

Public Document Pack



**TRAFFORD
COUNCIL**

AGENDA PAPERS MARKED 'TO FOLLOW' FOR EMPLOYMENT COMMITTEE

Date: Monday, 4 September 2023

Time: 5.00 p.m.

**Place: Committee Rooms 2 and 3, Trafford Town Hall, Talbot Road, Stretford,
M32 0TH**

A G E N D A	PART I	Pages
1. ATTENDANCES		
To note attendances, including Officers and any apologies for absence.		
2. MINUTES		1 - 6
To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 26 June 2023.		
3. DECLARATIONS OF INTEREST		
Members to give notice of any interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.		
4. QUESTIONS FROM THE PUBLIC		
A maximum of 15 minutes will be allocated to public questions submitted in writing to Democratic Services (democratic.services@trafford.gov.uk) by 4 p.m. on the working day prior to the meeting. Questions must be relevant to items appearing on the agenda and will be submitted in the order in which they were received.		
5. AGENCY SPEND Q1		7 - 20
To consider a report from the Director of Human Resources.		
6. SPECIAL SEVERANCE PAYMENTS		21 - 30

Employment Committee - Monday, 4 September 2023

To consider a report from the Director of Human Resources.

7. **EMERGENCY DUTY SOCIAL WORK MARKET SUPPLEMENT** 31 - 34

To consider a report from the Director of Human Resources.

8. **LEGAL TEAM MARKET SUPPLEMENT PAYMENT** 35 - 40

To consider a report from the Director of Human Resources.

9. **QUARTERLY REPORT ON EXEMPTIONS TO THE SICKNESS POLICY** Verbal Report

To consider a verbal report from the Director of Human Resources.

10. **URGENT BUSINESS (IF ANY)**

Any other item or items which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.

SARA TODD

Chief Executive

Membership of the Committee

Councillors J. Bennett (Chair), F. Hornby (Vice-Chair), D. Acton, Babar, S. G. Ennis, W. Jones, J. Leicester, A.M. Whyte and S. Zhi.

Further Information

For help, advice and information about this meeting please contact:

Alexander Murray, Governance Officer

Tel: 0161 912 4250

Email: alexander.murray@trafford.gov.uk

This agenda was issued on **Friday, 25 August 2023** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall; Talbot Road, Stretford, Manchester, M32 0TH.

WEBCASTING

This meeting will be filmed for live and / or subsequent broadcast on the Council's YouTube channel <https://www.youtube.com/channel/UCjwbIOW5x0NSe38sgFU8bKg>. The whole of the meeting will be filmed, except where there are confidential or exempt items.

If you make a representation to the meeting you will be deemed to have consented to being filmed. By entering the body of the Committee Room you are also consenting to

Employment Committee - Monday, 4 September 2023

being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured or if you have any queries regarding webcasting of meetings, please contact the Democratic Services Officer on the above contact number or email democratic.services@trafford.gov.uk

Members of the public may also film or record this meeting. Any person wishing to photograph, film or audio-record a public meeting is requested to inform Democratic Services in order that necessary arrangements can be made for the meeting. Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any other queries.

This page is intentionally left blank

EMPLOYMENT COMMITTEE

26 JUNE 2023

PRESENT

Councillor J. Bennett (in the Chair).

Councillors F. Hornby (Vice-Chair), D. Acton, S. G. Ennis, W. Jones, J. Leicester, and S. Zhi.

In attendance

Sara Saleh	Corporate Director of Strategy and Resources
Angela Beadsworth	Director of HR
Bev Norton	Head of HR Operations
Kate Sturman	Strategic HR Lead for Policy, Reward, and Intelligence
Cal Aston	Resourcing Consultant
Daniel Knowles	Legal Assistant
Alexander Murray	Governance Officer

APOLOGIES

Apologies for absence were received from Councillors Babar and A.M. Whyte

1. COMMITTEE MEMBERSHIP 2023/24

RESOLVED: That the Committee Membership for the 2023/24 Municipal year be noted.

2. COMMITTEE TOR 2023/24

RESOLVED: That the Committee Terms of Reference for the 2023/24 Municipal year be noted.

3. MINUTES

The Director of HR noted that the Corporate Director of Strategy and Resources had been referred to as the Corporate Director of People.

RESOLVED: That, following the above amendment, the minutes of the meeting held 20 February 2023 be agreed as an accurate record and signed by the Chair.

4. QUESTIONS FROM THE PUBLIC

No questions were received.

5. WORKFORCE UPDATE

The Director of Human Resources (HR) introduced the report and informed the Committee that the document was a work in progress and asked members to provide feedback on how they would like the document to be modified. Committee Members attention was then drawn to the data sets displayed within the report,

Employment Committee

26 June 2023

which included the number of employees per grade. The Director of HR briefly discussed agency spend with a reminder that a more in-depth report would be considered later in the meeting.

The report detailed that the Council had been accredited as a real living wage employer. The Council had also become part of the Greater Manchester employment Charter which had been achieved by meeting standards relating to the 7 characteristics within the charter. It was hoped that the accreditation would be a good kite mark for the Council which would aid in recruitment. The Council had seen fluctuations in staff turnover during the last few years in response to covid and the great resignation. The Council's turnover figures had started to improve and it was hoped that being a real living wage employer and a part of the Manchester Employment Charter would see the trend continue.

The report contained rolling figures for the total amount of time lost to sickness over the last twelve months. The Council had seen a peak in time lost which had dropped down to 4.5%. The Director of HR informed the Committee of the support available to help staff members return to work as soon it was feasible for them to do so. The Director of HR provided a short overview on the Council's apprenticeship schemes and the use of the apprenticeship levy to upskill staff within the Council and reference the social work degree through apprenticeship that is being accessed by several staff members. The Committee were also asked to note the large amount of work that had been done within the health and safety space and the initiative being rolled out 'Your safety, Your wellbeing' to ensure that staff were supported to live a healthy and safe life.

The Committee were informed that a review of the Council's Hybrid working arrangements had taken place and that it was important to note that in working in this way, service delivery to residents and customers must remain a priority.

Following the introduction Councillor Hornby welcomed the new layout of the report and asked whether the next report could contain a breakdown of vacancies or where a service was under employed. The Director of HR responded to Councillor Hornby that her request would be taken away and the service would look at adding vacancy data from all directorates.

Councillor Ennis asked what progress Trafford Leisure was making towards being a real living wage employer. The Corporate Director of Strategy and Resources responded to Councillor Ennis that Trafford Leisure were on their real living wage journey with the aim of being a real living wage employer by the end of the financial year.

Councillor Ennis noted the excellent work done during the recent elections and celebrated the staff who had been involved in the election. Councillor Ennis then asked whether a survey had been done afterwards. The Corporate Director of Strategy and Resources responded that the Council did not do a survey, but they did receive feedback from the staff and she asked the Committee to note that the Council had a very strong core of staff who worked on Elections.

Employment Committee
26 June 2023

Councillor Zhi asked whether there had been consistency in hybrid working across the Council and if there were agreed in office days. The Director of HR responded that the Council were conducting a review of the hybrid working scheme and would be able to report back to the Committee once the review had been completed. The Director of HR expressed that it's not possible to have a 'one size fits all' approach when it comes to hybrid working across the Council. We aim to empower service managers to work collaboratively with their teams on an approach that works for them and their customers.

Councillor Zhi then whether protected characteristics were recorded and the levels of pay by gender and people from ethnically diverse communities. The Director of HR responded that equality data is published and the Director of HR offered to share the link with the Committee along with the minutes and some of the information would be included within the next update.

Councillor Leicester asked whether the varying requirements of different services meant there was inequality in working flexibility between staff groups. The Director of HR responded that as a large organisation we will have different working practices dependent on service needs and that overall, there is a level of consistency albeit some staff work in a more agile way accruing flex, while other work more prescribed working patterns and accrue time off in lieu of any time worked over and above.

Councillor Leicester asked whether other flexibilities could be offered to those in the more rigidly structured positions such as having more carers leave to help them look after dependents at home. The Director of HR assured the Committee that we do have a great pay, reward and benefit package and that in overall terms is comparable and applies across all sectors of the workforce.

RESOLVED:

- 1) That the Update be noted.
- 2) That the next update in December include a breakdown of vacancies.
- 3) That the link to staff data be shared with the Committee.
- 4) That the next update include data around staff from ethnically diverse communities.

6. AGENCY SPEND 2023/24 Q4

The Resourcing Consultant provided an overview of the report and informed the Committee that the Council had seen a reduction in agency spend from the previous quarter, but it was of the same level as the same quarter in the previous year. The Committee were assured that all spend had been met within existing budgets.

The majority of spend within Children's services was for level 3 social workers to pick up complex cases. Those social workers were hired through Reed who were contracted with the Council, although there were other suppliers available if Reed were unable to provide the required staff. There were 77 active assignments within

Employment Committee
26 June 2023

Childrens with the majority of positions being to meet gaps within the service due to maternity leave and long-term sickness.

The Resourcing Consultant informed the Committee that she was working closely with the strategic lead within Children's services and they were making good progress towards meeting the recruitment needs of the service. Work was ongoing to agree a Greater Manchester pledge, which would help to stabilise the costs of agency staff by setting a price between Councils rather than competing with each other. The Resourcing Consultant also informed the Committee of the Social worker paths available to Council staff through apprenticeships.

Agency spend within the Adults Directorate was all being met through Reed with largest amount of spend being on interim qualified social workers, although this had reduced from the last quarter. The Adults Directorate were also taking a "grow our own" staffing approach to Adult Social Care with training and qualifications available to staff. The Resourcing Consultant added that market supplements were in place for both adults and children's social workers to make Trafford's employment offer more competitive. The Council also had a programme of support in place for newly appointed social workers to help them settle into the role.

The overall spend within the Legal and Governance Directorate had reduced with most of the positions being for qualified solicitors to meet statutory duties. The Resourcing Consultant informed the Committee that the Council was having to compete with the private sector and so they were looking to advertise the additional benefits of working for the Council.

The Committee were informed that Trafford Council had the 5th highest level of agency spend out of the 11 Councils within GM. The Resourcing Consultant concluded the overview of the report by asking the Committee to note that the overall spend on consultants had reduced, but there were still four consultants in place within Children's Services.

Following the overview of the report Councillor Ennis asked how confident officers were that the GM Pledge to be in place by September. The Resourcing Consultant responded that she was pretty confident that an agreement would be reached as GM authorities had an inflated price and were paying more than some areas of London, which needed to be addressed. Trafford Council was paying an average £30 per hour for adult social worker and £35 for Children's social workers. The Director of HR added that the launch of the pledge had been moved back to October.

Councillor Leicester asked whether workers from Ukraine were able to work within the UK. The Corporate Director of Strategy and Resources responded that some funding remained which the Council could use to help support people from the Ukraine into employment.

Councillor Jones asked whether additional background information could be provided around agency spend. In response the Director of HR offered to meet with Councillor Jones to provide any additional information that was wanted.

RESOLVED:

- 1) That the report be noted.
- 2) That the Director of HR arrange a meeting with Councillor Jones to provide additional information relating to agency spend.

7. QUARTERLY REPORT ON EXEMPTIONS TO THE SICKNESS POLICY

The Head of HR Operations gave the Committee an overview of the Council's sick pay scheme, which gave staff members 3 months full pay and 3 months half pay and they could apply to extend pay beyond those limits.

The Head of HR Operations then updated the Committee on the current position regarding sickness exemptions. During Q3 there had been 8 exception requests from 4 of the Council's 6 directorates. Of those 8 requests 7 had been approved and one had been withdrawn. Of the 7 that were approved 6 had since been resolved either by returning to work or by accessing retirement and the other 1 was still ongoing. Within Q4 there had been a total of 11 requests made with all of them being approved. The majority of the requests were related to cancer and neurological conditions and all 11 had been resolved. The Head of HR Operations concluded the overview by informing the Committee that the Council had seen an increase in the complexity of the conditions staff were suffering from.

Following the overview Committee Members were provided with the opportunity to ask questions but none were raised.

RESOLVED: That the update be noted.

The meeting commenced at 5.10 p.m. and finished at 5.59 p.m.

This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 4th September 2023
Report for: Information
Report of: Director of Human Resources

Report Title

Agency and Consultant Spend for Q1 Period 1 April 2023 to 30 June 2023

Summary

This report details the quarterly spend for the Council on agency workers and consultants. Spend is broken down by quarter and also by Directorate with an overview of the reasons agency and consultants are required to supplement the Council's workforce to meet temporary resource needs.

Recommendations

That the content of this report is noted.

Relationship to Corporate Priorities	This report supports the outcomes of our corporate priorities.
Relationship to GM Policy or Strategy Framework	None
Financial	The cost of using agency workers is carefully managed and monitored through existing budgets and budget management frameworks.
Legal Implications	Agency assignments are carefully monitored to ensure that they are legally compliant and any employment liability is mitigated.
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Staffing/E-Government/Asset Management Implications	The use of agency workers supports critical resourcing gaps.
Risk Management Implications	None
Health & Wellbeing Implications	None
Health and Safety Implications	None

Summary of key stakeholders involved in report production:

Name: Cal Aston, Resourcing Consultant

1. Background

- 1.1 A robust vacancy clearance process is in place to ensure that posts are only filled where there is a compelling case to do so. Vacancies are subject to approval by the relevant Corporate Director, with the Director of HR and Director of Finance overseeing a 4 week vacancy pause in place for some roles (excluding Health and Social Care and front line roles) to support budget pressures. We ensure a robust recruitment process is followed and primarily consider employees on notice from redundancy (redeployees), “at risk” staff (those employees where there is a real risk of redundancy) and apprentices before we openly advertise roles.
- 1.2 It is recognised, however, that there will be circumstances whereby there are immediate resourcing needs (predominantly short term in nature) for example that are time limited, where specialist skills that cannot be found within the organisation, or where cover is required for day-to-day absences. There are also roles for which we have recruitment and retention difficulties. For these reasons, access to temporary agency support is essential to meet critical gaps in service provision. In some cases, due to the specialist nature of the work, consultants are required.
- 1.3 The total agency spend in Q1 2023/24 was £1,581,444.51. Appendix 1 details the agency spend breakdown for Quarter 1 - 2023/24
- 1.4 Agency costs for this quarter have been met from within existing staffing budgets to support services whilst they have been restructuring, reshaping and recruiting to vacant posts and meeting our statutory obligations on a day-to-day basis.

Directorate Overview

2.1 Children’s Services

- 2.1.1 In Q1 2023/2024 agency spend in Children’s Services totalled £1,035,334.48 This includes spend via REED totalling £855,586.15 and the Social Worker Agency Framework (SWAF), totalling £179,748.33.
- 2.1.2 Agency spend in Q1 has increased by £67,401.17 compared with Q4 (where the spend was £967,933.31).
- 2.1.3 The largest proportion of the Q1 2023/24 agency spend is on interim qualified Level 3 Social Worker roles and Advanced Practitioners with spend with Reed of £467,179.59 and £179,748.33 with SWAF.

- 2.1.4 We continue to rely on the use of agency workers from other providers which we engaged via the Councils Social Worker Agency Framework (SWAF) in addition to Reed, our umbrella agency. This is because we haven't been able to meet our staffing requirements through Reed alone. Having the SWAF has assisted in managing the gaps and created some flexibility whilst still operating in a framework. The total Children's spend via SWAF in Q1 2023/24 was £179,748.33. This spend has reduced compared to in Q4 2022/23 (the spend in Q4 was £250,501.19). We have continued to see a level of stability in agency staffing complimented by an ongoing focus on permanent recruitment.
- 2.1.5 The majority of agency spend is due to the service discharging its statutory responsibilities for providing social work and social care services for vulnerable children. The interim staffing need is primarily required to cover staffing resource gaps, created where there is cover requirement for sickness, maternity leave or secondment opportunities. Cover is critical to ensure that service users receive the appropriate level of care and support.
- 2.1.6 There are varying reasons for high agency spend which, in part, are linked to the national challenges around recruiting and retaining experienced front line social workers. Work is already underway to help combat some of the challenges and to support a more stable workforce e.g.: Investing in our People Steering Group. HR are also continuing to work closely with the Practice Improvement and Learning Service and continuing to support the service in several of areas: -
- Service redesign and work is progressing on the recruitment and retention strategy required in the service.
 - Working with the service in support of their training programme with Strengthening Practice and sharing EPIC Manager programme content, to ensure that there is a commonality of language and approach.
 - Attending their EPIC Leadership Masterclasses the first of which was on resilience and supporting leaders and managers to put the learning into practice with themselves and their teams.
 - Continue to support Children's Leadership forums and will be looking further at how psychological safety correlates to the b-Heard survey results and influence the service and team action plans.
- 2.1.7 HR are continuing to work in partnership with the Strategic Lead - Practice and Improvement and Learning, to implement the resourcing strategy to try to reduce the agency resource requirements. Agency Social Workers are asked to consider a permanent contract with Trafford. We highlight the total reward package and development opportunities available to workers who wish to move into permanent employment status. Individual conversations are held with our

current agency workers to share information about the benefits of working at Trafford on a permanent contract. This will aid Trafford to understand current market / labour trends and thinking. Developing target recruitment to key areas of the service is also underway.

- 2.1.8 GM Pledge update – There are ongoing challenges of recruitment and retention across the social care workforce at a national, regional, and local level. As part of the GM collaboration we are working towards a GM Pledge (that aligns to the London Pledge). This involves the introduction of an agreed set of rules on the engagement of agency social work resource in local authority children’s social care. This will include the introduction of price caps on what local authorities may pay per hour for an agency social worker. It is also proposed that if a permanent social worker leaves an authority, they will be unable to work as an agency worker in GM for 6 months. GM are aiming for an October launch. The pay rates have yet to be finalised and we will update the committee on progress in this area. On a national level there is work underway to introduce national rates (similar to what is in place for supply teachers).
- 2.1.9 ASYE: The Learning and Development Team supports the coordination of the Assessed and Supported Year in Employment (ASYE), supported by the Learning and Improvement team in children’s services. There are currently 23 NQSWs in Children’s Services. This programme involves support and assessment against the Post Qualifying Standards in their first year in practice.
- 2.1.10 Social work students: we have facilitated 10 social work final placements and 2 first year placements this academic year. We have successfully recruited 5 social workers from this cohort so far, with plans to interview the others who are nearing the end of their placements shortly. We are currently working with the University of Salford to place 3 students for late September start dates.
- 2.1.11 Social worker apprenticeship: We have a successful social worker apprenticeship programme, which involves completing a social work degree in 30 months, through university learning at Man Met, with extended practice development opportunities within their substantive roles. Two social workers have graduated this year and are now starting their ASYE. Cohort 3 (2021-2024) has 3 staff members, who have started their final year and 4 staff on Cohort 4, successfully completed their first year at the end of March. Cohort 5 starts in September, and we have 1 staff member who has been accepted.
- 2.1.12 Career progression: There has been a review and new approach to this pathway in children’s services. This new approach will be piloted with 2 social workers who will present to a panel in September. This involves band 7 social workers (post ASYE) evidencing their practice against the Experienced Social Worker level of the Professional Capabilities Framework (PCF) for social workers before their progression is confirmed.

2.2 Adult Services

- 2.2.1 In Q1 2023/24 spend in Adult Services totalled £243,674.75 via REED our umbrella agency.
- 2.2.2 This has reduced by £20,656.21 when compared with Q4 2022/23 where the spend was £264,330.96.
- 2.2.3 The largest spend in Q1 2023/24 was on qualified agency social workers at £158,967.00. The spend has slightly increased when compared to Q4 2022/23 spend which was £157,219.71.
- 2.2.4 The next biggest spend is on Support Workers at Ascot House and Supported Living in Q1 which totals £53,043.74. Spend has decreased when compared to Q4 2022/23 (£92,372.55). The internal Resourcing service continues to support the targeted recruitment of Support Workers via a social media campaigns and attendance at job and career fairs.
- 2.2.5 Trafford Learning Academy seeks to provide an innovative approach to recruiting, growing and retaining our adult social care workforce and can be found at the [following link](#).
- 2.2.6 The academy provides a mechanism for a rolling recruitment programme stemming from an engagement programme with schools and colleges to promote and inspire adult social care as a rewarding career choice. The schools' engagement project is becoming more established within schools and offers initial myth busting sessions to young people about what a career in adult social care is really like. Trafford Learning Academy is building strong connections with schools offering Health and Social Care GCSE; there are now 6 schools offering the course and will increase to 7 in September 2023. Trafford Learning Academy is now a school enterprise advisor for Altrincham College and Flixton Girls School. The Learning Academy has developed links with Manchester Metropolitan University to promote Trafford ASC career opportunities with Integrated Health and social Care undergraduates.
- 2.2.7 Trafford Learning Academy provides a range of support to aid staff retention, such as confidential 1:1 support around career aspirations or frustrations, Ripfa communities of practice to support workers CPD, group learning support for newly qualified Social Workers, and learning support for apprentices.
- 2.2.8 The Learning Academy is proactively supporting school students with their work experience opportunities in Year 10, identifying schools and social care services by locality, and linking students seeking work experience with local social care providers, which includes students attending work experience placements in

Ascot House. A similar offer has been extended to college students who require a year-long placement as an integral part of their health and social care course.

2.2.9 Following the implementation of a market supplement in July 2022 for qualified Social Workers, along with the launch of the new recruitment approach in November, we have seen a reduction in the number of vacancies by over 50%.

2.2.10 We continue to support the directorate with action planning following a staff survey and subsequent establishment of a staff group and action plan. This has involved working with the senior leadership team and staff representatives to make sure that the defined action plan has allocated owners and existing work is populated and communicated to the workforce.

2.2.11 HR / OD are about to complete a six month's Leadership programme for the Adults and Wellbeing directorate.

The 7 workshops programme has been developed with the Director and Quality Assurance Lead and is aligned to the CQC inspection requirements and leadership framework from Skills for Care and acknowledges the b-Heard survey report responses from 2022.

Feedback to date has been really positive with individuals on the programme applying the tools in their work practice.

We are now working with the HR Business Partner to consider the next steps from the programme before meeting with the Director of Adults and Wellbeing in September. This includes presenting 2 pieces of work around a strategic narrative and people leadership commitments that the leaders on the programme have put together.

Discussions will also take place on how the programme is continued for new joiners and those unable to complete the initial programme.

2.2.12 ASYE: The Learning and Development Team supports the coordination of the Assessed and Supported Year in Employment (ASYE), supported by the Learning and Improvement team in children's services. There are currently 12 NQSWs in adult services on the ASYE programme. This programme involves support and assessment against the Post Qualifying Standards in their first year in practice.

2.2.13 Social work students: Adult services have supported and assessed 6 social work final placements to March. We support these degree students to apply for jobs in the authority, once they are qualified.

2.2.14 Social worker degree apprenticeship: We have a successful social worker apprenticeship programme. Two SW apprentices qualified in March and are

taking up social work posts and starting the ASYE. Cohort 3 (2021-2024) has 3 staff members, who are starting their third year and 3 staff members in Cohort 4 have started their second year. This programme involves the employees (social worker apprentices) working in frontline roles in social care, while completing the degree in social work, through university learning at MMU and extended development opportunities within their substantive roles. This programme is currently on hold for the September intake pending a review by the Principle Social Worker.

2.2.15 Career progression: This involves social workers attending and passing a university module at Masters level, and preparing a portfolio of practice evidence for a panel. In the portfolio and panel discussion, the social worker evidences their work and development against the Experienced Social Worker level of the Professional Capabilities Framework (PCF) for social workers, before their progression is confirmed.

2.3 Legal and Governance

2.3.1 In Q1 2023/24 the total agency spend in Legal and Governance was £203,058.31. Spend has increased compared to Q4 2022/23 which was £158,418.80.

2.3.2 By far the largest spend is on solicitors for Q1 2023/24 £203,058.31 this was an increase when compared to Q4 2022/23 which was £145,417.97. There is a continued difficulty with attracting solicitors with the skills that the service requires. The main reason for this is the competitiveness of their reward package as compared with the private sector.

2.3.3 A review is underway to identify a solution to the recruitment and retention of these staff, this includes looking at options to develop a pipe-line in-house for example through apprenticeships and the development of career pathways to support succession planning and career progression. Market supplements are also being considered.

2.4 Finance and Systems

2.4.1 In Q1 2023/24 the total agency spend in Finance and Systems was £20,012.99. The spend has decreased when compared to Q4 2022/23 which was £23,958.16

2.4.2 The spend is relating to the engagement of a Finance Manager to cover long term sickness absence.

2.5 Place

2.5.1 In Q1 2023/24 agency spend in Place totalled £8,142.82.

- 2.5.2 Agency spend has increased compared to spend in Q4 2022/23 which was £4,184.31.
- 2.5.3 The spend in Q1 relates to ESOL assessor roles (funded from the Home to Ukraine Funds), Building Control Officer and Business Support Officer pending recruitment.

2.6 Strategy and Resources

- 2.6.1 In Q1 2023.24 the total agency spend in Strategy and Resources was £71,221.16. This spend with Reed was £29,540.04 and £41,681.12 was off contract with Berry recruitment.
- 2.6.2 Agency spend has increased when compared with Q4 2022/23 which was £16,857.78.
- 2.6.3 The agency spend this quarter has been mainly within Operational Services for Education in Catering and Cleaning Services. Berry recruitment are used for cover in schools and Reed for a Cook Manager at the Terrace and an Area Manager.

3. **Summary Agency Spend Position**

- 3.1 The total agency spend in Q1 2023/24 was £1,581,444.51 and this includes agency spend with Berry Recruitment.
- 3.2 The total agency spend in Q4 2022/23 was £1,625,439.95, therefore, the spend has reduced.
- 3.3 In the corresponding Q1 2022/23 the overall spend was £1,504,740.35. Therefore, there has been a slight increase in spend since last year during the same period.
- 3.4 The majority of agency spend continues to be in Adults and Children's Services, due to ongoing challenges with recruiting and retaining social workers. Work continues to try to mitigate this and move to a more stable resourcing position.
- 3.5 The majority of the agency spend was through Reed (our umbrella agency) where the spend was £1,360,015.06. The next largest spend of £179,748.33 was via the Social Worker Agency Framework. Much of pressure continues to be the difficulties recruiting qualified Social Workers. The remaining spend of £41,681.12 was off contract with Berry Recruitment.
- 3.6 We will continue to monitor agency spend and provide reports for visibility.

4. Annual Agency Spend across GM

Table (1): The table below highlights the 12 months agency spend to June 2023 with REED, our umbrella agency provider across Greater Manchester by Local Authority

Headcount & Spend Trends																Last Updated 16-Aug-23 05:58	
Organisation	Spend (,000)	Spend	Heads	FTE	Total Hours	Standard	Overtime	Organisation	Directorate	Division	Department	Supplier	Job Category				
					Jul-23	Jun-23	May-23	Apr-23	Mar-23	Feb-23	Jan-23	Dec-22	Nov-22	Oct-22	Sep-22	Aug-22	Jul-22
Manchester City Council	1,179,517	1,288,484	954,966	848,427	1,153,012	826,285	709,993	997,039	776,396	788,183	903,231	619,666	583,002				
Greater Manchester Police	882,815	984,393	877,875	868,554	1,120,575	919,908	751,800	987,203	723,765	697,311	821,461	662,521	610,094				
Bolton Council	641,977	825,142	614,501	612,380	844,232	660,733	539,404	815,637	571,770	599,087	693,148	524,756	605,445				
Tameside Met BC	648,520	784,154	625,036	591,967	723,072	625,841	473,474	683,300	606,775	541,029	615,835	540,566	554,057				
Oldham Council	738,920	970,714	771,129	1,449,501	1,085,395	778,254	747,771	875,636	688,669	685,753	850,266	733,221	626,084				
Rochdale BC	743,051	812,359	648,702	630,918	753,952	647,280	477,611	711,535	571,021	474,160	572,078	410,522	385,577				
Bury Council	538,982	638,404	514,420	493,443	696,265	538,264	473,457	596,859	416,850	437,256	534,871	455,742	443,444				
Trafford Council	617,847	769,463	573,783	596,009	826,955	590,967	508,080	697,138	552,505	443,711	449,847	354,257	358,933				
Warrington BC	449,618	564,707	409,553	443,645	526,692	451,976	398,256	531,230	432,628	485,788	533,248	425,081	390,129				
Salford City Council	272,749	377,080	341,984	306,555	420,214	375,447	314,162	472,756	382,747	398,530	440,834	327,892	367,098				
Wigan Council	461,815	586,079	451,033	370,551	523,811	371,021	291,931	433,590	298,282	301,320	330,826	222,007	209,765				
Stockport Met BC	433,422	501,248	381,141	307,513	378,180	272,939	198,348	321,422	267,662	252,655	308,264	244,336	241,870				
Blackpool Council	368,532	421,077	298,922	308,339	437,366	361,603	266,840	389,354	303,479	317,627	321,984	253,872	272,526				
Blackburn with Darwen Council	85,323	102,606	68,215	72,000	94,324	68,779	45,502	76,867	68,632	78,577	85,888	65,063	61,089				
GM Collaboration	62,393	48,261	50,381	47,289	72,190	55,418	33,823	34,436	26,702	35,154	46,065	29,533	30,842				
TIGM	38,118	62,672	55,265	49,206	66,619	51,665	34,361	52,075	34,522	35,976	37,351	20,543	29,187				
Greater Manchester Fire and Rescue	27,317	14,099	3,946	3,719	3,693	4,364	5,932	16,487	30,890	47,275	67,289	39,679	38,870				
Total	6,875	16,241	10,895	16,038	21,142	14,456	14,717	25,069	8,662	16,629	19,508	16,492	13,102				
	8,197,792	9,767,182	7,651,769	8,016,053	9,747,687	7,615,201	6,285,461	8,717,633	6,761,957	6,636,020	7,631,996	5,945,749	5,821,114				

Table (2): Overview of trends (information supplied by Reed)

Trends Overview													Last Updated: 16-Aug-23 07:56
	Jul-23	Jun-23	May-23	Apr-23	Mar-23	Feb-23	Jan-23	Dec-22	Nov-22	Oct-22	Sep-22	Aug-22	Rolling 12 Months
Total Spend	8,489,367	10,082,296	7,926,899	8,186,506	9,961,730	7,913,830	6,415,527	9,034,833	6,995,935	6,869,078	8,007,191	6,201,579	96,084,772
Reed	1,681,133	1,941,198	1,454,744	1,617,923	1,862,727	1,516,394	1,136,920	1,695,849	1,253,249	1,224,552	1,500,596	1,086,283	17,971,569
Panel	6,808,234	8,141,098	6,472,155	6,568,583	8,099,003	6,397,436	5,278,607	7,338,984	5,742,686	5,644,526	6,506,594	5,115,297	78,113,204
% Reed	20%	19%	18%	20%	19%	19%	18%	19%	18%	18%	19%	18%	19%
Interims	8,197,792	9,767,182	7,651,769	8,016,053	9,747,687	7,615,201	6,285,461	8,717,633	6,761,957	6,634,270	7,630,489	5,945,749	92,971,243
Statement of Works	220,436	244,303	216,341	121,935	150,719	252,218	95,225	259,479	165,114	190,418	317,690	210,016	2,443,892
Perm	11,410		5,459	3,842					17,400	4,991	6,998	6,579	56,680
Expenses / Other	59,729	70,811	53,330	44,675	63,324	46,411	34,841	57,722	51,464	39,399	52,014	39,236	612,957
Heads	2,547	2,665	2,472	2,676	2,606	2,432	2,312	2,401	2,343	2,234	2,269	2,139	4,904
Bookings	2,656	2,794	2,573	2,875	2,884	2,606	2,496	2,523	2,473	2,345	2,385	2,210	6,250
FTE	1,964	1,875	1,828	1,792	1,909	1,858	1,576	1,713	1,760	1,710	1,648	1,648	1,773
Total Days (Day Rate Candidates)	1,200	1,304	911	920	1,157	1,050	754	1,099	892	986	1,294	910	12,476
Total Hours (k)	284	339	264	259	345	269	228	310	255	247	298	238	3,336
Standard Hours (k)	255	306	238	229	310	243	195	279	227	221	264	212	2,980
Overtime Hours (k)	29	33	27	30	35	26	33	31	27	26	33	26	357
Average Pay Rate (per hr)	23	19	22	21	20	18	19	16	20	18	21	18	19
Starters	271	349	321	330	387	381	476	451	413	539	362	451	4,731
Leavers	213	390	165	403	438	213	228	1,099	334	332	341	257	4,413
Average Tenure of Leavers (Weeks)	30.1	31.3	26.2	22.7	33.0	26.4	26.2	26.0	21.3	26.3	31.0	28.6	27.3
Jobs	288	188	189	151	183	157	166	106	172	283	156	247	2,286
Heads Required	834	323	295	277	252	222	621	194	234	344	176	277	4,049
Submissions to Heads Required ratio	1,846 2.2	1,799 5.6	1,518 5.1	1,063 3.8	1,690 6.7	1,256 5.7	1,268 2.0	734 3.8	1,040 4.4	1,647 4.8	1,134 6.4	1,489 5.4	9,537 2.4
Interviews Created	228	137	123	52	59	24	14		2	1			562
Total Filled	741	313	287	217	243	216	574	191	229	328	173	269	3,781
Reed Filled	202	59	84	79	44	56	258	100	84	79	31	62	1,138
Panel Filled	539	254	203	138	199	160	316	91	145	249	142	207	2,643
Overall Fill Rate	89%	97%	97%	78%	96%	97%	92%	98%	98%	95%	98%	97%	93%
Reed Fill Rate	24%	18%	28%	29%	17%	25%	42%	52%	36%	23%	18%	22%	28%
Panel Fill Rate	65%	79%	69%	50%	79%	72%	51%	47%	62%	72%	81%	75%	65%
Reed Split of Fill	27%	19%	29%	36%	18%	26%	45%	52%	37%	24%	18%	23%	30%
Suppliers	55	54	55	55	56	57	56	58	57	56	57	54	62
Average days to Claim	4.6	5.3	4.9	5.9	6.5	6.5	4.8	5.9	5.0	5.9	6.0	5.6	5.6

Show Options

Table (3): Details spend by job category

Headcount & Spend Trends																	Last Updated 16-Aug-23 05:58						
Job Category	Spend (,000)	Spend	Heads	FTE	Total Hours	Standard	Overtime											Organisation	Directorate	Division	Department	Supplier	Job Category
	Jul-23	Jun-23	May-23	Apr-23	Mar-23	Feb-23	Jan-23	Dec-22	Nov-22	Oct-22	Sep-22	Aug-22	Jul-22	Jun-22	May-22	Apr-22							
	750	943	748	1,384	968	683	671	768	599	580	779	644	583	722	552	512							
Admin & Clerical	315	338	269	275	350	322	214	416	285	308	351	288	294	357	302	294							
Education - Qualified	4	0	0	0	1	0	0	1	1														
Engineering & Surveying	124	142	85	74	79	67	48	70	57	64	57	54	46	59	50	50							
Facilities & Environmental Services	7	8	6																				
Financial	60	55	47	49	52	43	25	44	31	33	48	42	48	58	46	50							
Housing, Benefits & Planning	71	84	54	65	84	71	49	74	57	60	56	60	40	73	71	65							
HR	33	26	26	19	26	25	28	40	31	34	36	26	25	32	26	20							
Investigation	642	729	665	657	832	657	566	767	601	588	668	545	505	637	511	470							
Legal	630	768	542	494	662	527	424	597	493	485	498	379	393	463	401	357							
Management	152	166	112	100	110	82	60	93	87	70	127	80	78	85	66	58							
Manual Labour	605	680	538	533	728	525	464	656	483	495	640	482	506	615	466	594							
Marketing					1	3	3	6	9	18	18	10	14	26	22	24							
Procurement	10	10	9	10	14	9	10	11	3	1	4	3	4	8	6	5							
Social & Health Care - Non Qualified	306	419	307	387	490	371	354	333	315	318	326	262	262	343	234	232							
Social & Health Care - Qualified	3,885	4,684	3,760	3,409	4,628	3,725	2,958	4,257	3,316	3,175	3,512	2,678	2,651	2,948	2,454	2,290							
Technology	321	366	249	253	379	272	207	276	143	177	215	149	138	156	108	118							
Trades & Operative	281	350	234	246	345	233	203	306	252	230	297	243	233	294	189	211							
Total	8,198	9,767	7,652	8,016	9,748	7,615	6,285	8,718	6,762	6,636	7,632	5,946	5,821	6,875	5,503	5,349							

5. Consultant Spend

5.1 The total spend in Q1 2023/24 was £49,700.00. The spend breaks down as follows.

Children's	Adult & Well-being Services	Governance and Community Strategy	Finance and Systems	Place	Strategy & Resources
£27,500	£0	£0	£0	£22,200	£0

5.2 Consultancy spend in Q1 2023/24 has increased when compared to Q4 2022/23 which was £19,345.10.

5.3 The HR service will facilitate targeted and bespoke interventions to support managers to pro-actively manage temporary resourcing needs to continue to ensure that agency demand is proportionate and appropriate.

5.4 It continues to be challenging for the Council with staffing pressures that we have had to respond to, to ensure that we are discharging our duties and keeping our citizen's safe with the services they require.

6. Conclusion

6.1 Agency and consultant spend will continue to be monitored on a regular basis and reports will be presented to Employment Committee, for information.

6.2 Employment Committee is recommended to note the content of this report.

Appendix 1

Trafford Council Agency Spend By Directorate Q1 – 2023/2024

Directorates	Job Title	Number of Active Assignments	Total Cost
Children's	Advanced Practitioner	4	£59,383.01
	Business Support Officer	4	£21,405.41
	Childcare Assistant/Worker	6	£15,122.41
	Independent Reviewing Officer	2	£36,135.36
	Personal Advisor	1	£3,464.99
	Residential Childcare Officer	24	£69,391.78
	Service Manager	5	£87,407.96
	Social Worker	43	£587,544.91
	Strategic Lead Front Door & Children's Social Care	1	£32,591.28
	Strategic Lead Quality & Improvement	1	£37,323.13
	Support Worker	4	£25,278.96
	Team Manager	6	£60,285.28
	Total	101	£1,035,334.48
Adults	Catering Assistant	2	£228.62
	Chef/Cook Manager	11	£7,617.8
	Deputy Manager	2	£21,777.03
	Senior Practitioner	1	£5,723.35
	Social Worker	21	£153,243.65
	Support Worker	57	£53,043.74
	Team Leader	1	£2,040.56
	Total	95	£243,674.75
Finance & Systems			

	Finance Manager	1	£20,012.99
	Total	1	£20,012.99
Legal & Governance	Adults Social Care Solicitor	1	£10,280.22
	Litigation Solicitor	1	£24,187.64
	Planning Lawyer	1	£25,703.84
	Solicitor	8	£142,886.61
	Total	11	£203,058.31
Place	ESOL Assessor	3	£3,162.80
	Business Support Officer	2	£904.24
	Building Control Officer	1	£4,075.78
	Total	6	£8,142.82
Strategy and Resources	Applications Support Officer	1	£7,633.77
	Area Manager (Service for Education)	1	£5,654.49
	Cook Manager	4	£7,670
	Senior Business Intelligence Analyst	1	£8,581.78
	Berry Recruitment (cleaning/catering for schools)	tbc	£41,681.12
	Total	7	£71,221.16
Grand Total			£1,539,763.39

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 4th September 2023
Report for: Information and decision
Report of: Director of Human Resources

Report Title

Special Severance Payments

Summary

This report outlines the requirements of local authorities following new statutory guidance on the use of 'special severance payments' and details arrangements that have been put in place within Trafford Council to ensure that we are compliant with the guidance.

Recommendations

It is recommended that Employment Committee:

- Note the new statutory criteria and approval for special severance payments and reporting requirements.
- Note the approvals for the guidance and process.
- Note that as part of the approval requirements if there are proposed payments of £100k plus these will go to Employment Committee first prior to Council for approval.

Contact person for access to background papers and further information:

Name: Kate Sturman, Strategic HR Lead

Extension: x 1291

Background Papers: *None*

Implications:

Relationship to Corporate Priorities	One of Trafford Council's key priorities is to support people out of poverty (by maximising people's income). The Council spending less on employee exit packages will redistribute funds more equitably.
Relationship to GM Policy or Strategy Framework	No direct impact. All other local authorities must comply.
Financial	Following our local guidance and approval

	process should lead to reduced spend in this area than there otherwise would be without the statutory guidance. The amount can't be quantified.
Legal Implications	The guidance is statutory and so the Council must ensure compliance – following our local guidance and approval process to reduce the risk of any future legal challenge.
Equality/Diversity Implications	Decisions on payments should be consistent with our Public Sector Equality Duty under the Equality Act 2010.
Sustainability Implications	No direct impact.
Carbon Reduction	No direct impact.
Staffing/E-Government/Asset Management Implications	Any payments in scope for those leaving the Council will be fair, proportionate, value for money and go through appropriate scrutiny and a sign-off process. The aim is that there will be fewer payments and payments of lower value overall.
Risk Management Implications	No direct impact.
Health and Safety Implications	No direct impact.

1.0 Background

- 1.1 Most public sector workers enjoy statutory and contractual redundancy or severance terms that are significantly better than the minimum statutory redundancy entitlement, often higher than the value of redundancy or severance payments made in the private sector.
- 1.2 In Trafford, our current policy position for redundancy payments is based on an actual week's pay and it uses the statutory matrix which is based on years of continuous service, up to a maximum of 20, and age. The maximum number of weeks' pay an individual can receive is capped at 30 weeks. Redundancy payments are calculated as follows: -
- For each completed year of service up to the age of 21 inclusive; half a week's pay.
 - For each completed year of service from age 22-40 inclusive: one week's pay.
 - For each completed year of service from age 41 and upward one and a half week's pay.

In addition to redundancy payment, where employment terminates on the ground of redundancy, the Council must pay an immediate pension to an employee who is a member of the Local Government Pension Scheme who is aged 55 or over and meets the 2 years vesting period in the scheme.

- 1.3 In May 2022, the government introduced statutory guidance for paying and disclosure of additional, discretionary sums on top of these entitlements ("special severance payments"). This was in recognition of them not being good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

- 1.4 This guidance is issued under section 26 of the Local Government Act 1999, the purpose of which is to:
- set out the government's view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances.
 - set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment.
 - give examples of the exceptional circumstances in which Special Severance Payments may be appropriate.
 - clarify the disclosure and reporting requirements for Special Severance Payments.

2.0 Implications for the Council

- 2.1 If we are considering an enhanced exit package, we will need to ensure that we have acted in line with the guidance. It details which payments are in scope, which are not in scope, and which have a level of discretion/judgement. It also details the criteria any proposed payment should be 'tested' against and the approval process which is dependent on the value of the payment being considered. However, decision making will still need to adhere to the Council's current Constitution.
- 2.2 We will have to report any 'special severance payments' in line with the guidance, details of which are contained within the document. There are existing mechanisms for the annual reporting of exit payments – they are reported in the annual Pay Policy Statement and Statement of Accounts.

3.0 Guidance and supporting documents

- 3.1 Guidance, approvals process and a business case template have been drafted to support and provide the required governance to ensure we comply with the statutory guidance where these scenarios arise.

4.0 Recommendations

- 4.1 It is recommended that Employment Committee:
- Note the new statutory criteria and approval for special severance payments and reporting requirements.
 - Note the approvals for the guidance, process and supporting business case template.
 - Note that as part of the approval requirements any proposed payments of £100k plus will go to Employment Committee and then Council for sign-off.

Appendix 1 - Special Severance Payments – Guidance

1.0 Introduction

- 1.1 The government issued statutory guidance in May 2022, under section 26 of the Local Government Act 1999, which sets out their position on the use of Special Severance Payments made by local authorities ('Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England').
- 1.2 The guidance makes it clear that we have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. We must ensure that all relevant internal policies and procedures have been followed in agreeing such payments and all alternative actions have been fully explored and documented. Where payments are made they need to be fair, proportionate, lawful and provide value for money for the taxpayer.

2.0 What is a special severance payment?

- 2.1 Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual, or other requirements when leaving employment in public service. The Council may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employee's particular circumstances, and therefore the examples below are illustrative only.
- 2.2 The following types of payments are likely to constitute Special Severance Payments:
- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault
 - b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date
 - c) write-offs of any outstanding loans
 - d) any honorarium payments
 - e) any hardship payments
 - f) any payments to employees for retraining related to their termination of employment

2.3 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract

b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31)

In relation to our internal process caution should be taken and if there is any doubt it should be assumed that the above are included.

2.4 The following do not constitute Special Severance Payments:

a) statutory redundancy payments

b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise

c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006

d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8)

e) payment for untaken annual leave

f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation

g) payments made as part of the ACAS Early Conciliation process

h) payments made to compensate for injury or death of the worker

i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

3.0 Consideration of making Special Severance Payments

- 3.1 The best value duty, as set out in section 3 of the Local Government Act 1999, amongst other things requires authorities to secure value for money in spending decisions. The Council must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision. Decisions on payments should also be consistent with our Public Sector Equality Duty under the Equality Act 2010.
- 3.2 All requests to make a special severance payment must be supported by a robust business case (see Appendix 1). There are two main areas for consideration: Economy and Efficiency and effectiveness.

3.2.1 Economy

The Council will need to consider the economic rationale behind the proposed Special Severance Payment, including:

- Whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered
- How the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately
- What alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services
- The setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others)
- Evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone.

3.2.2 Efficiency and effectiveness

- Details of legal advice gained on the prospects of successfully defending an Employment Tribunal claim (or claim to any other court or tribunal with jurisdiction), if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payment
- Evidence to support the fact that that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity, or avoidance of embarrassment
- Any consideration of private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money
- The way any conflicts of interest have been managed to ensure that individuals who are the subject of complaints play absolutely no role in

deciding whether those complaints should be settled by making an award to the complainant from public funds

3.3 There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office, for example:

- In order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas).
- To help recruitment and retention, it has resolved to recognise for severance payment calculation purposes past service with another non-Modification Order employer (such as service with the NHS prior to the transfer of public health functions to local government).
- To settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

3.4 Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claim will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because successfully defending such cases will discourage future frivolous or vexatious claims and demonstrate that the local authority does not reward such claims.

4.0 Accountability

4.1 Any Special Severance payments should be approved by specified officers in line with the statutory guidance and our scheme of delegation. The level of approval required depends on the size of the proposed payment.

- payments up to £20,000 must be approved by the Corporate Director of Strategy and Resources in line with the scheme of delegation
- payments of between £20,000 and £100,000, must also be approved and signed off by the Head of Paid Service (Chief Executive) and the Leader of the Council.
- payments of £100,000 and above, must also be approved by Employment Committee and then approved by full Council, as set out in the Localism Act 2011.

- 4.2 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons. The statutory guidance should be referred to if this scenario were to arise.
- 4.3 As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

5.0 Approval process

1. Where a service is considering making a payment they must liaise with their Directorate HR Business Partner.
2. Together they consider whether the proposed payments meet the criteria to be deemed to be a 'Special Severance Payment' in line with the guidance.
3. If the payment does meet the criteria, then the manager must produce a Business Case (using the template provided) with support from colleagues in HR and Finance.
4. The Business Case is then forwarded to the Director of Finance, Director of HR and Director of Legal and Governance for assurance prior to approvals as outlined in the table below.

Payment	Approval
Up to £20,000	Corporate Director Strategy and Resources
Between £20,000 and £100,000	Corporate Director Strategy and Resources, Chief Executive and Leader.
£100,000 plus	Corporate Director Strategy and Resources, Chief Executive, Leader, Employment Committee, and full Council.

6.0 Disclosure

- 6.1 Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. This enables local accountability as well as effective management of public money and public confidence. We are required to report on exit payments in several ways as follows:

- 6.1.1 Section 38 of the Localism Act 2011 requires the Council to produce and publish a pay policy statement, which must include our policies on termination payments.
- 6.1.2 Under Regulation 60 of the Local Government Pension Scheme Regulations 2013 we must prepare a statement of our policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of additional pension), Regulation 30(6) (flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulation 31 (award of additional pension). We have a published Pension Discretions Policy.
- 6.1.3 Under Regulation 10 of the Accounts and Audit Regulations 2015 we are required to publish an annual statement of accounts, governance statement and narrative statement. As well as following existing guidance on reporting exit payments, we should also disclose in our annual accounts all severance payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement).

This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Employment Committee
 Date: 4th September 2023
 Report for: Information/Update
 Report of: Director of Human Resources

Report Title

Adult Social Care - Emergency Duty Team Approved Mental Health Practitioner (AMPH) Recruitment and Retention Market Supplement Payment

Summary

This report provides the rationale for the continuation of a market supplement payment to staff who work within the Emergency Duty Team (EDT) who provide an out of hours service for Adult Social Care, Children Social Care and Mental Health covering statutory responsibilities of the Local Authority.

The supplement will support recruitment and retention of staff during a challenging time nationally, with respect to Approved Mental Health Practitioners (AMHP).

Recommendation(s)

Employment Committee is recommended to note the continuation of the payment of Market Supplement of £3,366 per annum for a further 2 years with an annual review as per the policy.

Implications:

Relationship to Corporate Priorities	This report aligns to the council's corporate priorities and statutory responsibilities for safeguarding and mental health practice.
Relationship to GM Policy or Strategy Framework	None
Financial	Financial commitment £40,392 in budget
Legal Implications	None
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	Not applicable
Health and Safety Implications	Not applicable

1.0 Introduction and Background

- 1.1 The Emergency Duty Team work solely out of hours to provide an emergency duty function 365 days a year and provide exceptional statutory care out of hours to our most vulnerable people in the community. This service ensures that the Council is meeting its statutory duties in providing an out of hours service in line with Mental Health Act 1983, the Care Act 2014 and the Children Act 1989.
- 1.2 Adult Social Care (ASC) nationally and within Trafford, are currently experiencing challenges with regards to recruiting and retaining qualified social workers/ Approved Mental Health Practitioners and especially to work outside of core hours. This applies to not only recruiting staff on a permanent basis but also in engaging agency staff to support the staffing crisis the team are experiencing.
- 1.3 There are 6 EDT social workers at band 8 that have had a market supplement in place since 2019 that was reviewed again in 2021. The current payment is £3,366 per annum. Since this payment was originally put in place, significant work has been undertaken to strengthen the service and this offer is there to support the continued stabilisation of staffing within the service. There are concerns, however, that ceasing to pay a market supplement would result in staff exploring other employment options, putting service delivery at high risk.
- Comparison work has been completed across Greater Manchester to see how we compare, a review of the salary benchmarking data has taken place, outlined below;

GM Ranking	Council	Basic salary pre pay award & without Market Supplement
1	Oldham	£46,549
2	Bolton	£45,495
2	Salford	£45,495
4	Bury	£44,539
5	Rochdale	£42,503
6	Manchester	£41,496
7	Tameside	£40,478
7	Wigan	£40,478
9	Trafford	£38,296
10	Stockport	£37,261

2.0 Proposal

- 2.1 As there are significant issues in recruiting and retaining staff and the offer of a market supplement payment has proven to support us with recruiting and retaining staff within the service, the proposal is to continue with a market supplement for level 3 EDT social workers of £3,366. This would bring our package to £41,662, improving our ranking in GM from 9th to 6th.

3.0 Conclusion

3.1 Consideration has been given to the placing of our current offer and in reviewing the benchmarking information, and if we don't continue, our salary position would drop to 9th and be much less competitive, with a risk that staff would leave and seek better employment options. Although we might have ambitions to be higher in the pay ranking, any increase in the value at present would also put additional pressure on budget at this time.

4.0 Recommendation

4.1 Employment Committee is recommended to note the continuation of the payment of Market Supplement of £3,366 per annum for a further 2 years with an annual review as per the policy.

This page is intentionally left blank

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 4th September 2023
Report for: Information
Report of: Director of Legal and Governance

Report Title

Legal Team Market Supplement Payment

Summary

The purpose of the report provides a detailed analysis and the options taken to address difficulties faced in recruitment and retention of Lawyers, recognising that the regional and national position is challenging.

This report sets out a proposal for the payment of a Market Factor Supplement (MFS) for hard to recruit Lawyers.

The MFS would be applied for a two-year period to eligible Lawyers only and will be subject to review and evaluation as to its impact on the stabilisation of the legal services work force.

Recommendation(s)

That Employment Committee note the Market Supplement payment as detailed in the report.

Implications:

Relationship to Corporate Priorities	This report aligns to the council's corporate priorities.
Relationship to GM Policy or Strategy Framework	None
Financial	financial commitment required is within overall budget envelope
Legal Implications	None
Equality/Diversity Implications	None
Sustainability Implications	None
Carbon Reduction	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	Not applicable

1.0 Executive Summary:

- 1.1 There have been a number of vacancies across the Legal team for some time now, this has, for many teams caused a prolonged period of instability for staff. Difficulties in recruiting to lawyer posts permanently have led to an increase in the engagement of agency staff and associated costs.
- 1.2 Trafford's Corporate Leadership Team supports the payment of a market factor supplement to Grade 8, Grade 9, Grade 10, Grade 11 and Grade 12 Lawyer posts.
- 1.3 The MFS scheme will be signed off through the scheme of delegation by the Corporate Director for Strategy and Resources.

2.0 Background Information

- 2.1 Our current Lawyer posts are graded bands 8-10. Senior Lawyers are graded band 11 and Principal Lawyer posts are graded band 12.
- 2.2 Over the past 24 -36 months, there have been a significant number of lawyers who have left the authority, leaving a significant number of vacant posts which we have been unable to recruit to.
- 2.3 The legal team have been, for approximately 2/3 years now, experiencing extreme difficulties in recruiting to all lawyer posts across all disciplines. There is clearly an issue nationally which is affecting legal resources across the public and private sectors.
- 2.4 Recruitment for each post has been attempted a number of times with either no applications received or where applications are received, they have been from unsuitable candidates.
- 2.6 The legal team have embedded a number of strategies over the years to improve recruitment and retention success – i.e. temporarily converting lawyer posts to legal assistant posts to try to encourage the development of staff who have the potential to pursue or continue legal qualifications.
- 2.7 The shortage in availability of resources has led to several posts within the team remaining vacant for long periods of time.
- 2.8 There continues to be a proactive approach to convert agency workers to permanent employees within Trafford, but the current level of remuneration is not competitive in terms of pay or perceived overall recognition and “value”.

3.0 Recruitment Attempts and Agency Appointments

Current vacant posts and Team	Locums in place	Length locum in place	Recruitment activity
Ligation lawyer x1 Corporate and Commercial Legal Team	2	Feb 2022 Sept 2023	Advertised 3 times in previous 2 years
Corporate and commercial lawyer x3 Corporate and Commercial Legal Team	3	June 2021 March 2023 June 2023	6 times in previous 2 years - twice since January 2023

Planning Lawyer x 1	1	June 2022	Twice in 13 months - no applications received
Place Legal Team Property Lawyer x 1	1	October 2017	7 times since 2017. Twice in last 24 months
Place Legal Team Principal Lawyer x 1	1	July 2023	
Place Team Adults Social Care Lawyer	2	26 Months	Two vacant adult solicitor positions have been advertised twice in the last 24 months but no applications received.
Social Care & Education Legal Team Children Social Care Lawyer	1	12 months	Two posts were recently advertised but only one permanent appointment was made.
Social Care & Education Legal Team			

4.0 Over Reliance on Agency Staff and External Legal Advice

- 4.1 The Legal Team has been heavily reliant upon agency staff to simply be able to react to the needs of our client departments when requested.
- 4.2 The continued use of agency workers has resulted in a degree of a “revolving door” of workers due to the short notice period agency workers are able to give and the competitive nature of the supply and demand across the region.
- 4.3 Our permanent workforce are impacted by the resource gap and the time it takes to recruit and also in terms of allocation / re- allocation of work that is needed as a consequence of this instability. Each agency staff member requires the same level of induction, management oversight and investment of management time, to become active case holders and with turnover being high this is a significant demand.
- 4.4 Whilst the number of agency staff across the legal team remains high, there are significant external resource spend with agency costs of £203,058.31 as reported in Q1 for April -June 2023.

5.0 Legal Team Positions

5.1 Corporate and Commercial Legal Team Specifics

5.1.1 The Corporate and Commercial Team currently has 3 corporate lawyer posts and 1 litigation lawyer post. Over the past 6 months, 4 lawyers have left the authority and all attempts to recruit to the posts on a permanent basis have been unsuccessful. We are hoping to have one corporate lawyer in post on a permanent basis in September 2023 and all other posts are currently filled with locum lawyers. Litigation advice is a demand led service and it must be able to advise and support the various Council services for them to meet their statutory and non-statutory functions and respond to any urgent matters. The complexity, duration and volume of cases have steadily increased over the years. The impact of this is that cases are having to be worked on by the litigation lawyer with a greater level of depth. In the past 12 months there has been a sharp increase in the level of support required from the legal

team around employment matters. The expansion of STAR Procurement will also see two additional LA partners on-boarding which will significantly increase the demand for commercial and procurement advice within the team.

5.2 Place Legal Team Specifics

5.2.1 Based on current resources, the place legal team is not able to meet the demands which will flow from the planned programme of works across place and therefore will hinder the Capital Programme. There is an urgency to initiate preparatory works against projects to ensure that the programme of works can be completed on time and within the determined works scope. A significant amount of property and planning work is currently outsourced due to limited capacity or expertise within the team. The issues have been highlighted in meetings of the capital programme, development teams and with Planning.

5.3 Social Care & Education Legal Team Specifics

5.3.1 The Children, Adults & Education Legal Team provides advice, guidance and support to children's social care, adult social care and education services, enabling and empowering them to fulfil their statutory obligations and to minimise risk to the Council. The risk to the Council of these statutory functions not being met is significant, first and foremost to the children and adults who require protection but also to the reputation of the Council and in terms of the financial risk inherent in claims under the Human Rights Act, in negligence, Judicial Review and out of the Information Commissioners Office.

6.0 Risks

6.1 The way in which the Legal Team is operating currently presents a risk to the Council. The overall impact of these issues is reliance upon counsel, locum and agency workers and an increased external spend. Continued reliance upon locum/agency staff and external resource, to enable the team to respond to service demand, will continue at significant expense to the Council and is not sustainable in the long term.

6.2 If the current and future work cannot be managed by the in-house legal team, the only options will be to either outsource the work to an external law firm or to cease to undertake the activities which then generate the need for legal proceedings. These options will create levels of risk and financial implications for the Council.

7.0 MFS Payment - proposal

7.1 The consequence of the Council's legal team structure is that it restricts variability in pay. In general, this is manageable however there may be roles which from time to time attract a premium in the market. Where there is a significant difference between the pay rates offered by the Council (as determined by general market data) and specific market pressures this means that the Council may experience recruitment and/or retention difficulties for specific posts.

- 7.2 Skill shortages in key areas will then restrict the Council's capacity and capability to deliver services. In these circumstances it may be appropriate to increase the rate of pay to attract and/or retain the knowledge, skills and experience required by the Council. The most appropriate way to control this is through payment of a market supplement.
- 7.3 A Market Forces Supplement (MFS) is sought in addition to the pay of all lawyer posts within the legal team for a period of 2 years, due to market pressures which are preventing us from being able to recruit or retain staff for the post(s) concerned at the salary determined by the normal job evaluation and pay arrangements.
- 7.4 The Market Forces Supplements are requested to mitigate risks to the organisation, increase retention success and improve recruitment attempts.

8.0 Proposed MFS Payments

- 8.1 A detailed workforce analysis undertaken by HR colleagues and the service in 2022/23, has provided an understanding of the root causes and the actions that need to be taken to address the workforce challenges, which in turn are adversely impacting upon the delivery of legal services.
- 8.2 The methodology adopted included: analysis of retention rates, exit interviews and employment data, benchmarking of salaries and other benefits across the region in the hard to retain and recruit roles.
- 8.3 Benchmarking data demonstrates that Trafford are behind in the grading of lawyer posts when compared to other GM Authorities. When compared to national figures, the gap increases significantly. Data also evidences that most of the GM Authorities already have MFS payments in place for all or some of their lawyer posts.
- 8.4 Based on the analysis of Trafford's salaries compared with the GM and UK national markets, the following MFS rate would address the immediate recruitment and retention challenge. It would bring Trafford rates of pay in line with the GM average to improve Trafford's position to the first or second highest payer in GM providing a competitive advantage:

Lawyer Post	Proposed MFS Rate	No. Of Posts
Band 8	£1,750	17
Band 9	£1,790	
Band 10	£2,080	
Band 11	£3,220	2
Band 12	£3,230	3

- 8.6 For the purposes of calculating the total cost of MFS payments, and because most Lawyers in the team are currently on Band 10, all posts graded at Bands 8, 9 and 10 have been collated (17) and costed at the proposed Band 10 MFS rate (£2,080).
- 8.7 The principle aim is to avoid more costly agency staff but reap the benefits as outlined in the report of a more stable workforce. However there is a cost with MFS as outlined below:-
- 8.7.1 The total cost of MFS payments per annum is £51,490 plus on-costs and £102,980, plus on-costs for a two-year period.

8.8 The Market Forces Supplements will be reviewed prior to the expiry of the two-year term. Payment of the MFS will be withdrawn, shall remain or the value adjusted, where objective reasons no longer exist to justify continued payment.

8.9 This would not be or in any way form a permanent contractual change. Under the MFS policy there is no right for this to continue beyond 2 years or review date whichever is the earlier.

9.0 Future Strategy

9.1 Work is continuing with HR and OD colleagues and the service to enhance and develop an effective recruitment and retention strategy. Alternative and more diverse ways of advertising are being developed.

9.1.1 We are developing partnerships with Manchester Metropolitan University to explore how we can improve our recruitment offer and foster strong connections for graduates.

9.2 A review of Legal and Governance has demonstrated:

9.2.1 A number of ways in which we need to develop supportive career options to help our staff to learn and progress their careers within Trafford. A new structure has been developed to provide more internal opportunities for colleagues to grow and progress at Trafford. This will help us retain our workforce and in turn create new opportunities to secure our talent pipeline for the future;

9.2.2 a number of other areas to address to making Trafford an employer of choice such as enhancing the induction process, student experience, having a vibrant learning and development offer and career progression pathways. This is being incorporated into the refreshed recruitment and retention strategy and improvement plan for the service.

10.0 Conclusion

10.1 That Employment Committee note the decision to pay a market supplement to all Lawyer Posts (graded from band 8 to 12 inclusive) as detailed in the report for a period of 2 years with an annual review.