



Agenda for Personnel Committee Monday, 29th January, 2024, 2.00 pm

Members of Personnel Committee

Councillors: E Rylance (Chair), J Loudoun (Vice-Chair), P Arnott, K Blakey, V Bonetta, M Chapman, T Dumper, P Faithfull, D Haggerty, M Hartnell, P Hayward, N Hookway, M Martin, S Richards and E Wragg

Venue: Council Chamber, Blackdown House, Honiton

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(or group number 01395 517546)
18 January 2024

This meeting is being recorded for subsequent publication on the Council's website and will be streamed live to the [East Devon District Council Youtube Channel](#)

- 1 Apologies
- 2 Minutes of the previous meeting held on 17 October 2023 (Pages 3 - 6)
To agree the minutes of the previous meeting.
- 3 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public speaking
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 7 **Pay Policy Statement** (Pages 7 - 10)
- 8 **Review of Grievance Policy** (Pages 11 - 24)
- 9 **People Data** (Pages 25 - 33)
- 10 **Personnel Forward Plan** (Page 34)

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Personnel Committee held at Council Chamber, Blackdown House, Honiton on 17 October 2023****Attendance list at end of document**

The meeting started at 10.54 am and ended at 11.55 am

11 Public speaking

None.

12 Minutes of the previous meeting held on 4 July 2023

The minutes of the previous meeting were agreed as a correct record.

13 Declarations of interest

Minute 19; Councillor Tim Dumper; Other Registerable Interest; Chartered Member of CIPD (Chartered Institute of Personnel and Development). The interest did not prevent the Councillor taking part in the discussion.

14 Matters of urgency

None.

15 Confidential/exempt item(s)

None.

16 Investors in People

The Council first achieved Investor in People (IiP) accreditation in 2006, being awarded the Gold standard in 2012 and Platinum in 2019. In early 2023 the Council underwent reaccreditation, resulting in being awarded the Gold standards. The report before the committee set out the findings of that process and the next steps for continued improvement that would be taken into account for the Council Plan and the Peer Review work.

Aspects highlighted by the HR Manager included very positive responses on a wide range of aspects, with a need to look to set actions to further develop management capability in some areas. Capacity to undertake training had also been identified as needing further review.

Questions and comments from the committee included:

- the level of staff interaction with the process. The survey response rate was at 82%, and interviews had taken place with 42 employees across services as part of the accreditation process;
- Whilst the awarded standard was lower than the previous accreditation, the findings were still very positive in light of the impact of the pandemic on the workforce, and other pressures on services such as the difficulty in recruitment to vacant posts;

- The action plans from the findings would dovetail into the Peer Review work.

The Chair gave thanks to those employees that took part in the process and felt that the Gold standard was a good outcome, with many of the findings being positive.

RESOLVED that the findings be noted and the proposed actions endorsed.

17 **People data report**

The committee considered their regular update on key people data. The update aims to inform policy decisions and to provide an overview of workforce matters.

Questions and comments from the committee included:

- Use of market supplements to boost salaries to attract/retain staff. Whilst this was an option, previous work relating to the Reward Review had highlighted how these supplements could adversely impact on the pay structure. Market supplements were considered, along with other factors, in working towards filling vacancies and required pay benchmarking evidence from the wider market as part of the consideration. In response to a question about planning officers, Members were informed that benchmarking had shown the salaries offered were in line with the same positions elsewhere; the main problem stemmed from a lack of suitably qualified candidates. It was noted that there no current market supplements within Housing, although this may change if circumstances require it;
- The committee were reminded of other measures taken, such as apprenticeships and training to promote within existing teams;
- A range of options under the “Healthy Happy Here” banner were available, and promoted to staff. Sickness levels were in line with other local authorities, but work continued to reduce those levels;
- Clarity was sought on the apparent large increase in finance service employees, but this was due to the realignment of reporting from another service – effectively the number had moved from another service area.

RESOLVED that the Committee endorsed the report.

18 **HR Team update**

The committee were reminded of the service provided by the HR Team, including the delivery of HR and payroll for Strata Service Solutions Ltd and payroll for some town councils. The Payroll and HR Support Manager is retiring at the end of the year, and an appointed replacement will start at the end of October. This will enable a handover period for this key role. An assistant payroll post was also due to go before Council for approval.

The team had gradually increased while moving to more proactive work, including the appointment of an HR apprentice.

The HR Manager noted the hard work and support of the team in the two years since she had joined the Council, including the work they had done to implement key projects such as the Reward Review.

The Chair welcomed the progression of the team.

RESOLVED to note the update on the HR Team.

19 **Chief Executive Recruitment**

The committee considered a late report on the recruitment process for the post of Chief Executive, following the announcement of the retirement of the current post holder.

The report set out the processes involved, utilising the same agency previously engaged to recruit to the two recent Director posts. A timeframe for the process was also presented in the report for the consideration of the committee.

The process would also include the involvement of the Interviewing Sub Committee, a politically balanced committee drawn from the Personnel Committee membership.

Discussion took place on the timetable presented. A proposal was put forward to amend the timetable, for reasons of the Peer Review taking place in February 2024 and for the Council to reflect on the outcomes of that review.

The timetable would therefore reflect that the closing date for applications for the post would be put back to Friday 5 April 2024, with the subsequent timeframe being adjusted by the HR Manager accordingly. This would result in the commencement of employment (subject to notice requirements) May – August 2024.

The committee were in agreement to this amendment in timeframe and the subsequent detail of dates within that process being confirmed by the HR Manager.

RESOLVED

1. That the timeframe be amended to adjust the closing date for applications to Friday 5 April 2024, with subsequent adjustment as required;
2. That the requirement to convene the Interviewing Sub Committee as part of the recruitment and selection process for the post be confirmed, and names put forward as soon as possible to support recruitment planning.

Attendance List

Councillors present:

E Rylance (Chair)
J Loudoun (Vice-Chair)
P Arnott
K Blakey
V Bonetta
M Chapman
T Dumper
P Faithfull
D Haggerty
P Hayward
N Hookway
S Richards
E Wragg

Councillors also present (for some or all the meeting)

I Barlow

C Brown

Officers in attendance:

Simon Davey, Director of Finance

Joanna Fellows, Corporate HR Manager

Tracy Hendren, Director of Housing, Health and Environment

Debbie Meakin, Democratic Services Officer

Andrew Melhuish, Democratic Services Manager

Melanie Wellman, Director of Governance & Licensing (Monitoring Officer)

Councillor apologies:

M Hartnell

M Martin

Chair

Date:



Report to: Personnel Committee

Date of Meeting 29th January 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Pay Policy Statement 2024/25

Report summary:

The annual review of the Council's Pay Policy Statement, as required under the Localism Act and Constitution.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Personnel Committee recommend to Council the adoption of the Pay Policy Statement 2024/25.

Reason for recommendation:

Part 3, Paragraph 2.10.5b of the Constitution requires the Personnel Committee to consider and make recommendations to Council in relation to the Pay Policy Statement in line with the Localism Act, which requires the Council to review its Pay Policy Statement on an annual basis.

Officer: Jo Fellows, Corporate Lead – Human Resources. Email: jfellows@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information The current Pay Policy Statement is available at: [Pay policy statement for senior officers - East Devon](#). The Council's Data Transparency Code information relating to pay is available at: [Pay and reward policies and senior staff pay - East Devon](#).

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1. The Localism Act 2011 requires councils to annually prepare and approve a Pay Policy Statement setting out its policy for each financial year relating to the remuneration of Chief Officers and other employees and the relationship between the pay of Chief Officers and the lowest paid employee. The Personnel Committee must consider and make recommendations to Council in relation to the Pay Policy Statement.
 2. Appendix 1 sets out the proposed Pay Policy Statement for 2024/25, with the amendments from the previous year shown in red. There are minimal changes for this year, which aim to provide further clarification on the existing arrangements.
 3. Paragraph 5 in the Pay Policy Statement includes reference to the pay multiple, which illustrates the relationship between the lowest and highest paid employees in the Council. The pay multiple figure is currently 4.4:1, which remains within the Council's agreed 10:1 maximum ratio and is below the previous year's figure of 5.9:1.
 4. In line with Government guidance, the Pay Policy Statement is published on the Council's website once agreed.
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Financial implications:

There are no direct financial implications to comment on.

Legal implications:

The legal position is detailed in the report and no further comment is required.

Appendix 1

Pay Policy Statement (April 2024 - March 2025)

1. Introduction

- 1.1. Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a statutory pay policy statement for each financial year which sets out the council's policies relating to the remuneration of chief officers (a term which includes both statutory and non-statutory chief officers) and the relationship between the remuneration of the highest and lowest paid.
- 1.2. This document sets out East Devon District Council's pay policy statement which is reviewed annually and published on the Council's website.
- 1.3. In the context of managing scarce public resources, remuneration at all levels within the Council needs to be adequate to secure and retain high-quality employees dedicated to the service of the public, but at the same time needs to avoid being unnecessarily generous or otherwise excessive. We have already adopted a pay and reward policy which complements this pay policy statement and seeks to ensure that pay and reward systems facilitate the retention and recruitment of employees with the right skills and capabilities and takes account of regional and national variations and local market factors.
- 1.4. The Council has adopted the Code of Recommended Practice for Local Authorities on Data Transparency, in respect of its approach to publication of and access to information relating to the remuneration of senior officers. This includes Senior Salaries data which has the details of the remuneration of the authorities' senior staff, including key responsibilities and allowances. This is published on the Council's website and/or in the Annual Statement of Accounts.

2. Definitions

- 2.1. For the purposes of this statement chief officers are the:
 - 2.1.1. Chief Executive Officer
 - 2.1.2. Directors including section 151 officer and monitoring officer responsibilities.
- 2.2. For the purposes of this statement officers (including the lowest paid employees) are those on grade 1-10 of the locally determined grading structure. The lowest paid employees are defined as employees paid on Spinal Column Point 7 of the National Joint Council for Local Government Services (NJC) Pay Scale (the lowest point of grade 1).
- 2.3. Spot salaries - These are salaries which are a specific sum and are not related to a grade with increasing levels of pay. **Spot salaries only apply to the Chief Executive grade (grade 10).**
- 2.4. Pay multiple - This is calculated by comparing all taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of benefits in kind) for the Chief Executive compared to median earnings and the lowest paid in the organisation.

3. Officers (including Lowest Paid Employees)

- 3.1. Officers on grades 1 - 8 of the local determined grading structure are eligible for annual incremental increases up the NJC pay scale set out within their grade until they reach the top of their grade. Any annual pay awards are determined by national NJC agreement. A job evaluation scheme is used to determine the grade for each post.

4. Chief Officers

- 4.1. The Chief Executive and Chief Officers on grades 9 and 10 are subject to Joint Negotiating Committee (JNC) for Chief Executive/Chief Officer terms and conditions. All grades, except the Chief Executive who is on a spot salary, are salary progression to the top of the relevant grade. Salaries are based on job evaluation points which relate to the pay and grading structure for senior officers as designed by South West Regional Employers.
- 4.2. The Personnel Committee is responsible for considering and recommending the appointment, remuneration and terms in the event of the cessation of employment of senior officers, in line with its Terms of Reference, the Pay Policy Statement, the Council's employment policy and statutory regulations and guidance.
- 4.3. At present, there are no additional payments made to senior officers which specifically relate to performance such as performance related pay or bonuses.
- 4.4. Any termination payments to senior officers where the value is over £100K, on ceasing office will comply with our redundancy policy, **where applicable**, and only be made with the express approval by full council.
- 4.5. The Committee would not normally recommend the re-employment of individuals to senior officer positions who have recently left the Council (for any reason) in any capacity (either as an employee, consultant or contractor). If this does occur, it will be subject to the provisions of the Modification Order.
- 4.6. As outlined in the Pay and Reward Policy the use of market supplements may be applied in certain circumstances.
- 4.7. Additional payments are made by central government to officers carrying out additional duties at elections. These payments are not within the scope of this policy.

5. Relationship between Chief Officers and employees who are not Chief Officers

- 5.1. The Data Transparency Code requires authorities to publish the ratio of chief executive to median earnings, as a means of illustrating the relationship between the lowest and highest paid. Through this pay policy statement we will track this multiple annually and will publish the following information on the Council's website, as part of the Data Transparency Code information:
 - 5.1.1. details of the taxable remuneration to calculate the Median FTE pay for the workforce
 - 5.1.2. the remuneration of the lowest paid employee
 - 5.1.3. the annual Median FTE of the authority's workforce.
- 5.2. Through this policy the pay multiple of the chief executive will be monitored annually. Should the multiplier between the annual salary paid to a full time employee on the lowest spinal column point and the annual salary paid to the chief executive be greater than 10:1, this will be reported by the Personnel Committee to Full Council for consideration.

Report to: Personnel Committee



Date of Meeting 29th January 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

HR Policy Review - Grievance Policy

Report summary:

To seek Personnel Committee approval to changes to the Council's Grievance Policy.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- To approve the proposed changes to the Grievance Policy.

Reason for recommendation:

To ensure that the Council's HR policies are up to date and fit for purpose.

Officer: Jo Fellows, Corporate Lead – Human Resources. jfellows@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Medium Impact

The equalities impact assessments are attached as appendices.

Climate change Low Impact

Risk: Low Risk; The policies provide clarity and consistency in the Council's approach and the review ensures that it remains within legal and good practice requirements. HR continue to monitor application of the policies to ensure equality is maintained

Links to background information n/a

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

1. Personnel Committee's remit includes approving the devising and development of overall employment policies and as such Committee are asked to approve changes to the Grievance Policy.

2. Grievance Policy

2.1. Following recent grievance cases, where there were some incidences of questions regarding our approach to certain aspects of the grievance process, particularly relating to the provision of information to the employee following an investigation, the HR Team sought legal advice and a review of the Grievance Policy. Appendix 2 highlights the proposed changes which in summary are:

- 2.1.1. Further clarification of certain points, for example the role of the manager considering the grievance.
- 2.1.2. A new section regarding who can attend the grievance proceedings with the employee, amalgamating the information from other sections, into a new section, to provide increased clarity.
- 2.1.3. Further clarification regarding situations where investigation is required.
- 2.1.4. Further clarification on the written records that will be retained and what information will be shared with the employee.

3. UNISON are aware of these policy proposals and have been asked to provide feedback, which will be shared with Committee at the meeting to inform the decision.

Financial implications:

No financial implications have been identified.

Legal implications:

It is important that our HR policies are reviewed on a regular basis to ensure that they comply with employment legislation and good practice.

Grievance policy and procedure

1. East Devon District Council encourages open and free communication between employees and their managers. This helps to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly, informally and to the satisfaction of all concerned.
2. Grievances are concerns, problems or complaints that employees raise with their employers, and this policy has been introduced to ensure that there is a clear process for dealing with grievances quickly and effectively. As such, this policy aims to:
 - Support a culture in which issues and problems are resolved quickly and at the lowest level of management
 - Provide a clear framework for dealing with grievances if they arise
 - Support motivated and customer focused staff
 - Improved service delivery
3. It is anticipated that most grievances will be resolved through informal discussion, normal management channels or mediation without the need to invoke the formal grievance procedure.
4. Where the normal channels prove unsuccessful in dealing with the grievance, this policy and procedure should be adopted.
5. Any steps under this procedure should be taken promptly unless there is good reason for delay. The time limits in this procedure may be extended where it is reasonable to do so.
- ~~6. We may vary this procedure as appropriate to a particular case.~~
7. This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.
8. If you have difficulty at any stage of the grievance this procedure due to a disability, you should ask **inform** HR for assistance.
9. When involved in any of the steps in this procedure, you should treat the matter as confidential and not discuss it with other colleagues, unless they are acting as your companion.

10. Scope

- 10.1. ~~The scope of~~ This policy includes **applies to** matters which are not entirely in the control of the organisation such as client, customer and member relationships and working on another employer's site. These will be treated in the same way as grievances within the organisation, ~~with the Council investigating as far as possible and taking action if required.~~ The relevant service should make it very clear to any third party that grievances are taken seriously and action will be taken to protect Council employees.

- 10.2. For matters involving accusations of unacceptable behaviour (bullying or harassment), the Grievance Procedure should be followed once all steps in the Unacceptable Behaviour Policy have been exhausted and the unacceptable behaviour remains unresolved.
- 10.3. This grievance procedure should not generally be used to ~~complain about~~ **address** disciplinary, performance or absence management **issues** ~~action that has been taken against you~~. If you are dissatisfied with any action, you should submit an appeal under the Disciplinary Policy and Procedure, Absence Management Policy or Dealing with Unsatisfactory Performance Policy and Procedure as appropriate. Grievances raised while you are subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. Where a grievance has any bearing on the disciplinary proceedings, it should be raised as a relevant issue in the course of those proceedings. ~~Ultimately, a decision will be taken on whether or not to temporarily suspend the disciplinary process.~~
- 10.4. ~~The scope of this policy also excludes situations where the matter constitutes a~~ **This procedure does not apply to** grievances relating to salary, grade or job evaluation outcome. These shall be handled using the Job Evaluation Appeals Procedure. ~~where there is a dispute about the decision of the panel.~~
- 10.5. This procedure does not apply to a disclosure made under the Public Interest Disclosure Act 1998 ('whistleblowing'). The Council operates a separate Whistleblowing Policy to enable employees to report illegal activities, wrongdoing, and malpractice within the organisation.
- 10.6. This procedure can be utilised to raise a grievance against a member's alleged unacceptable behaviour, with a view to the Council, as employer, taking reasonable and proportionate steps to seek to deal with this, if the behaviour is deemed unacceptable. However, this is a separate process to raising a complaint about member behaviour via the member's Code of Conduct, which the employee is also able to do if they wish, and which will be dealt with under the arrangements within the Localism Act 2011. Reference should be made to the Protocol for Relationships between Members and Officers when dealing with such issues.
- 10.7. This procedure will apply ~~for~~ **to** collective grievances where two or more employees are raising an issue. ~~The grievances will be dealt with together.~~
- 10.8. This procedure applies to all employees regardless of length of service, except the Chief Executive, where a separate procedure applies. It does not apply to agency workers or self-employed contractors.

11. Levels of responsibility within the Grievance Policy and Procedure

- 11.1. The following framework applies:

<i>Level of employee</i>	<i>Level of actioning grievance officer</i>	<i>Level of appeal officer</i>
Staff	Line Manager or a more senior manager	Assistant Director/Director or senior manager above level of actioning grievance officer
Assistant Director	Director	Chief Executive

<i>Level of employee</i>	<i>Level of actioning grievance officer</i>	<i>Level of appeal officer</i>
Director (chief and statutory officers, except the Chief Executive/Head of Paid Service)	Monitoring Officer or S.151 Officer	Chief Executive
Grievance against the Chief Executive (all staff)	Grievance Sub-committee	Employment Appeals Committee

12. Informal processes ~~procedure~~

- 12.1. ~~If you feel comfortable to do so, you should~~ You have the right to speak to your line manager about issues which arise during the course of your employment, ~~There are many opportunities where you can communicate directly with your Manager, for example through one to one meetings, Performance Excellence Review meetings, team meetings or through a specially scheduled meeting.~~
- 12.2. ~~If you have a grievance relating to your employment, you should raise the matter informally with your line manager during the course of normal work. This is not part of the grievance procedure. If the issue involves your immediate line manager, you should talk informally to the line manager's manager or your trade union representative informally in an attempt to resolve the issue before raising a formal grievance.~~
- 12.3. Mediation is a very effective tool in helping to resolve grievances particularly where working relationships have been damaged. Mediation ~~should~~ **may** be suggested at the informal stage but may also be recommended to help resolve matters in formal grievances.

13. Formal grievance procedure

- 13.1. If it is not possible to resolve a grievance informally you should raise the matter formally, in writing, and without unreasonable delay with your line manager (as long as that person is not the subject of the grievance in which case you should raise the matter with another manager).
- 13.2. Your written grievance should indicate that you are invoking this ~~grievance~~ procedure and contain a brief description of the reasons for your complaint, including any relevant facts, dates and names of individuals involved. In some ~~situations~~ **cases**, we may need to ask you to clarify the subject matter of your grievance in advance of ~~the~~ **an initial** meeting or to provide further information.
- 13.3. A suggested pro forma for setting out the necessary information is annexed, but if you would like help in formulating your written grievance, you may seek help from a colleague, HR or a trade union representative.
- 13.4. ~~When stating your grievance~~ It is important that you ~~try to stick to the facts and avoid language which~~ **that** may be considered insulting or abusive.
- 13.5. ~~East Devon District Council~~ **The grievance officer** will arrange for **an initial** grievance meeting to be held without unreasonable delay after a grievance has been received. This will normally be within 10 working days. ~~We may carry out such investigations as we consider appropriate prior to the meeting. This may involve interviewing you and any witnesses if appropriate.~~

- ~~13.6. You may bring a companion to the meeting. You and your companion should make every effort to attend the meeting. If you or your companion cannot attend at the time specified for a meeting, you should inform us immediately and we will make reasonable efforts to agree an alternative time. If the meeting does not take place for a second time because you or your representative cannot attend due to an unforeseeable reason, the Council is not obliged to rearrange it again.~~
- ~~13.7. Grievance proceedings should be treated as confidential. You may contact your Trade Union representative or colleague representative to discuss your grievance. However, you should treat the matter as confidential and not discuss it with other colleagues.~~
- 13.8. The purpose of the initial grievance meeting is to enable you to explain your grievance and to discuss **how you would like it to be resolved** it with us. If you have a companion, they may make representations to us and ask questions, but should not answer questions on your behalf. You may confer privately with your companion at any time during the meeting. ~~You will be allowed to explain your grievance and how you think it should be resolved.~~ Consideration will **also** be given to adjourning the meeting for any further investigation that may be necessary.
- 13.9. Further meetings may be necessary to discuss your grievance in more detail, or to discuss information obtained during the investigation.**
- ~~13.10. We~~ **The grievance officer** will inform you of ~~our decision~~ **the outcome of your grievance** and your right of appeal within 5 working days of the final grievance meeting. We may hold a meeting to give you this information but in all cases it will be confirmed in writing. If it is not possible to respond to you within 5 working days, a letter will be sent explaining the reason for the delay and identifying a time frame by which a response will be given.
- 13.11. The Council **grievance officer** will bear in mind actions taken to resolve a grievance may have an impact on other individuals who may also feel aggrieved, **and/or be named as part of the grievance or investigation.**
- 13.12. If the grievance highlights any issues concerning policies or procedures these will be addressed through recommendations.

14. Investigation

- 14.1. The grievance officer will appoint an investigating officer, after seeking guidance and advice from HR, to carry out such investigations as they consider appropriate, this may be before the initial meeting, during an adjournment or after.**
- ~~14.2. When dealing with any grievance matter, an investigation of events may take place. The investigation should be completed as soon as practicable, preferably within 4 weeks from the date that it is requested.~~
- ~~14.3. The investigating officer will not be the same person as the officer hearing the grievance. Managers will contact HR for advice regarding who will arrange for a suitable person to investigate.~~
- 14.4. The investigation will **may** involve, **as appropriate**:
- clarifying the nature of / grounds for the grievance
 - enquiring into the circumstances surrounding the issues raised
 - ~~taking~~ **talking to** witnesses ~~statements~~ if appropriate
 - gathering factual information
 - producing an investigation report
 - ~~presenting the report and the findings of the investigation to the grievance officer and the employee at the grievance hearing~~

- 14.5. The purpose of ~~the~~ an investigation is to ~~provide~~ ~~enable~~ the grievance officer ~~with all relevant information in order for them to be able to determine~~ to decide if the grievance ~~outcome should be totally or partially upheld or not.~~ ~~If an investigation report is produced, it is to assist the grievance officer, and they will determine whether it is appropriate to provide a copy of this report to the employee.~~
- 14.6. If you are a witness in a grievance matter you are expected to keep the matter confidential and not discuss it with ~~work~~ colleagues.
- 14.7. Breaches of confidentiality may be treated as a disciplinary matter.

15. Appeal procedure

- 15.1. An appeal against the ~~decision~~ ~~grievance outcome~~ should be made in writing to HR, stating the full grounds of ~~your~~ appeal, within 5 working days of the date on which the decision was sent ~~to you.~~
- 15.2. ~~The appeal officer will arrange for an initial~~ An appeal meeting ~~will to be held, without unreasonable delay, normally no longer than 10 working days after we receive your~~ ~~an appeal has been received. This will normally be within 10 working days.~~
- 15.3. ~~Where practicable, this will be held by~~ ~~the appeal officer will be~~ someone more senior to the ~~person who conducted the~~ grievance ~~officer meeting.~~ You may bring a companion to the appeal meeting (this may be a work colleague or trade union representative).
- 15.4. ~~We~~ ~~The appeal officer~~ will inform you of the outcome of your appeal, ~~in writing,~~ within 5 working days of the appeal meeting. If it is not possible to respond to you within 5 working days, a letter will be sent explaining the reason for the delay and identifying a time frame by which a response will be given. We may hold a meeting to give you this information but in all cases it will be confirmed in writing.
- 15.5. ~~This is the end of the procedure and there is no further appeal.~~

16. Procedure for dealing with a grievance raised by an employee against the Chief Executive

- 16.1. An employee raising a grievance against the Chief Executive should do so using this ~~Grievance~~ procedure. Due regard will also be given to the guidance within the Joint Negotiating Committee for Local Authority Chief Executives Model Disciplinary Procedure and the flow chart contained within Appendix 7 of the Conditions of Service Handbook ~~and this information will be shared with the employee who has raised the grievance.~~
- 16.2. Grievances against the Chief Executive should be ~~submitted in the same way as any other grievance and then~~ forwarded to the Council's Monitoring Officer (the 'Receiving Officer'). If the Monitoring Officer is the person bringing the grievance against the Chief Executive or is otherwise involved in the grievance, then another appropriate Chief Officer and/or a Monitoring Officer from a neighbouring authority ~~should~~ ~~will~~ be commissioned to act as the Receiving Officer.
- 16.3. A meeting will be held between the Receiving Officer and the complainant without unreasonable delay after a grievance is received. The employee should be allowed to explain the grievance and how it could be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

- 16.4. The Receiving Officer will then undertake initial filtering to assess the best procedure for dealing with the matter. For example, allegations and complaints that are directed at the Chief Executive, but are actually complaints about a particular service, should be dealt with through the Council's general complaints procedure. If appropriate an attempt should be made to resolve the matter informally. This might be through internally facilitated informal joint discussions or informal joint discussions facilitated externally by an external mediator. If the matter is a serious complaint against the Chief Executive's personal behaviour such as sexual or racial harassment, the matter would potentially be one that would be appropriate for an investigation under the disciplinary procedure.
- 16.5. After the initial filtering and any attempt at informal resolution, if the grievance remains unresolved, then the matter will move to Formal Stage 1. In most cases it will be appropriate for an independent investigator to be commissioned to carry out an investigation. If the outcome of the investigation is in favour of the complainant, a solution should be proposed, taking into account the remedy requested by the complainant and the Receiving Officer's assessment of what would be appropriate in all the circumstances. If the Chief Executive is unwilling to accept these proposals, the matter will be referred to a panel of elected members (the Grievance Sub Committee) to hear the grievance on behalf of the employer (Formal Stage 1). It is here that the power exists to resolve a grievance against the Chief Executive. The Grievance Sub Committee can either uphold or dismiss the grievance.
- 16.6. If the outcome of the Stage 1 investigation is that the grievance is not upheld, then the complainant has the right to appeal (Formal Stage 2) to a different panel of elected members (the Employment Appeal Sub Committee) and the Chief Executive should be immediately informed that this has happened. The Employment Appeal Sub Committee will then be responsible for considering the appeal with appropriate technical and procedural advice from the Receiving Officer. Where the Employment Appeal Sub Committee upholds the appeal and also decides that it is a matter of a serious nature, then it may decide to refer the matter to the Investigation and Disciplinary Committee. That Committee will then consider the matter in accordance with the Council's Disciplinary Procedure for Statutory and Chief Officers.

17. Companion

- 17.1. You may bring a companion, which should be a colleague or trade union representative, to the grievance and appeal meetings.
- 17.2. You and your companion should make every effort to attend the meeting. If you or your companion cannot attend at the date or time specified for the meeting, you should inform the grievance officer immediately, and we will try, within reason, to reschedule the meeting.
- 17.3. If the meeting does not take place for a second time because you or your companion cannot attend, it's at the discretion of the individual considering your grievance or appeal as to whether to reschedule the meeting.

18. Records

- 18.1. ~~Meeting minutes~~ Written records will be kept of the formal hearing ~~meetings that take place under this procedure~~. These records will be confidential and retained in accordance with the Data Protection ~~and Document Retention Policy Act 1998~~.
- 18.2. ~~With the exception of the minutes taken~~ Copies of any meetings ~~with you, copies of any other meeting minutes may be provided to you, as appropriate. In~~ records should be ~~given to you although in certain~~ some circumstances it may not be appropriate ~~to provide meeting minutes to you, some information will be withheld, for example to protect a witness. You will be given an opportunity to comment on the accuracy and propose amendments to minutes taken at meetings with you and if the proposed amendment is agreed this will be reflected in the minutes.~~
- 18.3. ~~Meetings that take place under this procedure should not be recorded. The Council does not agree to the recording of meetings and~~ Any recording of meetings will be treated as misconduct which may result in disciplinary action ~~including warnings and potentially dismissal under the~~ Disciplinary Procedure. Managers should remind people ~~of this~~ You will be reminded of this at the start of meetings and you may be asked to ~~turn off you~~ for mobile phones to be switched off.
- 18.4. ~~Notes will be taken of meetings where appropriate and there will be an opportunity for individuals to amend the notes taken. If agreement cannot be reached, both sets of notes will remain as a record of the meeting.~~

19. Discipline and grievance

- 19.1. ~~Where an employee raises a grievance during a disciplinary process, a decision will be taken as to whether or not the disciplinary process will be temporarily suspended in order to deal with the grievance. A decision on whether to suspend the disciplinary process in order to deal with the grievance(s); to deal with the matters concurrently; to deal with the grievance(s) as part of the disciplinary process; or to address the grievance(s) following the conclusion of the disciplinary procedure will depend on the nature of the allegations and grievance(s). The aim of the approach decided upon will be to ensure a fair disciplinary process is followed.~~

Policy administration

- **Who authorised the policy/strategy and date of authorisation** - Following review to clarify Chief Officer arrangements, this policy was agreed with SMT+ and UNISON in November 2022 and confirmed with Personnel Committee on 28th November 2022. Following legal advice, some changes were made to the policy and approved by ELT on 16th January 2024, shared with UNISON in January 2024 and agreed with Personnel Committee on 29th January 2024.
- **Policy date for review and responsible officer** - Corporate Lead – Human Resources, 2027.

Equality Impact Assessment



Version	1.0	Date Completed	29 th November 2023
Description of what is being impact assessed			
<p>Grievance policy</p> <p>Following recent grievance cases, where there were some incidences of questions regarding our approach to certain aspects of the grievance process, particularly relating to the provision of information to the employee following an investigation, the HR Team sought legal advice and requested a review of the Grievance Policy. The proposed changes are:</p> <ul style="list-style-type: none"> • Further clarification of certain points, for example the role of the manager considering the grievance. • A new section regarding who can attend the grievance proceedings with the employee, amalgamating the information from other sections, into a new section, to provide increased clarity. • Further clarification regarding situations where investigation is required. • Further clarification on the written records that will be retained and what information will be shared with the employee. 			
<p>What data/information have you used to assess how this policy/service might impact on protected groups?</p>			
<p>Anecdotal knowledge and experience of recent grievance cases, including feedback from HR colleagues who have been involved in cases and legal advice.</p> <p>Analysis of recent cases against their individual employment records does not indicate that individuals with protected characteristics were the subject of grievance cases more than those who do not have protected characteristics.</p>			
<p>Who have you consulted with to assess possible impact on protected groups and what have they told you? If you have not consulted other people, please explain why?</p>			
<p>Not in relation to this policy review but feedback from employees as part of recent grievances has been considered and legal advice sought, which has informed this policy review. UNISON's views on the proposed changes will be sought during January 2024.</p>			

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. The Council also has a legal duty to have due regard to armed forces personnel when carrying out healthcare, housing and education functions. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, assess the likely outcome, before you have implemented any mitigation.

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Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	Policy supports application of a consistent approach to handling grievances which does not discriminate on the grounds of any protected characteristic. HR is closely involved with all grievances to ensure compliance and to mitigate any discrimination risks. The grievance policy itself provides employees with a mechanism to raise concerns should they feel that they are being discriminated against.	☐	☐	☒
Disability		☐	☐	☒
Gender reassignment		☐	☐	☒
Marriage and civil partnership		☐	☐	☒

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Pregnancy and maternity	Policy supports application of a consistent approach to handling grievances which does not discriminate on the grounds of any protected characteristic. HR is closely involved with all grievances to ensure compliance and to mitigate any discrimination risks. The grievance policy itself provides employees with a mechanism to raise concerns should they feel that they are being discriminated against.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race and ethnicity		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Armed Forces (including serving personnel, families and veterans)	The policy also provides consistency to ensure that people from different backgrounds are treated fairly. The grievance policy itself provides employees with a mechanism to raise concerns should they feel that they are being discriminated against.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other, e.g. carers, care leavers, low income, rurality/isolation, etc.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
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Negative outcomes action plan
 Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

Completed by:	Jo Fellows, Corporate Lead – Human Resources
Date:	29/11/2023
Approved by:	
Date:	
To be reviewed by:	Jo Fellows, Corporate Lead – Human Resources
Review date:	2027 (same time as policy next reviewed)

Report to: Personnel Committee



Date of Meeting 29 January 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

People Data Report

Report summary:

This report provides key data on the workforce, to support policy decision making and an overview of workforce matters.

Is the proposed decision in accordance with

Budget Yes No

Policy Framework Yes No

Recommendation:

That the Committee endorses the content of the report.

Reason for recommendation:

To support policy decision making and an overview of workforce matters.

Officer: Jo Fellows, Corporate Lead – Human Resources. jfellows@eastdevon.gov.uk

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information [211130 People Data Proposals Report for Personnel Cttee FINAL.pdf \(eastdevon.gov.uk\)](#)

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
-

Report in full

1. This report provides a regular update on key people data, as agreed by Committee in November 2021, and aims to inform policy decisions and to provide an overview of workforce matters. Analysis is summarised below, with the full data at appendix 1.
2. The latest report reflects the data available from the HR system up to December 2023 unless otherwise stated.
3. Particular areas to note are:
 - 4.1. Headcount has increased by 9 from 541 in August to 553 in December and remains within budget.
 - 4.2. Market supplement numbers have not changed since August and remain at 11. Market Supplements are for specific roles where recruitment and retention is challenging because market forces dictate salary levels. Market Supplements are subject to annual review.
 - 4.3. Vacancies are at 29 compared to 46 in August. This is the lowest level reported since reporting began in January 2022. When considering this against headcount, vacancies have reduced from 8.5% to 5.26%.
 - 4.4. The average time taken to fill vacancies has reduced to 72.83 days since May when it was 108.92 days and is now significantly below general benchmarking data which indicates that c100 days is around the average time taken by organisations to fill posts. As previously reported, we are continuing to review the recruitment process and have recently updated recruiting managers and we are pleased that this appears to be having a positive effect on recruiting vacant posts in a timely manner.
 - 4.5. The number of agency workers has decreased by 6 since the last reporting period, with 39 in December compared to 45 in August 2023. This is due to permanent recruitment of posts that were being backfilled whilst active recruitment took place.
 - 4.6. As previously reported, the annual cumulative voluntary turnover rate at the end of March 2023 was 12.62% which was higher than the annual turnover rate for 2021/22 which was 9.91%. We are beginning to see a return to pre-pandemic turnover rates and the current forecast for cumulative voluntary turnover for 2023/24 is 9.42% which is lower than pre-pandemic rates. The forecast for non-voluntary turnover has reduced from 2.18% to 1.45% since August 2023.

- 4.7. Sickness absence levels are continuing at a similar level to those reported from August to December. The projected forecast is currently 9.33 days, which is still above the end of year absence target of 8.5 days per FTE. Of note is the following:
- Cold/Flu is now the most commonly cited reason for short term absence, followed by Covid in second place when there was a spike of infections in September 2023. This has replaced phased returns, which is now in third place.
 - Other muscular-skeletal problems is now the top reason for medium term absence and has replaced cases of personal stress, anxiety and fatigue which is now in second place. Stomach, kidney and digestive issues still remain in the top 3 reasons for medium term absence.
 - As has previously been reported, cases of medium- and long-term absence because of personal stress, anxiety and fatigue continue to feature and we continue to promote the wide range of mental health support available through the Council's Happy Healthy Here offer.
 - Neurological, headaches and migraines is now in the top 3 reasons for long term absence which has replaced Covid.
 - Sickness absence continues to be actively managed, and employees are supported in accordance with the Absence Management Policy.

Financial implications:

There are no direct financial implications in the recommendations.

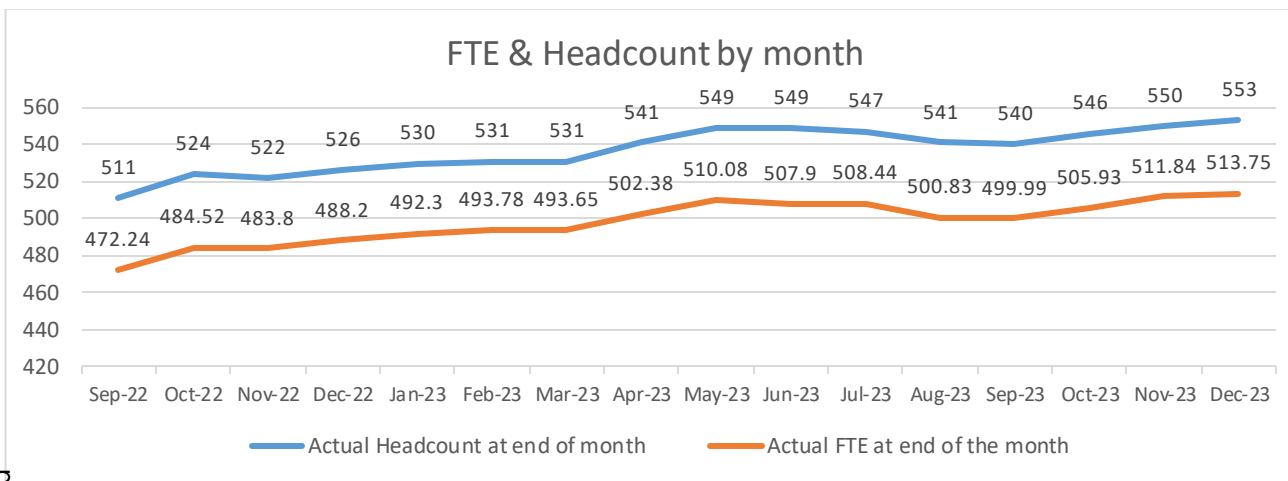
Legal implications:

There are no specific legal implications requiring comment.

East Devon District Council People Data

Data as at: 31.12.23

Headcount



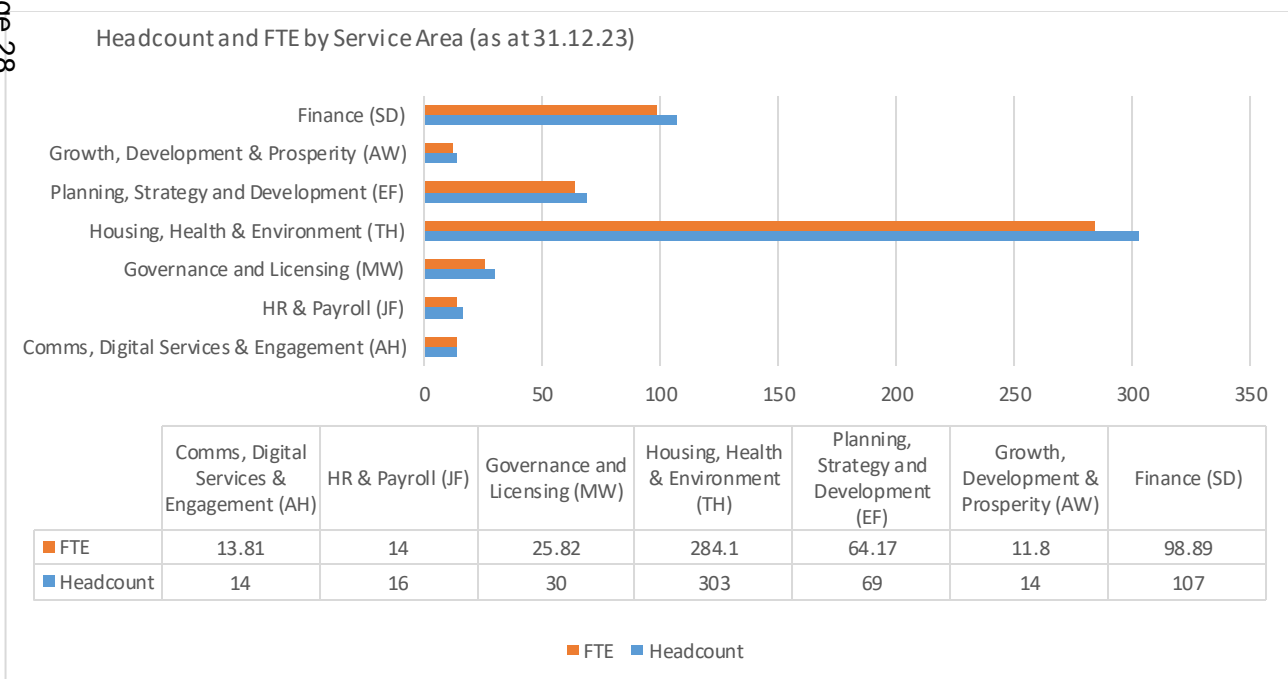
Actual Headcount:	553
Full Time Equivalent:	513.75
Budgeted FTE for 2023/24:	557.3

This data incorporates permanent, fixed term and apprentice employees. It excludes casuals, agency workers and contractors.

Headcount is the actual number of employees.

Full Time Equivalent (FTE) measures employees in a way that makes them comparable although they may work a different number of hours per week. The unit is obtained by comparing an employee's average number of hours worked to the average number of full time hours. A full-time person is therefore counted as 1 FTE, while a part-timer employed for 18.5 hours a week where full-time work consists of 37 hours, is counted as 0.5 FTE.

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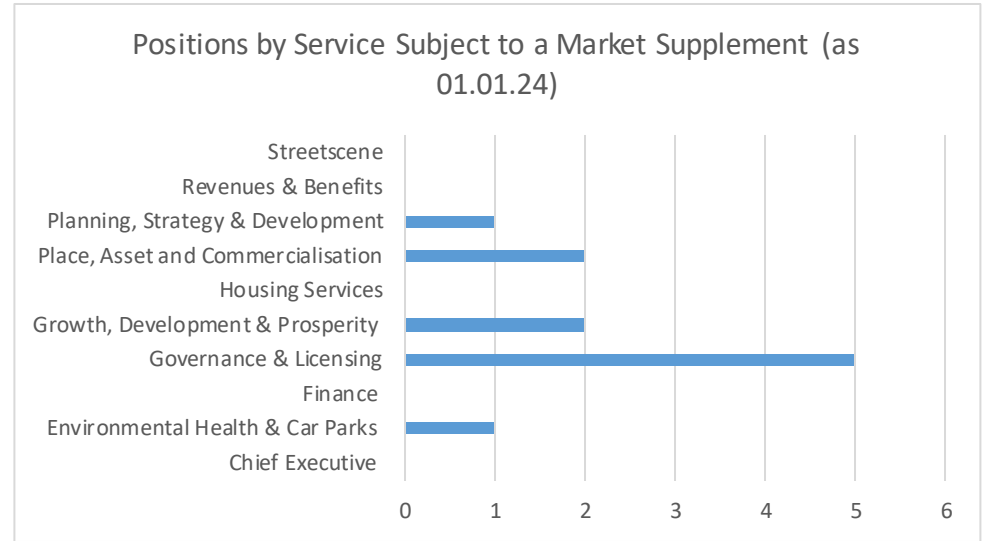


	Comms, Digital Services & Engagement (AH)	HR & Payroll (JF)	Governance and Licensing (MW)	Housing, Health & Environment (TH)	Planning, Strategy and Development (EF)	Growth, Development & Prosperity (AW)	Finance (SD)
FTE	13.81	14	25.82	284.1	64.17	11.8	98.89
Headcount	14	16	30	303	69	14	107

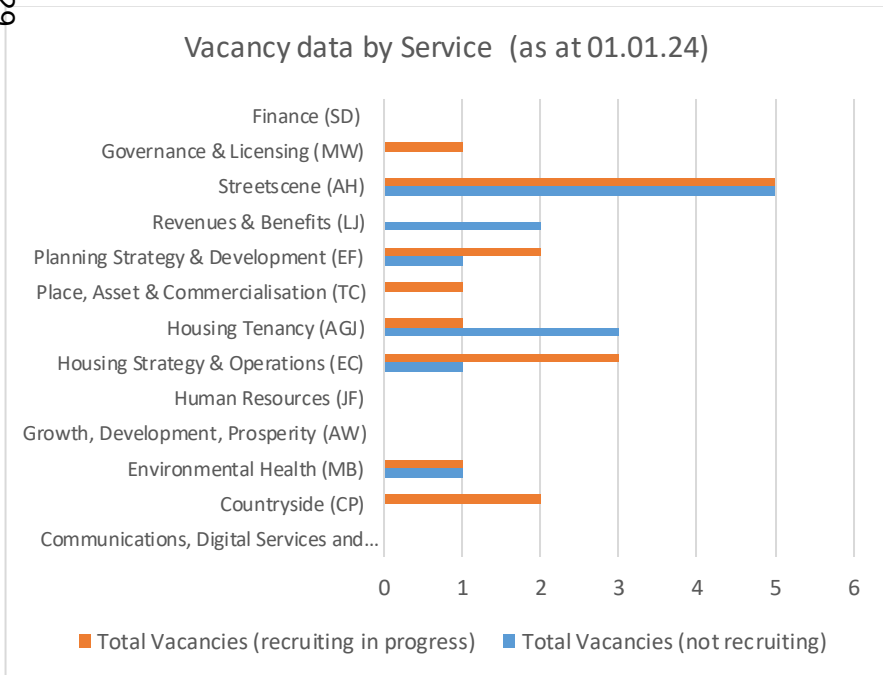
FTE Headcount

Vacancies, Agency Workers, Market Supplements and

	This month	Last reporting period
Total Vacancies for EDDC (Recruiting in Progress & Not Recruiting)	29 (5.26% of headcount)	46 (8.50 % of headcount)
Total number of Market Supplements	11	11
Average length of time a Recruiting in Progress vacancy is vacant	72.83	96.35
Total Positions filled by Agency	39	45



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Last Reporting Period – this was 31 August 2023, as reported to Personnel Committee in October 2023.

NOT Recruiting Vacancies - Vacancies that are not currently part of the recruiting process, where a valid Authority to Recruit is in place or the position has been vacant for less than 1 month. This may be because they are on hold or recruitment is being prepared.

Recruiting in Progress - Vacancies being recruited to.

Average length of time a vacancy is vacant – this counts the number of calendar days a Recruiting in Progress Vacancy has been vacant. The count is from either when the post became vacant or when a new post was added to the HR system. It is only possible to calculate this figure for the Council as a whole due to HR system capabilities.

Agency - The number of posts that are currently filled by Agency Workers. The numbers by Service or costs are not held centrally in the HR system.

Market Supplement – An additional payment made in excess of the job evaluated grade because of recruitment issues linked to market pressures, as per the Market Supplement Policy. Based on the number of people rather than vacant positions that may attract a market supplement.

Turnover

Cumulative Voluntary Turnover as at 31.12.23	Projected Voluntary Turnover	Cumulative Non-Voluntary Turnover as at 31.12.23	Projected Non Voluntary Turnover	Cumulative Turnover (Voluntary & Non-Voluntary)	Projected Turnover (Voluntary & Non Voluntary)
7.07%%	9.42%	1.09%	1.45%	8.16%	10.88%

Employee turnover is measured by the percentage of leavers during a period and is shown as a cumulative month on month trend.

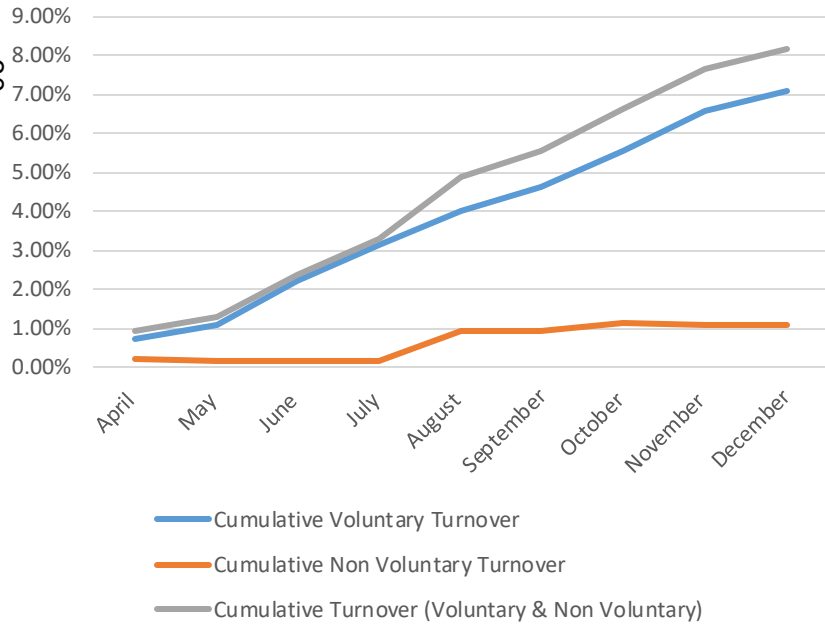
Voluntary turnover only includes resignations.

Non-voluntary Turnover includes dismissals, redundancy, end of fixed term contracts, and ill health retirement.

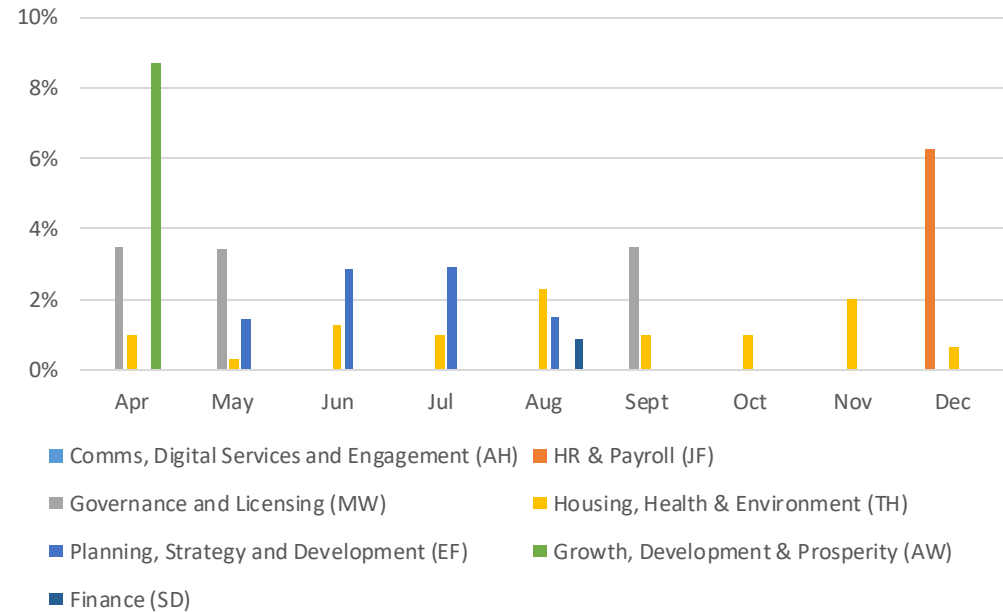
Projected turnover figures are estimates for the whole year based on information to date, this figure will fluctuate and stabilise as we progress through the fiscal year.

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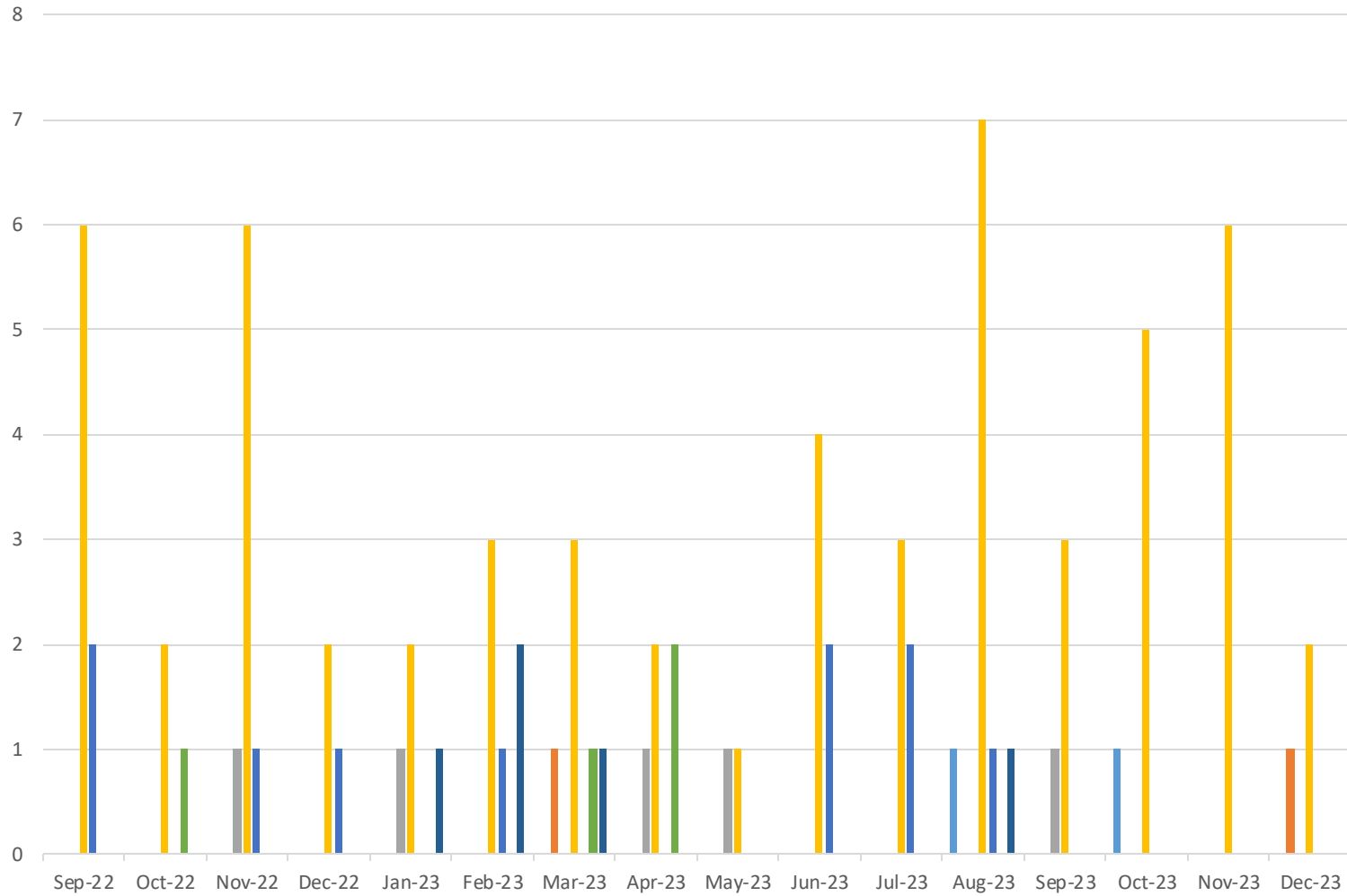
Culmulative Turnover % by Type per month (April 23-December 23)



Voluntary Turnover % by Service by Month April 23 -December 23



Actual Leavers by Service for the period Sept 22 to December 23



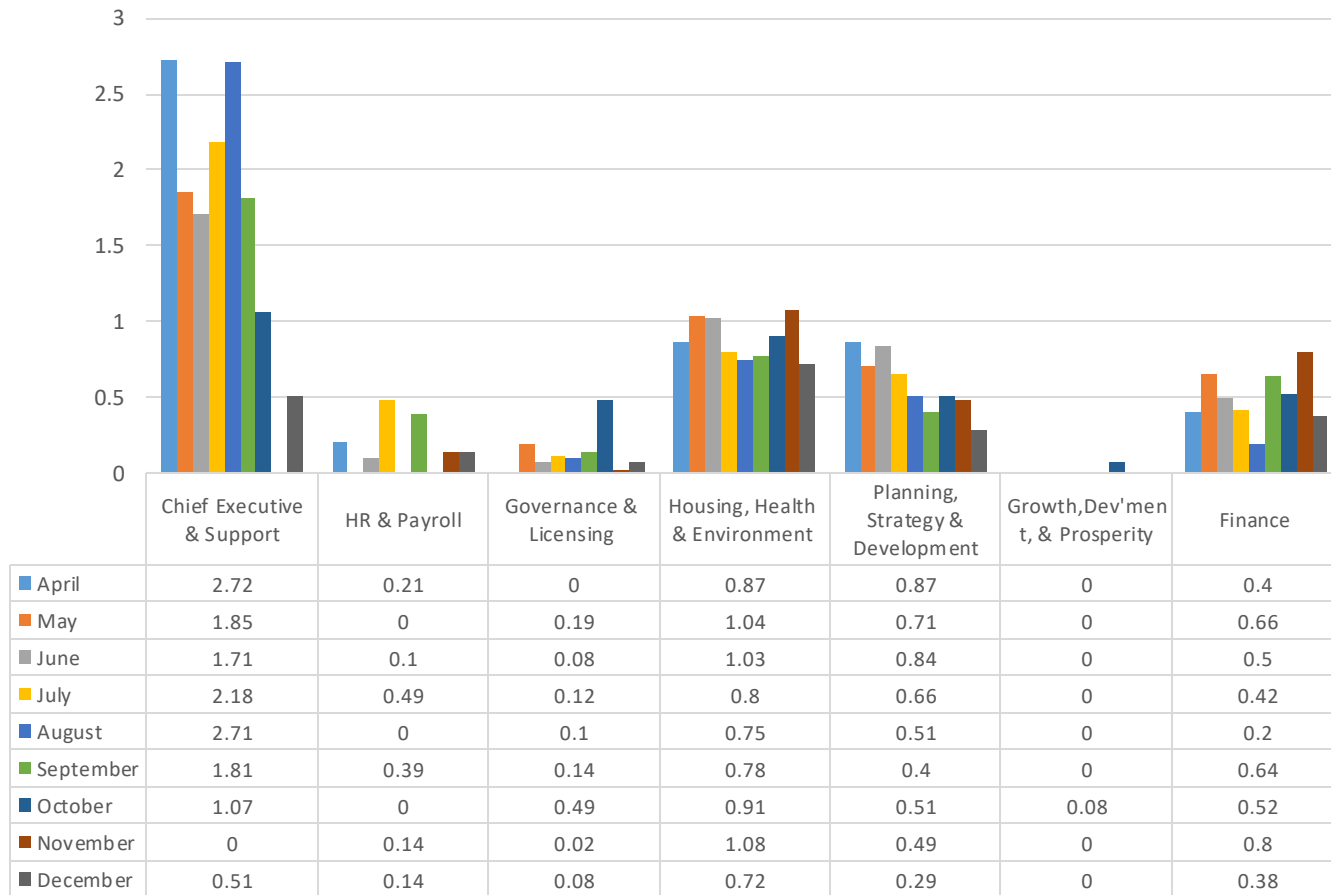
	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23
Chief Executives/Comms	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0
HR & Payroll (JF)	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Governance and Licensing (MW)	0	0	1	0	1	0	0	1	1	0	0	0	1	0	0	0
Housing, Health & Environment (TH)	6	2	6	2	2	3	3	2	1	4	3	7	3	5	6	2
Planning, Strategy and Development (EF)	2	0	1	1	0	1	0	0	0	2	2	1	0	0	0	0
Growth, Development & Prosperity (AW)	0	1	0	0	0	0	1	2	0	0	0	0	0	0	0	0
Finance (SD)	0	0	0	0	1	2	1	0	0	0	0	1	0	0	0	0

Sickness Absence

Working days lost per FTE (Apr 23 to Dec 23)	Working days lost per FTE (Apr 22 to Dec 22)	Working days lost per FTE for last Reporting Period (August 2023)	This reporting period (December 2023)
7 (0.77 days per month) *	4.90 (0.98 days per month)	0.76 days	0.77 days

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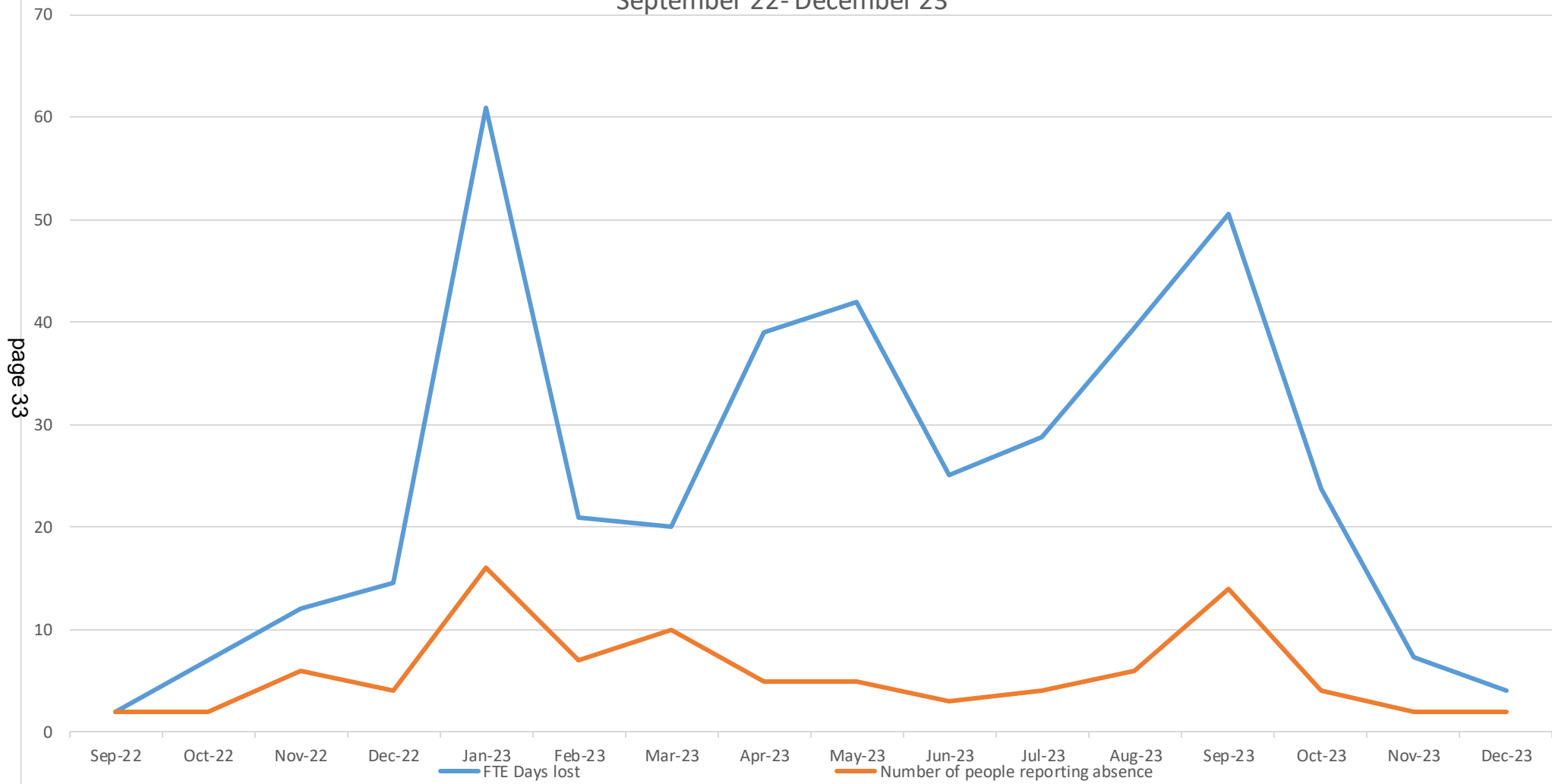
Working days lost per FTE by service area April 23 to December 23



Top 3 reasons for absence	
Short term (<8 days)	<ol style="list-style-type: none"> 1. Cold/Flu 2. Covid (Positive Test) 3. Phased Return
Medium term (>8 days, <2 months)	<ol style="list-style-type: none"> 1. Other Muscular -Skeletal Problems 2. Personal stress, anxiety, fatigue 3. Stomach, Kidney, Liver, Digestion
Long term (>2 months)	<ol style="list-style-type: none"> 1. Personal stress, anxiety, fatigue 2. Other Muscular-Skeletal Problems 3. Neurological, Headaches and Migraines

**Based on current information the projected figure for end of year absence per FTE is currently 9.33 days per FTE, the annual target is 8.5 days per FTE*

FTE days lost to Covid-19 (Positive Test) September 22- December 23



Personnel Committee Forward Plan

Decision / matter	Comments
16th April 2024	
HR Policies	Performance Improvement Volunteers Probation Use of Temporary Workers
People Data report	As per People Data Reporting Proposals report, November 2021
Items yet to be scheduled	
Staff survey outcomes	
HR policies	Standby and Callout
Pay benchmarking exercise outcomes	
CEO recruitment process updates and learning	
Annual people data report (summer 2024)	As per People Data Reporting Proposals report, November 2021

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