

Notice of Meeting

People, Performance and Development Committee



Date & time
Tuesday, 7
December 2021
at 12.30 pm

Place
Surrey County
Council, Woodhatch
Place, 11 Cockshot
Hill, Reigate, Surrey,
RH2 8EF

Contact
Joss Butler
joss.butler@surreycc.gov.uk

Chief Executive
Joanna Killian



We're on Twitter:
@SCCdemocracy

Members

Tim Oliver (Chairman), Denise Turner-Stewart, Eber Kington, Will Forster, Mark Nuti and Becky Rush (Vice-Chairman)

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 MINUTES OF THE PREVIOUS MEETING - 23 SEPT 2021

(Pages 1
- 4)

To agree the minutes as a true record of the meeting.

3 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

4 QUESTIONS AND PETITIONS

To receive any questions or petitions.

Notes:

1. The deadline for Member's questions is 12.00pm four working days before the meeting (*1 December 2021*)
2. The deadline for public questions is seven days before the meeting (*30 November 2021*).
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

5 ACTION REVIEW

(Pages 5
- 8)

The Committee to review the Action Tracker.

6 FORWARD WORK PROGRAMME

(Pages 9
- 12)

The Committee to review the Forward Work Programme.

7 SURREY COUNTY COUNCIL VACCINATION POLICY

(Pages
13 - 22)

To brief the Committee on new legislation in respect of mandatory Covid 19 vaccinations and invite the Committee to note the Vaccination policy.

8 EXCLUSION OF THE PUBLIC

Recommendation: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

PART TWO – IN PRIVATE

9 TENURE, AGENCY & INTERIM SPEND REPORT

(Pages
23 - 26)

To share with the People, Performance and Development Committee the reports on employee tenure, agency and interim spend.

Confidential: Not for publication under Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

10 SURREY COUNTY COUNCIL PAY AND TERMS & CONDITIONS OF SERVICE

(Pages
27 - 34)

To seek the Committee's approval to undertake a review of SCC's total reward package, propose a multi-year pay deal and consolidate additional payments for unsocial hours. These changes are subject to consultation with staff and negotiation with recognised Trades Unions.

This report is being brought to People, Performance and Development Committee under its delegated powers in accordance with Section 2, para 6.13 (a) of the Constitution: "determine policy on pay, terms and conditions of employment of all staff".

Confidential: Not for publication under Paragraph 4

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.

11 PUBLICITY OF PART 2 ITEMS

To consider whether the items considered under Part 2 of the agenda should be made available to the press and public

12 DATE OF NEXT MEETING

The next meeting of People, Performance and Development Committee will be on 2 February 2022.

**Joanna Killian
Chief Executive**

Published: Monday, 29 November 2021

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MINUTES of the meeting of the **PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE** held at 2.00 pm on 23 September 2021 at Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

These minutes are subject to confirmation by the Committee at its next meeting.

Elected Members:

Tim Oliver (Chairman)
Will Forster
Mark Nuti
Becky Rush (Vice-Chairman)
Denise Turner-Stewart
Eber Kington

43/21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Eber Kington. There were no substitutions.

44/21 MINUTES OF THE PREVIOUS MEETING [19 JULY 2021] [Item 2]

The minutes were agreed as a true record of the meeting.

45/21 DECLARATIONS OF INTEREST [Item 3]

There were none.

46/21 QUESTIONS AND PETITIONS [Item 4]

There were none.

47/21 ACTION REVIEW [Item 5]

Key points from the discussion:

1. The Chairman noted that there were no open actions.

Actions/ further information to be provided:

None.

RESOLVED:

The Committee noted the actions tracker.

48/21 FORWARD WORK PROGRAMME [Item 6]**Key points from the discussion:**

1. The Chairman noted that the Committee would consider an item on Pay and Reward at the 7 December 2021 meeting.

Actions/ further information to be provided:

None.

RESOLVED:

The Committee noted the Forward Work Programme.

49/21 WORKFORCE OF THE FUTURE [Item 7]**Declarations of interest:**

None

Witnesses:

Paula Leach, Director – HR & OD (interim)

Beth Stewart, Workforce Strategy & Design Lead

Key points raised during the discussion:

1. Officers introduced the item and noted that the report provided the latest quarterly update on progress in delivering the workforce strategy. Members went on to note details around the five different themes which were Workforce Insight & Management; Strategic Workforce Planning; Work and Job Design; Resourcing, and Employee Experience. Officers further highlighted details related to the employee value proposition, Talent Strategy and the Policy Review.
2. Members discussed the Government's ambition to allow requests for flexible working from the first day of employment. Officers explained that an impact assessment would need to be conducted however flexible working was mostly already in place across the council where appropriate. Members went on to state that it was important for the council to understand exactly what roles could be carried out flexibly.
3. The Committee discussed the challenges that faced the council around understanding exactly what 'flexible working' would mean for individual officers and the council as a whole.
4. Members held a discussion on officer engagement and highlighted the importance of the quarterly Pulse Surveys which intended to flag issues and allow the council to better target efforts.
5. Officers stated that they wished to empower staff to work in an environment where they would thrive and produce the best outcomes.
6. Members discussed different ways that the council could track an officer's progression as they worked in a flexible capacity. Officers stated that progression tracking could fit within the 'employee value proposition' workstream.
7. The Chairman asked that the next report include detail on the following subjects:
 - a. Agency spend and how it was being reduced

- b. Data on number of interim posts
- c. Officer retention rates across the council's directorates

Actions/ further information to be provided:

None.

RESOLVED:

The People, Performance and Development Committee noted the report.

50/21 EXCLUSION OF THE PUBLIC [Item 8]

RESOLVED: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

51/21 CONTRACT EXTENSION [Item 9]

Declarations of interest:

None

Witnesses:

Paula Leach, Director – HR & OD (interim)

Key points raised during the discussion:

1. The report was introduced by officers. The Committee asked a number of questions which were responded to by the officers present before moving to recommendations.

Actions/ further information to be provided:

None.

RESOLVED:

See exempt minute [E-19-21]

52/21 DATE OF NEXT MEETING [Item 10]

The Committee noted that its next meeting would be held on 7 December 2021.

Meeting ended at: 3.00 pm

Chairman



People, Performance and Development Committee

7 December 2021

Action Review

Purpose of the report:

For Members to consider and comment on the Committee's actions tracker.

Introduction:

An actions tracker recording actions and recommendations from previous meetings is attached as **Annex 1** and the Committee is asked to review progress on the items listed.

Recommendations:

The Committee is asked to monitor progress on the implementation of actions from previous meetings.

Report contact: Joss Butler, Committee Manager

Contact details: joss.butler@surreycc.gov.uk

Annexes:

Annex 1 – People, Performance and Development Committee Actions Tracker

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People, Performance & Development Committee – ACTION TRACKING Dec 2021

ONGOING ACTIONS

Number	Meeting Date	Item	Action	Action by whom	Action update
A25/21	23 Sept 2021	Workforce Of The Future	To include the following detail within the next report: <ol style="list-style-type: none"> a. Agency spend and how it was being reduced b. Data on number of interim posts c. Officer retention rates across the council's directorates 	Paula Leach, Director – HR & OD (interim) Beth Stewart, Workforce Strategy & Design Lead	November 2021 - Detail included within December 2021 report.

People, Performance & Development Committee – ACTION TRACKING Dec 2021**COMPLETED ACTIONS**

Number	Meeting Date	Item	Recommendation / Action	Action by whom	Action completed



People, Performance and Development Committee
7 December 2021

Forward Work Programme

Purpose of the report:

For Members to review and comment on upcoming items due for consideration by the People, Performance and Development Committee.

Introduction:

A Forward Plan recording agenda items for consideration at future People, Performance and Development Committee meetings is attached as **Annex 1**, and Members are asked to review the items listed on the Forward Plan.

Recommendations:

That the People, Performance and Development Committee review items that it is due to consider at future meetings (Annex 1).

Report contact: Joss Butler, Committee Manager

Contact details: joss.butler@surreycc.gov.uk

Annexes:

Annex 1 – People, Performance and Development Committee Forward Work Programme

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People Performance and Development Committee Forward Work Programme – December 2021**2 February 2022**

Item title	Talent Strategy
Report author	Jacqui Skeel, Head of Organisational Effectiveness and Development
Item Summary	To consider an item on the Talent Strategy

Senior Officer Appointments will be scheduled as and when required.

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People, Performance and Development Committee
7 December 2021

Surrey County Council Vaccination policy

Purpose of the report:

To brief the Committee on new legislation in respect of mandatory Covid 19 vaccinations and invite the Committee to note the Vaccination policy.

1. Recommendations

- 1.1 That the Committee note the Vaccination policy.
- 1.2 That the Committee agree for the policy to be updated as new legislation is published without further presentation where a review of the council's policy position on vaccination is not required.

2. Introduction

- 2.1 As a result of the Covid pandemic the government has made changes to the regulations for care services. The purpose of the Vaccination policy is to set out the county council's position on vaccination related to employment or entry to a designated setting.
- 2.2 The policy is intended to be a general policy in respect of vaccinations where they relate to employment or deployment to a setting covered by specific regulations. Specific legislation will be cited as it is published, and the policy updated.

3. Policy position

- 3.1 Where the Government has not made the taking of a vaccine mandatory in respect of employment, it remains a matter of choice for each individual.

- 3.2 Where the Government has made a specific vaccination mandatory as a condition of employment, employees who choose not to be vaccinated will be subject to a formal process to redeploy or dismiss them. This will be managed in line with HR policy and process for dismissal.
- 3.3 Where the Government has made a specific vaccination mandatory as a condition of access to a designated setting, managers will be required to identify the applicable roles, confirm each individual's vaccination status and to notify HR if they are not able to deliver their service in line with the regulations. This may include reviewing how work is delivered to remove the need for employees to attend the designated setting.
- 3.4 Where the requirement to attend a designated setting is so material that an unvaccinated employee cannot effectively be deployed to alternative tasks within their role, they are likely to be subject to a formal process to redeploy or dismiss them. This will be managed in line with HR policy and process for dismissal.

4. Medical exemption

- 4.1 Where regulations also provide for medical exemption, employees will be supported to complete the process as set out in the regulations.

5. Specific legislation in relation to mandatory vaccination

- 5.1 The Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 require anyone who enters a care home registered with the Care Quality Commission (CQC) in a professional capacity to have received both Covid-19 vaccinations or to have evidence they are medically exempt.
- 5.2 This applies to all staff employed to work in residential care homes as well as supported living in Adult services where staff are appointed to a setting and required to work flexibly across the sites in that setting. Someone not entering the building, entering to provide emergency services, as well as visitors and residents, would not need to comply with this condition. This became law on 11 November 2021.
- 5.3 As a result of this legislation, 6 employees have been dismissed and 4 are going through the formal medical exemptions process.
- 5.4 On 9 November, the Government confirmed they will be introducing additional regulations to only allow providers of CQC-regulated activities to deploy individuals who have been vaccinated against COVID-19 to roles where they interact with patients and service users.
- 5.5 This will primarily impact hospitals and a review of social care staff who will be impacted by this regulation is underway. It will be monitored as additional guidance is published by the Government.

6. Conclusions:

4.1 Financial and value for money implications

There are no direct financial implications at this time.

4.2 Equalities Implications

The application of the legal requirements for mandatory vaccination are neutral conditions set out in law however it is known the majority of the workforce who will be impacted within adult social care are female (84%).

4.3 Risk Management Implications

Where vaccination is a requirement in law, the council is obligated to act accordingly. It is expected that there will be an increase in turnover and a reduction in attraction to care roles covered by the legislation. This is being monitored within the council as well as within the wider sector by the Adult Social Care Leadership team.

This policy will enable us to ensure that our workforce are legally compliant and a robust process is in place to support Managers to identify, mitigate and manage risk associated with any change in vaccination legislation.

4.4 Implications for the council's Priorities or Community Strategy

The policy sets out the councils stance and expectations in relation to vaccination and forms part of a clear and honest approach to supporting our workforce.

Report contact: Hannah Dwight, HR Business Partner - Adult Social Care

Contact details: Email: hannah.dwight@surreycc.gov.uk

Sources/background papers:

Surrey County Council Vaccination policy

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Surrey County Council

Vaccination policy FINAL 18.11.2021

Contents

1.	Policy introduction	1
2.	Policy scope	1
3.	Vaccine status	2
4.	Our stance	2
5.	Making an informed decision.....	2
6.	Time off to be vaccinated	2
7.	Expenses	2
8.	Recording vaccinations	3
9.	Where vaccination is a condition of employment	3
10.	Where vaccination is a condition of entry to a setting	3
11.	Relevant legislation	3
12.	Providing proof of vaccination or medical exemption	3
13.	Determining the impact of the condition on different roles	4
14.	Expectation of staff	5
15.	Ending employment.....	5
16.	Reason for dismissal.....	5
17.	Agency workers, contractors and other visitors attending the setting in a professional capacity	6
18.	Publication of further vaccination specific legislation.....	6

1. Policy introduction

As a result of the Covid pandemic the government is making changes to the regulations for care services. The purpose of this policy is to set out the county council's position on vaccination related to employment or entry to a designated setting.

2. Policy scope

This policy covers all Surrey County Council employees and elected members.

This policy applies to any vaccination where it is relevant to work or services provided as well as the environment in which work takes place. This includes where a vaccination requirement is set out in law.

Where vaccination is a condition of entry to a setting, this policy will apply to anyone attending the setting in a professional capacity, whether directly employed by the council or not.



Surrey County Council

Vaccination policy FINAL 18.11.2021

3. Vaccine status

Individual opinions on vaccines can vary greatly and we appreciate that having a vaccine is a personal choice, sometimes dictated by personal circumstances such as health, belief or religion. Where the Government has not made the taking of a vaccine mandatory, it remains a matter of choice for each individual.

4. Our stance

As an employer, we have a duty to take all reasonably practicable steps to ensure the health, safety and welfare at work of our workforce.

Vaccines provide a greater level of personal safety against serious illness to individual staff members, colleagues and the people we serve. Because of this, we encourage our employees to take up vaccinations when they are offered to them.

We expect our employees to be treated with dignity and respect by their colleagues in relation to their decision regarding vaccination. We will not accept any bullying or harassment, or other unwanted behaviour, against an employee because of their decision.

5. Making an informed decision

It is reasonable to have concerns about vaccinations. We encourage our workforce to make an informed decision about whether to have a vaccination based on legitimate sources of information such as the NHS. It is important to check the source of any information about a vaccine, so you are confident your decision is based on accurate information.

6. Time off to be vaccinated

Vaccine appointments are to be treated in the same way as other medical appointments and employees should try to get an appointment outside of their normal working hours, or as close to the start or the end of the working day as possible.

Where there is a limited impact on the employees working day, Managers have the discretion to allow the employee reasonable paid time off to attend the appointment.

Where vaccinations are a condition of employment or recommended for the employee's role, employees should still attempt to secure an appointment outside of their normal working hours, or as close to the start or the end of the working day as possible, but will not be required to make up the time.

Where vaccination is unrelated to the employee's role or work and time is taken off work to attend the appointment, this will be unpaid, or the employee will be required to make up any lost working time.

7. Expenses

Where vaccination is a condition of employment, reasonable expenses may be paid by the Manager in accordance with the expenses policy.

Surrey County Council

Vaccination policy FINAL 18.11.2021

8. Recording vaccinations

Where vaccination is a condition of employment, the county council will collect evidence of vaccination and record it. This may be done on a local system or through the central employee system (currently SAP, due to be MySurrey).

Where vaccination is not a condition of employment, but it is related to the role or in the public health interest of the workforce, employees will be invited, but not required, to self-report this information on the central employee system.

Please see the [employment records privacy notice](#) for more information about how employment data is used and stored.

9. Where vaccination is a condition of employment

Where vaccination (or medical exemption) is a condition of employment in law, the council cannot legally employ someone who is not fully vaccinated or has not provided proof of medical exemption.

10. Where vaccination is a condition of entry to a setting

Where vaccination (or medical exemption) is a condition of entry to a setting in law, the council cannot legally allow someone to enter who is not fully vaccinated or has not provided proof of medical exemption.

11. Relevant legislation

At the time of publication, there is one such condition in law that applies.

The passing of the Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021 requires anyone who enters a care home registered with the Care Quality Commission (CQC) in a professional capacity to have received both Covid-19 vaccinations or to have evidence they are medically exempt.

This applies to all staff employed to work in residential care homes and supported living in Adult services where staff are appointed to a setting and required to work flexibly across the sites in that setting. Someone not entering the building, entering to provide emergency services, as well as visitors and residents, would not need to comply with this condition. This will become law on 11 November 2021.

Specific documentation has been produced for Service Delivery teams in Adult Social Care to support Managers in the application of this legislation.

The Government announced on 9 November that the scope of these regulations will be extended to only allow providers of CQC regulated activities to deploy individuals who have been vaccinated against COVID-19 to roles where they interact with patients and service users. This will become law on 1 April 2022.

12. Providing proof of vaccination or medical exemption

Acceptable forms of proof of vaccination or medical exemption will be set out based on each piece of legislation.

7

Surrey County Council

Vaccination policy FINAL 18.11.2021

12.1 (Health and Social Care Act 2008 (Regulated Activities) (Amendment) (Coronavirus) Regulations 2021)

Acceptable evidence of vaccination is through the presentation of the NHS COVID Pass which can be accessed via the NHS App, the NHS website (<https://covid-status.service.nhs.uk/>), or by requesting a hard copy letter via <https://covid-status.service.nhs.uk/> or calling 119.

12.2 Permanent process for medical exemption

Some individuals are unable to be vaccinated for medical reasons, permanently or temporarily, and can apply for proof of this by contacting the NHS COVID Pass Service on 119 and asking for an NHS COVID Pass medical exemptions application form.

All exemptions will be confirmed by a doctor, specialist clinician or midwife. If approved, the NHS COVID Pass can then be used to prove your status.

The domestic NHS COVID Pass will look and work the same for people with medical exemptions as it will for people who are fully vaccinated. The pass will not show that you have a medical exemption.

The outcome should be provided to your line manager as soon as it is received to confirm your status.

13. Determining the impact of the condition on different roles

Where vaccination (or medical exemption) is a condition of employment or entry to a setting in law, Managers will be required to identify the roles within their area of responsibility to which the legislation applies.

13.1 Essential roles

Essential roles will be those where it is a substantial and material requirement of the role to work in that setting or environment. It is likely that the work will need to be undertaken by a specific role or individual and substitution is not appropriate. This might be for reasons of client continuity, professional knowledge, judgment or decision making.

The activity will be substantial enough that an inability to meet the requirement means that the contractual duties cannot be effectively discharged. In this situation, the ability for the county council to continue an individual's employment in this capacity must be reviewed and where reasonable and necessary, a formal HR process followed.

Managers may consider:

- The type of work
- The volume of work impacted.
- The frequency of related activity.
- If attendance / activity can be effectively completed by different members of the same team.

Surrey County Council

Vaccination policy FINAL 18.11.2021

- The appropriateness and reasonableness of work being carried out in a different setting where the legislation does not apply.
- The ability and reasonableness of distributing work across team members who can comply with the requirement.

Each directorate should review any vaccination requirements to identify the essential roles in their teams and act as needed. This should include adding a statement into the relevant job profile where vaccination is a condition of employment or deployment for a setting.

13.2 Risk assessments

Where it is a condition of employment, a risk assessment will not be appropriate, and managers should contact myhelpdesk HR for advice on the formal HR process to end employment.

Where the activity relates to a setting and it is possible to organise and distribute work across a team, managers should undertake a team risk assessment to consider the reasonableness of this.

14. Expectation of staff

It is considered a reasonable management expectation that staff who are not able to comply with any relevant legislation will notify their manager of their vaccination status and not try to attend a setting where they know they would be breaking the law.

15. Ending employment

Before starting the formal dismissal process, Managers must ensure that all employees understand the legal condition, the timeframes and the implications of not being vaccinated or providing evidence of medical exemption. This should be done on an individual (1:1) level as well as through team meetings. Any dismissal should comply with the requirements set out in the 'End of employment' policy and will provide the employee with the right of appeal.

16. Reason for dismissal

The fair reason for dismissal will be that the employee could not continue to work in the position which they held without contravention of a duty or restriction imposed by or under an enactment.

15.1 Redeployment

Consideration will be given to whether redeployment can be offered as an alternative to dismissal and this decision will be made by senior management in discussion with HR.

Where redeployment is not appropriate as an alternative to dismissal due to the nature of the restriction created by non-vaccination and the availability and likelihood of suitably alternative roles, employees under notice of dismissal will still be given access to the redeployment pool and provided with priority consideration of

Surrey County Council Vaccination policy FINAL 18.11.2021

vacancies for the duration of their notice period. The employee will be supported to seek redeployment by their Manager.

17. Agency workers, contractors and other visitors attending the setting in a professional capacity

Where proof of vaccination/ exemption is a condition of entry to a setting, planned visitors must be notified by the county council employee organising and arranging the visit.

It is the responsibility of the designated Manager for each setting where the legislation applies to ensure any visitors comply and meet the legislative conditions set out.

18. Publication of further vaccination specific legislation

Where legislation is passed that places a condition on the workforce in relation to vaccination, this policy document will be reviewed and updated.

END

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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