35 (OFF-PAYROLL WORKING) OBLIGATIONS

BACKGROUND - What is IR35?

These rules are sometimes known as 'IR35', and others as 'off-payroll working'. It was brought in by Inland Revenue to reduce tax avoidance and ensure fairness between individuals who work in a similar way. They are designed to make sure that an individual who works like an employee, but through their own limited company, pays broadly the same Income Tax and National Insurance contributions as other employees

The rules have been around since 2000. As a public body, we have needed to abide by IR35 rules since 2017, so the principal is not new. The rules are being updated from 6th April 2021, and with the new changes, it's important all those who may utilise a personal service company are aware of our obligations.

A prime example of this for the Council, could be the use of Agency workers. The reformed rules will not apply for workers provided through an agency where the workers are employees of the agency. If the Agency pays the worker through their payroll and deducts PAYE/NIC, then the arrangements are outside of the off-payroll working, and no further action is needed.

Previously, we could rely on the agency to carry out the tests to check if a worker they were not paying through their payroll would fall in or fall out of IR35. If an agency proposes a worker for a contract with us, and they will not be paid directly by the agency, as part of our agency framework agreement, they must inform us.

A worker falling 'inside' of IR35 means that the off payroll working rules apply and the worker is subject to deduction of relevant NI and tax. A worker found to be 'outside' of IR35 means that these deductions do not need to be made.

THE CHANGES - WHAT ARE OUR OBLIGATIONS?

We will now have a statutory duty to do the following before a contract begins:

- Carry out a Status Determination Statement (SDS) ourselves (detailed below), if we are informed that the worker is not being paid directly through the agency
- The SDS needs to include: Name of agency, name of worker, contract start and end date, date SDS completed, who completed by.
- Be more accountable for our assessment
- Detail our rationale and conclusion, and the reasons for this
- Ensure we can detail that a reasonable test has been conducted, keep audit trail
- Detail what we do if a worker disagrees with the assessment
- Provide these details to the agency, and any third parties, as well as directly to the worker themselves (we cannot rely on the agency to do this for us)
- Provide appropriate information so managers are aware

If this isn't all done, we are responsible for the tax and NI.

THE ASSESSMENT - How do we make this assessment? (Manager's responsibilities)

Reasonable care in making decision on status is very subjective; guidance from HMRC suggests we complete accurate CEST, always new one for each assignment, ask for further advice if needed, have robust procedure. We must ensure we are careful in our assessment, and not be swayed by the worker trying to skew the outcome. Managers must ensure a CEST is completed for each assessment, and this is issued to all parties, including directly to the worker, along with the letter in 2.10g.

What is a CEST?

The Check Employment Status for Tax (CEST) tool on HMRC website complies as a valid SDS, as long as accurate and reasonable care is given. This gives you an email and print out which is valid as a completed SDS.

<https://www.gov.uk/guidance/check-employment-status-for-tax>

If an agency informs us that they are not paying the worker directly through their payroll, NFDC requires managers to complete a CEST tool, and then liaise with HR.

A new CEST is required for each worker and contract of work, if used before, things may have changed.

CEST tool results many come back indeterminable. HMRC stats show 52% outside, 29% within scope, 19% undetermined. So, although these do occur, they are the least common outcome. Should this be the result, the guidance is that the manager re-checks answers to ensure correct – if still undetermined, there is a link with email and contact details to discuss the application with HMRC. It is important that we keep evidence of advice given.

APPEALS AGAINST OUR DECISION - What happens if a worker disagrees with the outcome?

Appeals against SDS – if we receive this from a worker, it will need to detail why they disagree. The manager and HR should discuss the matters disagreed upon, and we must consider and review our decision within 45 days and issue a new SDS if original conclusion is found to be wrong. Letters for both keeping and overturning the original decision are given in 2.10h and 2.10i

If we don't follow or respond, we will be liable for tax and NI.

If worker still disagrees, they can disagree again, and if you maintain your decision, the worker must provide further different information than they previously gave for us to consider, if they only provide the same information, we can just restate your decision.

WRONG DECISIONS - What happens if we make the wrong decision?

If we do all of these steps, and can document we were honest and reasonable, then even if we accidentally get the decision wrong, we would not be liable.

If we have not followed the steps, or cannot document them, we will be liable for tax and NI costs.

What happens if the agency doesn't pay the relevant taxes?

If we pay the agency, and the agency doesn't pay correctly for limited legitimate reasons (e.g. goes bust), the recovery of department at HMRC moves to the client by HMRC. This could be us in that case.

Can we pay the worker ourselves without them being an employee?

Yes, from 6/4/21, payroll can add the worker to our separate payroll on the Hub just for 'worker' purposes to ensure appropriate tax and NI are paid. As we are not actual employer, (just for tax purposes), other statutory entitlements (holiday, sick pay, pension) are not paid by NFDC, these will be claimed through their intermediary e.g. agency.

FURTHER INFORMATION - What do I do if I have queries on IR35?

Please discuss any specific case queries with the HR Advisory Team.

RECOMMENDATION:

That the briefing paper is noted.

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EMPLOYEE SIDE LIAISON PANEL – 24 Feb 2021

HR COMMITTEE – 18 March 2021

PERFORMANCE REVIEW REPORT

1.0 Introduction

- 1.1 The Performance Review element of the HR Hub is the last part of the ITrent system to go live.
- 1.2 It provides statistical information and a number of reports are available to track progress of completion.
- 1.3 It should be noted however that the ITrent system is not a bespoke Performance Management System, it is an addition to an HR/Payroll system and therefore has many limitations.

2.0 Background

- 2.1 The Performance Review process has been live since July 2020. In order to assist with the implementation the HR team ran virtual training sessions and provided further guidance via a YouTube video.
- 2.3 The cycle is designed to be annual; It has been agreed that all employees should have an annual Performance Review.

3.0 Current Situation

- 3.1 The progress that has been made so far can be seen in the attached report at Appendix 1.
- 3.2 There are a number of reasons why not all reviews have been completed including timeframes, Covid and furlough.
- 3.3 This is considerable progress from where we were before using the Itrent system particularly the ability to track whether Performance Reviews had been completed.

4.0 Way Forward

- 4.1 The council is committed to moving towards a more performance based pay system which can recognise both the good and the bad (and the exceptional)

and in order to facilitate that we need an integrated system which allows for the following:

Easy access for all staff to have the ability through ICT to engage in the process

A timetable of performance reviews that ensures that the outcomes can feed easily into the increment process

A system to allow for moderation of scores – accepting that managers may score differently.

A system which can highlight where either the employee or manager is dissatisfied which can lead to a more meaningful discussion.

An ability to take into account the performance of the service as well as the individual.

- 4.2 If we chose to stay with the current system then working within the constraints that we have we can still make improvements in the following areas:

We can implement a timeframe for all review to be completed in the months of January and February. This would allow sufficient time for information relating to increments to be considered prior to April.

We can consider ICT options for making the system for accessible particularly for operational employees.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no immediate financial implications to this report.
- 5.2 However should the council decide to invest in a Performance Management System in order to fully obtain the benefits of true performance management of its' staff then a procurement exercise would need to be undertaken

6. CRIME & DISORDER IMPLICATIONS

- 6.1 None

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 None

8. EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 The objective of having a good integrated Performance Review system would be to ensure that pay is fairly assessed for all staff at all levels within the authority

8.2 Any changes to a system would be assessed to ensure that no staff were directly or indirectly disadvantaged. An Equality Impact Assessment would be undertaken.

9. EMPLOYEE SIDE COMMENTS

9.1 UNISON is Britain's biggest trade union, representing 1.3 million workers across both the public and private sector. As a union we have a long-standing recognition agreement with New Forest District Council (NFDC) and represent a significant proportion of the council's workforce.

9.2 The Performance Review is an existing element of the HR Hub which the council is now seeking to utilise. We therefore support the point made in item 2.3 that staff should receive an annual Performance Review and that this should be seen as an accepted part of someone's employment practice.

9.3 However, UNISON has a longstanding opposition to performance based pay and regrets the statement made in item 4.1 that the council is committed to such an approach. Our main concerns are as follows:

- It can seek to reduce a complex job, often involving conflicting objectives, to a few simple measures of performance
- It skews effort toward those dimensions of the work that are measured, while causing neglect of many equally important areas that are more difficult to measure (the ease of measuring quantity of work in contrast to the difficulty of measuring quality is a typical example)
- There is considerable evidence that performance related pay can have a demotivating effect on staff
- A tendency toward a narrow focus on short-term quantifiable goals can have a detrimental effect on the appraisal process, with attention diverted away from development needs and toward financial reward
- Inevitable variations in the grading of staff by different managers leads to perceptions of unfairness, discriminatory practice and resentment among staff
- Budgets can affect the proportion of staff an organisation permits to be graded highly, again leading to resentment and a drop-off in motivation
- It has a detrimental impact on teamwork, as individuals seek to drive up their performance grading at the expense of others
- It is a time consuming and costly bureaucratic burden on managers and employees
- It can be a highly subjective system that is open to the prejudice and bias of local managers. Consequently, it can discriminate against individuals and groups, thereby opening up an organisation up to an increase in discrimination and equal pay claims

9.4 Whilst we recognise that the council has been using some form of performance related pay to govern the award on annual increments, we are unclear exactly what criteria is used to reach this goal. For example, NFDC contracts state: "Within this Salary Band, subject to good performance, your

salary will rise by annual increments up to the maximum of the Band."
However, how is Good performance measured under this system?

- 9.5 Furthermore, under item 4.1 there is no clear indication of any appeal process for those who feel that their annual review has not been carried out fairly or in line with a particular policy.
- 9.6 UNISON would therefore like to request more detailed discussions around the existing performance pay system and its current application before any further moves are taken.

10. RECOMMENDATION

- 10.1 That the HR Cttee notes the progress of the Performance Reviews so far with the system in place, taking account of the current system limitations.

Performance Review Completion update February 2021

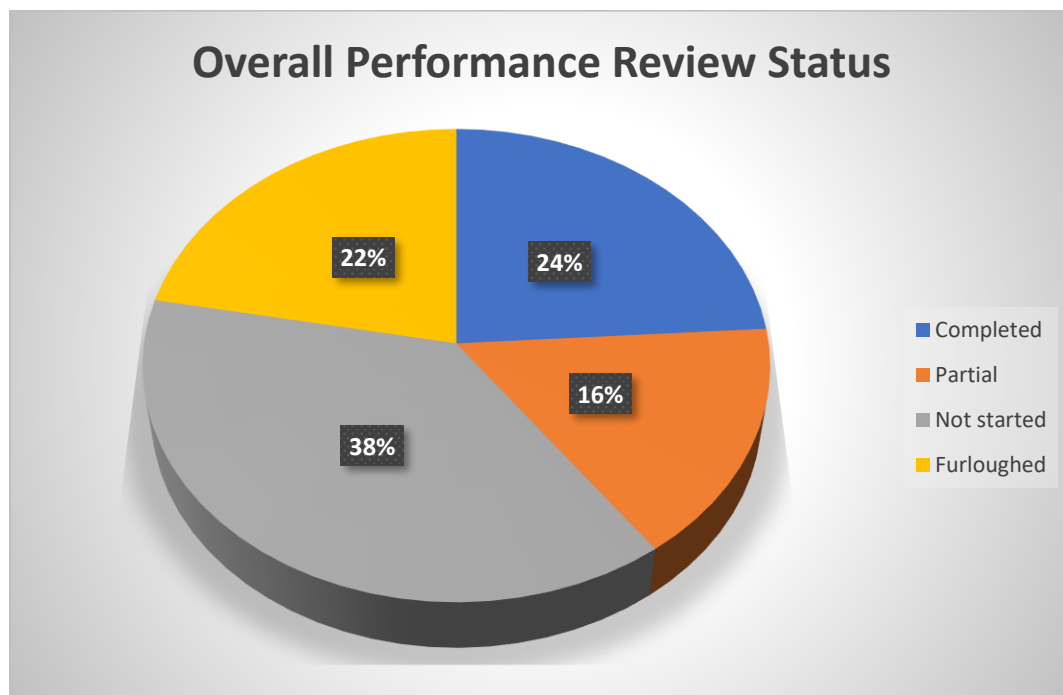
The graphs below provide an update on progress over the past seven months.

This is provided firstly by stages of completion as a corporate overview, then by Exec Head area. Partial completion can be any stage from the manager starting the form, to the employee entering their final comments. Only once the final comments are added will it show as completed.

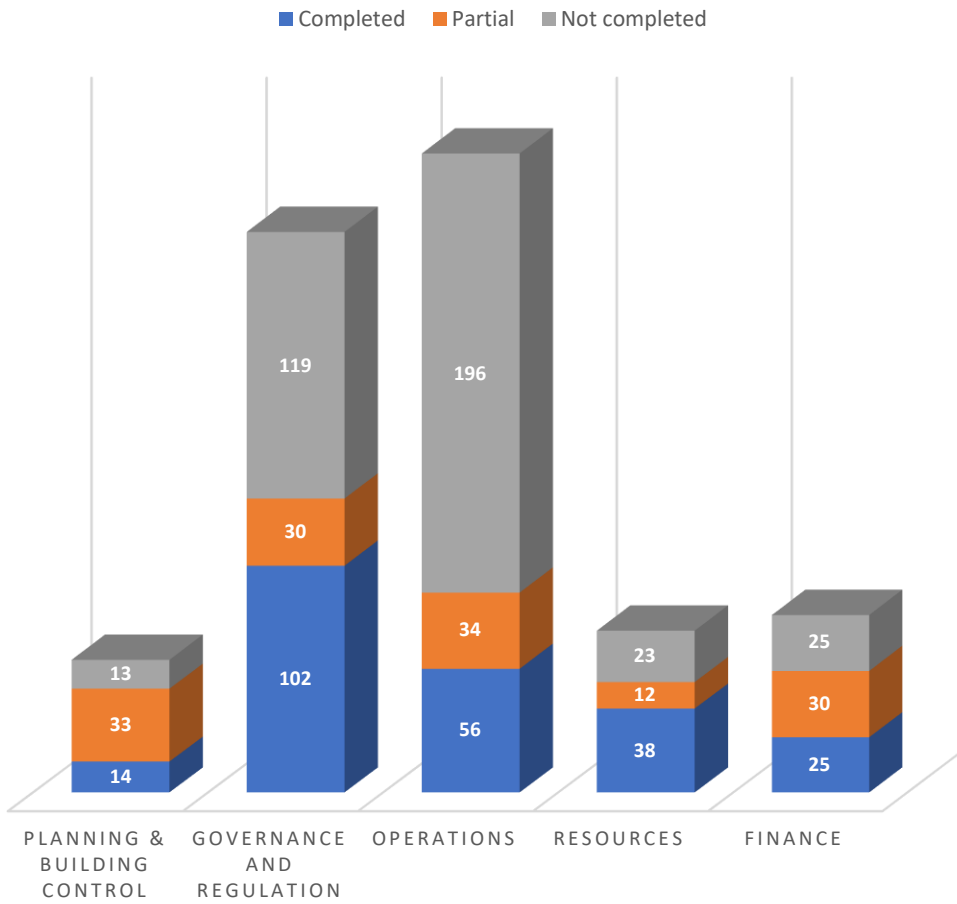
A breakdown is then provided of overall performance assessments given, both as a corporate overview and by Exec Head area, (no employees have been rated as 'Overall Improvement Required').

Please note: Any employees currently on maternity leave will show as not completed. When staff move teams or job roles, the Recruitment Team will add a new Performance Review in for their new role. Casual and Variable staff have been removed from total service numbers. Leavers and those who were previously in a different team will still show as outstanding on the managers' to do list, but will not be reflected in this report – we are hoping that our annual upgrade in March will rectify this for the to do list.

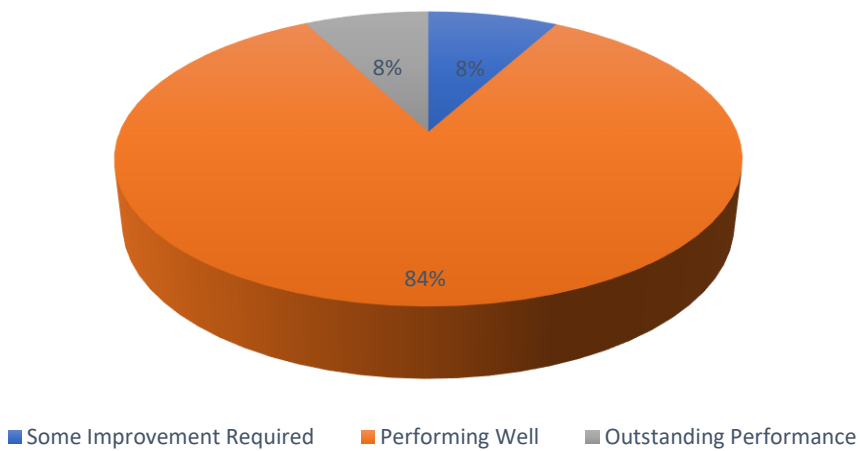
EMT will be asking their service areas for feedback on the current process, and this will be discussed along with a further update at EMT in May, a month before all Reviews should be complete.

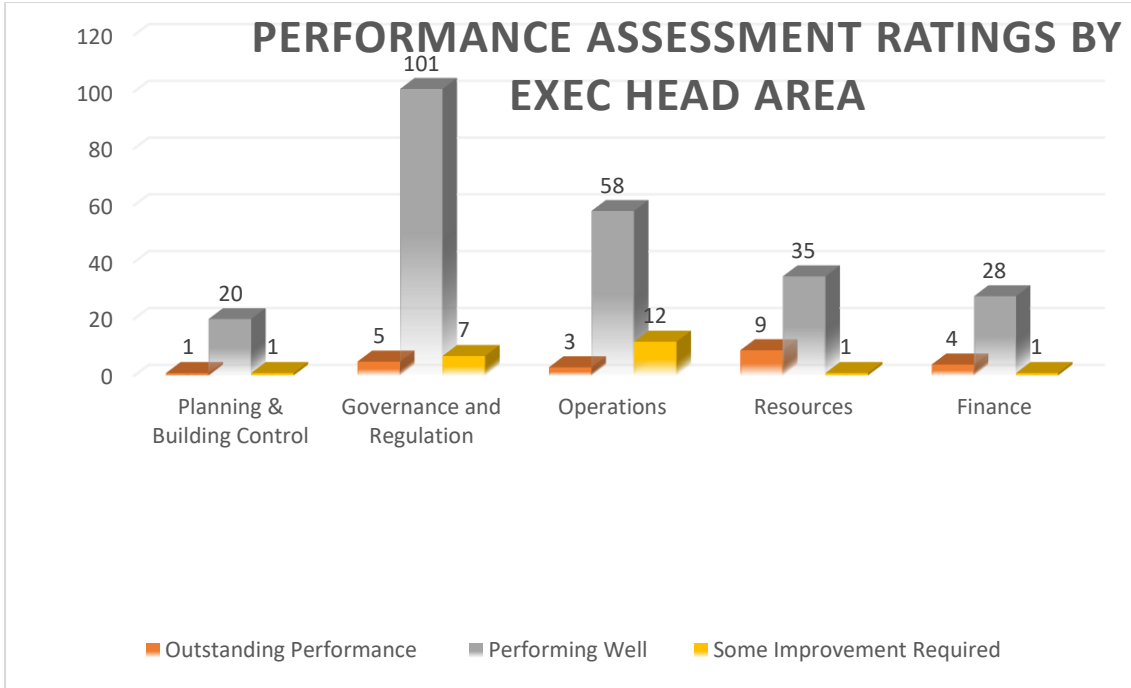


PERFORMANCE COMPLETION BY EXEC HEAD AREA



Overall Performance Assessment Ratings





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HR COMMITTEE – 18 MARCH 2021

IDEAS SCHEME - BRIEFING PAPER

It is acknowledged that it is part of the normal management process to encourage and consider ideas from employees on a day-to-day basis.

However, there is a need to ensure that staff understand that there are recognised ways in which they can put forward ideas that either affect their own service/team or may have implications for the wider workforce.

The following principles cover the suggested way forward.

- Any suggestion can be put forward by a staff member either electronically or via a box.

Employees will be encouraged to raise ideas in the first instance through their manager.

Where this is not possible, or staff are unwilling to use this option then an Email address will be set up and monitored by HR as a co-ordinator. An electronic form will be set up to help the process and gather as much information as possible. This should avoid ideas from being too vague and open the floodgates to all manner of unhelpful suggestions.

At the three operational depots boxes will be setup to enable ideas to be posted and collected by relevant Service Managers. Where the idea relates solely to a service within the depot then it will be passed to the relevant Service Manager. If the idea relates to more than one service area, then the idea should be scanned in and sent the email address for the staff suggestion scheme.

- All managers are asked to have an 'Ideas Matter' agenda item at each team meeting.

Ideas which are related to the team / service are assessed by managers within the team /service. Ideas that have a council wide implication are passed to Employee Forum for consideration.

- Employee Forum consider Corporate Issues

The Employee Forum will decide whether to pass the idea onto the relevant person to see if it can be progressed.

Communication:

HR will have a co-ordinator role. They will ensure ideas received either through the generic email address or through the boxes which are passed to them are acknowledged. They do not make a judgement on the merit of any suggestion put forward (unless it relates to HR)

The employee will be kept up to date throughout the process and informed of any decision made about their suggestion.

Ideas are published on Forestnet and we will share any successes with staff.

RECOMMENDATION:

That the report be noted.

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