

Notice of Meeting

People, Performance and Development Committee

Date & time
Monday, 27 February 2023 at 1.30 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 (Vice-Chairman), Eber Kington, Will Forster, Mark Nuti and Clare Curran

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 MINUTES OF THE PREVIOUS MEETING: 14 NOVEMBER 2022

(Pages 1
- 6)

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 (*21 February 2023*).
2. The deadline for public questions is seven days before the meeting (*20 February 2023*).
3. The deadline for petitions was 14 days before the meeting, and no petitions have been received.

5 ACTION REVIEW

(Pages 7
- 10)

For Members to consider and note the action tracker.

6 FORWARD WORK PROGRAMME

(Pages
11 - 14)

To note the Forward Work Programme.

7 SURREY COUNTY COUNCIL SPECIAL SEVERANCE POLICY

(Pages
15 - 48)

To provide the Committee with an overview of the approval process Special Severance payments process and newly updated severance policy required by the introduction of statutory guidance in May 2022 on the making and disclosure of Special Severance Payments by local authorities.

- ## **8 SURREY COUNTY COUNCIL ENDING BULLYING AND HARASSMENT POLICY (Pages 49 - 62)**

To update the Committee and seek the approval of the newly created Ending Bullying and Harassment Policy. This newly created policy is an extension to the already existing Grievance Policy.

9 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

- | | | |
|-----------|---|--------------------|
| 10 | SURREY COUNTY COUNCIL PAY AND REWARD | (Pages
63 - 76) |
| | To update the Committee on progress to date on Surrey Pay negotiations and also set out the work programme in respect of pay and reward reform for SCC employees. | |

11 DATE OF NEXT MEETING

The next meeting of People, Performance and Development Committee will be on 12 April 2023.

Joanna Killian
Chief Executive
Published: 17 February 2023

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

MINUTES of the meeting of the **PEOPLE, PERFORMANCE AND DEVELOPMENT COMMITTEE** held at 1.30 pm on 14 November 2022 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:

In attendance =*

Tim Oliver (Chairman)*
Denise Turner-Stewart (Vice-Chairman)*
Eber Kington*
Mark Nuti*
Clare Curran*
Will Forster

40/22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Will Forster.

41/22 MINUTES OF THE PREVIOUS MEETING - 5 SEPTEMBER 2022 [Item 2]

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

42/22 DECLARATIONS OF INTEREST [Item 3]

There were none.

43/22 QUESTIONS AND PETITIONS [Item 4]

There were none.

44/22 ACTION REVIEW [Item 5]

Key points from the discussion:

1. The Chairman noted that there were no updates to the action tracker.

Actions/ further information to be provided:

None.

RESOLVED:

The Committee noted the action tracker.

45/22 FORWARD WORK PROGRAMME [Item 6]**Key points from the discussion:**

1. The Chairman noted that there were no updates to the forward work programme.

Actions/ further information to be provided:

None.

RESOLVED:

The Committee noted the forward work programme.

46/22 COST OF LIVING - SUPPORT FOR STAFF [Item 7]**Witnesses:**

Paul Smith, Interim Project Manager Pay & Reward

Key points raised during the discussion:

1. The Interim Project Manager Pay & Reward introduced the report and provided a brief update to the Committee on progress to date on support for council employees during the current cost of living challenges. Full details could be found from page 13 of the agenda.
2. A Member congratulated the officer for their report and the steps taken to raise awareness of the support provided by the council. It was a difficult time for many people. The Member further stated that it would be valuable to reach out to those in their early careers, particularly younger people, as they may not be aware of the support available and not fully aware of the internal forms of communication. The officer thanked the Member for her comments and said that they would be taken away for consideration. The officer added that it could also be helpful to build the information into the staff induction process.
3. A Member asked for more detail on how the Chief Executive and Leader of the Council Roadshows were conducted. The Chairman explained that they would take place in council buildings, or online, and was an opportunity for staff to ask questions and receive answers. The Leader further added that the sessions were a good opportunity to test the 'temperature' of the organisation. In regards to money, topics raised at the last session were related to 45p per mile travel claim and the cost of heating and lighting for those that worked from home. The Chairman went on to say that the response from staff was broadly positive at the last session.
4. A Member said that the support available was an opportunity to address the issues that affect residents internally within Surrey County Council and strengthen its culture and inclusion issues. It was said that Yammer had been successful in the fire service by creating a staff forum to aid interaction and allow feedback to be given.
5. The Chairman stated that the directory of support had been delivered to 512,000 households across Surrey, and in addition 30,000 copies had been distributed to food banks, warm hubs, libraries and more.

Actions/ further information to be provided:

None.

RESOLVED:

The Committee noted the report.

47/22 SURREY COUNTY COUNCIL OFFICERS CODE OF CONDUCT [Item 8]**Witnesses:**

Bella Smith, Head of Insight, Programmes and Governance

Key points raised during the discussion:

1. The Head of Insight, Programmes and Governance provided a brief summary of the report which provided Members with an update and sought approval of the updated Officers Code of Conduct. Officers noted that the updates included within the document were related to GDPR regulations, declaring personal interests, the press and media, political neutrality, Equality, Diversity and Inclusion, gifts and hospitality, property and resources, intellectual property and a glossary of policies. The Officer added that the document was not significantly changed and was more an update to the 2017 version.
2. A Member raised concern with the phrase 'whole self' and said that the phrase did not make sense as staff would not be expected to bring their private and intimate self to work. The Member proposed that the phrase was deleted from the document. The Chairman said that he was also uncomfortable with undefined phrases and would support the use of alternative wording. The officer said that the phrase 'whole self' had been used broadly across the organisation and was recognised language that people associated with being themselves at work.
3. In regard to the phrase 'whole self', a Member said that they understood the meaning of the phrase but suggested that context could be given within the document to provide clarity.
4. A Member restated that they felt that it was not appropriate for the council to ask staff to bring their full self to work
5. A Member said that, as LGBTQI champion at the council, they would disagree with the removal of the term as it was an accepted terminology and reflected that people could be whoever they are in a place of work and that it was accepted.
6. Following discussion, the Chairman added that it was important to use defined wording within a policy document to avoid challenge.
7. In terms of working with elected Members, a Member raised an issue with officers forwarding a Member's confidential emails to other Members without approval. The Chairman said that he had asked the Monitoring Officer to review the Member Officer Protocol and that he would ask the officer to pick up the point on Member emails during the review.
8. The committee agreed the amendments to the Officers' Code of Conduct Policy, subject to an amendment to the section which included the phrase 'whole self' which would be discussed and approved outside the meeting.

Actions / further information to be provided:

None.

RESOLVED:

It is recommended that the Committee agree the amendments of the Officers' Code of Conduct.

48/22 DATE OF NEXT MEETING [Item 9]

The Committee noted that its next meeting would be held on 27 February 2023.

Meeting ended at: 2.05 pm

Chairman

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People, Performance and Development Committee
27 February 2023

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 February 2023**ONGOING ACTIONS**

Number	Meeting Date	Item	Action	Action by whom	Action update

People, Performance & Development Committee – ACTION TRACKING February 2023**COMPLETED ACTIONS**

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



People, Performance and Development Committee
27 February 2023

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**



2023

6

Item title	
Report author	
Item Summary	

Senior Officer Appointments will be scheduled as and when required.

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People, Performance and Development Committee
27 February 2023

**Surrey County Council
Special Severance Policy**

Purpose of the report:

To provide the Committee with an overview of the approval process Special Severance payments process and newly updated severance policy required by the introduction of statutory guidance in May 2022 on the making and disclosure of Special Severance Payments by local authorities.

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 and contractual terms and conditions of employment of all staff”.

Recommendations:

1. It is recommended that the Committee agree with the overview provided on the development of an approvals process for special severance payments as required by the statutory guidance.

BACKGROUND:

1. On 12 May 2022, the Department for Levelling Up, Housing and Communities (DLUHC) published statutory guidance on the making and disclosure of Special Severance Payments by local authorities. This has been issued as part of the best value regime for local authorities in England.

DOCUMENT DETAIL:

1. The Guidance issued by DLUHC in May 2022 states:

'1.5 This guidance is issued under section 26 of the 1999 Act, 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. A Special Severance Payment is any payment made to employees as an additional, discretionary sum paid separate to or on top of severance terms. It includes any payment reached under a settlement agreement, as opposed to an ACAS conciliation agreement.
3. Voluntary and compulsory redundancy payments, pension strain cost (where a member's retirement benefits become immediately payable without reduction), contractual pay in lieu of notice, payments made as part of an ACAS conciliation procedure and payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation are not to be treated as Special Severance Payments and are excluded from the definition.
4. Section 4.4 of the Government's statutory guidance states that even in cases where a settlement agreement is possible, which would save the authority money compared to the cost of defending litigation, it might still be the case that continuing to defend the case at the extra cost would be appropriate in order to discourage future vexatious claims.
5. It is currently unclear whether or not this guidance extends to Schools where the Local Authority is the employer. It is the governing body which has the power to agree Severance payments in respect of School staff and the Council is obliged to action them (although the Council is able to give guidance, which the School must consider).

We are waiting for further advise from the Local Government Association on this particular matter.

Approval process

6. The guidance requires that an approvals process is put into place, Surrey County Council approvals process is as follows:
- A. payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011
 - B. payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Chief Executive, in consultation with the chair of PPDC (Council Leader).
Recommendation and approval must be sought of the Director of People and Change, Relevant Executive Director and either Director of Finance – Corporate and Commercial Or Director of Finance – Insight and Performance (on behalf of the S151 Officer).
 - C. Payments below £20,000 must be approved by the Head of Business Partnering & Employment Practice and relevant Head of Service & People Consultancy Lead. Strategic Finance Business Partner supporting the service funding the application (on behalf of the S151 Officer).
7. The S151 Officer and where appropriate, the Monitoring Officer, are expected to take a close interest in, and be able to justify, any Special Severance payments that are made by the authority and in particular any payments made that are not consistent with the content of the guidance.
8. For any value of Special Severance payment a business case form must be completed, which would cover in detail the following areas:
- A. Circumstances of the case
 - B. Breakdown of proposed payment
 - C. Proposed ways of proceeding
 - D. Financial considerations
 - E. Legal considerations
 - F. Repercussion risks

The business case can only be considered for approval if all authorisers for the relevant special severance value are satisfied that all options have been fully considered and exhausted.

Legal issues

9. The guidance is clear in that Special Severance payments and arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.
10. The Council is required to pay regard to and to follow statutory guidance unless it can justify departure from it for a good reason.

This could include a number of reasons – for example:

- speed, with a view to minimising the disruption to the Authority from uncertainty should a swift decision not be made;
- in exceptional circumstances it may be inappropriate to divulge information beyond the amount of special payment value
- the need to move forward swiftly, where litigation is on-going.

Where the decision is being taken by the relevant Committee (for example PPDC), it will be made clear that should members not feel comfortable in agreeing the Special Severance payment they could refer the matter to Full Council. Legal advice has been sought and wording, to reflect the above points, is included in the policy.

11. The custodian of the policy is the Director of People and Change. All policies and inter-relationships are centrally reviewed by the HR Policy and Reward Board and Surrey County Council Trades Unions, whose role it is to act as one body and represent the interests of its constituent bodies and their members in response to Surrey County Council proposals.
-

Report contact:

Emma Lucas, Head of Business Partnering and Employment Practice
Chloe Newberry, Employment Practice Consultant

Contact details: emma.lucas@surreycc.gov.uk or chloe.newberry@surreycc.gov.uk

Sources/background papers:

Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England:

[Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/statutory-guidance-on-the-making-and-disclosure-of-special-severance-payments-by-local-authorities-in-england)

Surrey County Council

Redundancy & Severance Policy

Document Owner	Employment Practice & Reward Team
This Issue	Jan 2023
Last Issue	April 2022
Review Date (reviewed every 3 years)	Jan 2026

Amendments tracker	<p>Dec 2020</p> <ul style="list-style-type: none"> • Re-engagement restriction does not apply to Schools <p>Aug 2021</p> <ul style="list-style-type: none"> • Define final salary <p>April 2022</p> <ul style="list-style-type: none"> • Link to Change Management Policy replaced with Managing Restructures & Reorganisations Policy <p>Jan 2023</p> <ul style="list-style-type: none"> • Newly added Special Severance section added. Includes what constitutes as a Special Severance payment, who needs to authorise and play a part in the decision making process. • A business case form has been added for Special Severance payments. • Links to existing policies updated, since intranet migration project.
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Contents

1. Introduction and Scope	3
2. What is the Severance scheme?	3
3. Who does the policy apply to?	3
4. Why do we have a Severance scheme?	3
5. What types of severance are there?	4
5.1 Compulsory Redundancy	4
5.2 Voluntary Redundancy	4
5.3 Efficiency.....	5
6. Do I qualify for a severance payment and what is the impact on my pension?	6
6.1 Redundancy.....	6
7. What happens if I am on a Fixed Term Contract and I am vulnerable to redundancy?	9
8. How will my redundancy and pension payments be taxed?	9
9. Re-engagement of redundant employees	9
10. Special Severance.....	9
10. Categories of Special Severance	Error! Bookmark not defined.
10.2 Approval process	11
Other severance payments are approved by the following process:	11
11. Annual Reporting	12
12. Procedure	12
13. Exceptional Circumstances.....	12
Appendix 1	14
Special Severance Payment Business Case form	14

1. Introduction and Scope

It is the council's policy to take all reasonable steps to avoid compulsory redundancies and where such redundancies occur nevertheless for unavoidable business reasons, to keep the number of redundancies to a minimum.

Alternative courses of action will be reviewed in order to identify alternatives to compulsory redundancies such as:

- A restriction or freeze on recruitment
- The termination, where practical, of any agency workers or temporary staff (who are not on fixed term contracts).
- A call for volunteers below State Pension Age from relevant service areas to express an interest in voluntary redundancy.
- Retraining and redeployment, where appropriate, of existing employees into appropriate vacancies.

2. What is the Severance scheme?

The Severance scheme at Surrey County Council includes severance on the grounds of Compulsory Redundancy, Voluntary Redundancy, Efficiency or in some cases Special Severance.

3. Who does the policy apply to?

The policy applies to all council employees who are eligible to be members of the Local Government Pension Scheme (LGPS). It also covers all council employees who are eligible to be members of the Teachers' (TPS) and NHS Pension Schemes, including those under the management of School Governing Bodies.¹

4. Why do we have a Severance scheme?

The scheme is run with the aim of:

- Ensuring the efficient running of the county council
- Helping the county council reach its cost reduction targets
- Minimising the need for compulsory redundancies now and in the future and;
- Ensuring the consistent application of the policy.

For the purposes of the Scheme, severance of employment will be considered against a range of factors including but not limited to:

- The existence of a justifiable business case in terms of organisational impact
 - Whether the employee has refused an offer of suitable alternative employment
 - Whether there are alternatives to redundancy, through full consideration of redeployment opportunities.
 - Whether the employee's conduct or performance is actionable under relevant council procedures
 - A financial payback period within 3 years or where above 3 years in line with a compelling business case to the Retirement, Redundancy & Discretions Group
- ²

¹ The Governing Body of a school has statutory discretion to determine all cases (except early retirement on compassionate grounds) in respect of non-teaching employees and Teachers. However if funding is to be sought from the Council a Governing Body must submit a business case for consideration by the Retirement, Redundancy & Discretions Group.

² Information about the Retirement, Redundancy & Discretions Group is on SCC Info..

Where approved, the employee will receive the benefits of Severance as outlined below.

The council reserves the right to refuse requests for Severance where it considers the skills could be retained or due to financial prudence.

5. What types of severance are there?

5.1 Compulsory Redundancy

Redundancy may occur if suitable alternative employment is not offered following:

- A business closure (closure of the business altogether)
- A workplace closure (closure of one of several establishments)
- A need for employees to carry out work of a particular kind has ceased or diminished or is expected to cease or diminish.

Please refer to the [Managing Reorganisations and restructures policy](#) for more information on Compulsory Redundancy.

5.2 Voluntary Redundancy

Voluntary redundancy occurs when an employer offers a financial incentive to an employee to leave the organisation voluntarily, in order to avoid making compulsory redundancies.

Voluntary redundancy still constitutes a dismissal.

For an application for Voluntary redundancy to be considered it must:

- Show that there was a genuine reduction in the requirement for work of a particular kind to be undertaken at a particular establishment or school. This usually arises through the deletion of the position occupied by the individual concerned.
- Show that by terminating an employee's employment by reason of redundancy it would leave a vacancy that provides suitable employment for someone who would otherwise be made compulsorily redundant from a different redundant post.

If the above criteria are met, an employee could request redundancy through their line manager.

- On rare occasions invitations for volunteers for severance may be made even when there is no reorganisation in a team/service. Such "employee led" voluntary redundancy would be subject to the statutory earnings limit when calculating a week's pay for redundancy pay purposes. Further information is provided in section 6.1.

In cases of both Compulsory and Voluntary redundancy the following will apply:

- From time to time as part of localised or county-wide organisational change, the council / schools may invite volunteers for severance on any of the grounds set out in this policy. In inviting applications the council does not bind itself to accept any or all applications made as a result.
- An employee will not be entitled to a severance payment if, before leaving the council / school, they accept an offer of employment with another local authority or associated employer contained in the *Redundancy Payments (Modification) Order 1999* and commence the new employment within four weeks of their last day of service as the employment would be deemed to be continuous.

In cases of Compulsory redundancy the following will apply:

- An employee will not be entitled to a severance payment (if on compulsory grounds) they unreasonably refuse suitable alternative employment offered by the council prior to their last day of service. If an employee returns to local authority employment after a period of 4 weeks their continuous service will begin again.³

5.3 Efficiency

In exceptional circumstances decisions can be made relating to whether an employee would be able to leave on the grounds of efficiency. This would include situations where:

- The employee's role has changed sufficiently that they are no longer able to adjust and perform in the role they perform and/or;
- Where the job requires new skills or competencies that the employee does not have and where retraining, investment in future development would not be appropriate; and/or
- Where performance management procedures would not be appropriate.

When considering cases under this category, each case will be dealt with individually on its own merits and various factors will be taken into account including, but not limited to:

- Overall cost to the organisation
- Any demonstrable benefit to the council
- Where suitable alternative role is considered not appropriate
- Where the employee's role has changed sufficiently that they could not be reasonably expected to adjust and perform in the role they are in
- Consideration of succession planning and/or structural changes which could lead to savings through appointing a replacement at a lower level or whether it avoids a redundancy situation.

The essence of the efficiency arrangements is to seek to reach agreement with the employee for the mutual termination of the contract of employment.

The Retirement, Redundancy & Discretions Group will examine each case fairly and make a decision in accordance with this policy.

³ If you have any questions regarding your pension please contact pensions services on 020 8541 9000, option 3.

6. Do I qualify for a severance payment and what is the impact on my pension?

6.1 Redundancy

The following calculations will apply depending on the age of the employee and under which category they leave the organisation⁴:

Type	Age	Benefit	Calculation
“Employer led” Voluntary/ Compulsory redundancy	Over 55 and a member of the occupational pension scheme	Pension	Immediate payment of pension benefits. The pension benefits paid to an employee retiring on redundancy grounds before the pension scheme’s Normal Pension Age (NPA) will NOT be reduced due to early payment. ⁵
		Redundancy- Severance payment	Employees would also be due a redundancy payment based on the number of weeks as calculated by the ready reckoner multiplied by the employee’s weekly pay. This is up to a maximum of 30 weeks’ pay.
“Employer led” Voluntary/ Compulsory redundancy	Under 55 (and those over 55 who are not members of an occupational pension scheme offered by the county council)	Pension	Not applicable
		Redundancy- Severance payment	The severance payment is based on 1.5 weeks’ pay for each year of continuous service, up to a maximum of 40 weeks’ pay. The council has the discretion to take non-continuous service into account in working out the severance payable
Efficiency	Over 55 and a member of the occupational pension scheme	Pension	Immediate payment of pension benefits. The pension benefits paid to an employee retiring on efficiency grounds before the pension scheme’s Normal Pension Age (NPA) will <u>not</u>

⁴ Employees in both cases must have a minimum of 2 years local authority service to qualify

⁵ A minimum of 2 years scheme membership is required. In the LGPS separate employments are treated independently. If a LGPS member who has multiple employments is made redundant from one post, then the LGPS benefits related to that post are payable immediately. In the TPS all teaching employment must cease in order for the member to qualify for the immediate payment of their TPS benefits.

Type	Age	Benefit	Calculation
			be reduced due to early payment. ⁶
		Efficiency - severance payment	No payment would be made in cases where employee is over the age of 55 and leaving the organisation on efficiency grounds.
Efficiency	Under 55 (and those over 55 who are not members of an occupational pension scheme offered by the county council)	Pension	Not applicable
		Efficiency - severance payment	The severance payment is based on 1.5 weeks' pay for each year of continuous service, up to a maximum of 40 weeks' pay. The council has the discretion to take non-continuous service into account in working out the severance payable
"Employee Led" Voluntary Redundancy	Over 55 and a member of the occupational pension scheme	Pension	Immediate payment of pension benefits. The pension benefits paid to an employee retiring on redundancy grounds before the pension scheme's Normal Pension Age (NPA) will NOT be reduced due to early payment
		Redundancy-Severance payment	Employees would also be due a redundancy payment based on the number of weeks as calculated by the ready reckoner multiplied by the employee's weekly pay up to the statutory maximum weekly pay of £525 (as at April 2019). This is up to a maximum of 30 weeks' pay
	Under 55 (and those over 55 who are not members of an occupational pension scheme offered by the county council)	Pension	Not applicable

⁶ A minimum of 2 years scheme membership is required. In the LGPS separate employments are treated independently. If a LGPS member who has multiple employments retires on efficiency grounds from one post, then the LGPS benefits related to that post are payable immediately. In the TPS ALL teaching employment must cease in order for the member to qualify for the immediate payment of their TPS benefits.

Type	Age	Benefit	Calculation
		Redundancy-Severance payment	Employees would be due a redundancy payment based on the number of weeks as calculated by the ready reckoner multiplied by the employee's weekly pay up to the statutory maximum weekly pay of £525 (as at April 2019) This is up to a maximum of 30 weeks' pay

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All severance payments (including those confirmed as leaving on efficiency grounds) are based on an employee's final annual salary at the point of termination of employment. The final salary should be based on normal annual earnings. Annual earnings include any contractual benefits, supplements, enhancements, or allowances directly paid for duties undertaken including any additional contractual hours or regular overtime worked.

The calculation of the pension benefits payable to an employee who is made redundant or retires on the grounds of business efficiency at or over age 55 depends on their scheme membership dates. Benefits built up in the Career Average Re-valued Earnings (CARE) scheme will be based on the pensionable pay that they receive up to their leaving date. A combination of final pay and membership will be used to calculate benefits built up in the Final Salary scheme.⁷

The pension benefits paid to scheme members who retire voluntarily before the scheme's normal pension age (NPA) would normally be reduced to reflect the early payment date. Where an employee is made redundant or retires on the grounds of business efficiency at or after age 55, but before the scheme's NPA, these early retirement reductions will not apply.

6.2 Redundancy/ Efficiency – Underpin

In exceptional cases, where an employee retires on the grounds of redundancy or efficiency, if the capital cost of the early payment of pension benefits (plus any redundancy payment) is less than the severance payment that would be payable to an employee with the same length of service who was not a member of the LGPS or TPS, the Retirement, Redundancy & Discretions Group can approve an additional payment to make up the difference.

6.3 Additional Discretionary Compensation (ADC)

In exceptional circumstances, Additional Discretionary Compensation (ADC) may be awarded to an employee who retires at or after age 55 with an entitlement to a redundancy payment. ADC may not be awarded to an employee retiring on the grounds of business efficiency.

For further information please refer to the [Policy Statement on Employer Discretions](#)

⁷ Recent reforms mean that the structures of all public sector pension schemes have changed from Final Salary schemes to Career Average Re-valued Earnings (CARE) schemes. The LGPS changed to a CARE scheme from 1 April 2014. The TPS changed to a CARE scheme from 1 April 2015, however, depending on their age and length and dates of scheme membership, some TPS members will remain in the Final Salary scheme. More information about the types of scheme member and the protections that apply can be found on the TPS website <https://www.teacherspensions.co.uk/members/your-scheme/understanding-what-type-of-member-you-are/active-members.aspx>

7. What happens if I am on a Fixed Term Contract and I am vulnerable to redundancy?

Employees will be entitled to the same severance payment whether they are on a fixed term or permanent contract. The same entitlement will apply when employment is terminated at the end of a fixed-term contract if redundancy is the reason for the termination.

It is important to note that the end of a fixed term contract for a reason other than redundancy, would not attract a redundancy payment.

8. How will my redundancy and pension payments be taxed?

Any redundancy payment under £30,000 will not be subject to income tax under current HMRC guidelines. Any excess above £30,000 will be taxed in the normal way. Any Pay in Lieu of Notice is taken into account in assessing whether the payment exceeds the £30,000 threshold.

Up to 25% of the value⁸ of an employee's pension can be taken as a tax free lump sum⁹. Pensions in payment are taxed as earned income.

9. Re-engagement of redundant employees

Normally the council will not re-employ or re-engage employees who have been made redundant with an enhanced severance payment, for a period of 12 months following their leaving date. However, where re-employment is in the best interests of the service, the Assistant Director can make a business case to the relevant Executive Director and the Director of People & Change. Re-engagement includes contracts of employment, consultancy arrangements or through an agency.

The council has decided that this restriction will not apply to employees who have been made redundant from a maintained school.

10. Special Severance

Surrey County Council adhere to the Government's Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England. It is the Government's view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances.

10.1 Categories of Special Severance

The statutory guidance defines Special Severance Payment as any of the following:

- payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault.

⁸ The total value of your LGPS pension includes any additional year's contracts, additional retirement contribution contracts (ARCs), additional pension contribution contracts (APCs) and additional voluntary contribution contracts (AVCs) that you may have taken out.

⁹ Within lifetime allowance limits

- the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date (for example, lease cars, health insurance etc).
- write-offs of any outstanding loans.
- honorarium payments (different from during employment, these payments would be one off included in an exit package).
- hardship payments.
- payments to employees for retraining related to their termination of employment (including outplacement support).

7

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:

- Pay in lieu of notice (depending on the contractual basis for its payment);
- pension strain payments associated with enhancement of pension payments (for example, awarding of added years).

The following do not constitute as Special Severance Payments:

- Statutory and contractual redundancy payments, whether applicable to voluntary or compulsory and whether agreed by collective agreement or otherwise.
- 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 (in accordance with the County Council's pay policy)
- 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) (i.e. payment of pension without reduction on the grounds of redundancy or business efficiency made to employees aged 55 and over).
- a payment of untaken annual leave
- payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation
- Payments made as part of the ACAS Early Conciliation Process (COT3 as opposed to a settlement agreement)
- Payments made to compensate for an injury at work or death of an employee.
- Payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

10.2 Approval process

Special Severance payments are approved by the following process:

Special Severance payments are approved by the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011 (see section on [exceptional circumstances](#))
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Chief Executive, in consultation with the chair of PPDC (Council Leader).
Recommendation and approval must be sought of the Director of People and Change, Relevant Executive Director and either Director of Finance – Corporate and Commercial Or Director of Finance – Insight and Performance (on behalf of the S151 Officer).
- payments below £20,000 must be approved by the Head of Business Partnering & Employment Practice and relevant Head of Service & People Consultancy Lead. Strategic Finance Business Partner supporting the service funding the application (on behalf of the S151 Officer).

In all cases Legal Services must be consulted.

The Government's guidance states that we may consider making a Special Severance payment in order 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 be possible to conclude that a special severance payment is the most suitable option and prudent use of public money.

Where a Special Severance Payment forms part of an overall exit package then approval need only be sought for the element of the package that is a Special Severance Payment. For example:

It is proposed to make the following payments to Employee A under a settlement agreement:

- Severance pay in accordance with the Council's Pay Policy - £42,000
- Payment in respect of annual leave accrued but not taken - £3,400
- A special severance settlement payment made in order for the employee to settle any existing or future claims - £28,000

In this case, approval would need to be sought for the final payment only.

Other severance payments are approved by the following process:

- Other severance payments of £150,000 and above must be approved by PPDC.
- payments of £50,000 and above, but below £150,000, must be approved and signed off by Director of People & Change, the relevant Executive Director and either Director of Corporate Finance or the Director of Financial Insights (on behalf of the Section 151 Officer).
- payments below £50,000 must be approved by the relevant Head of Service, Head of Business Partnering & Employment Practice, People Consultancy

10. Annual Reporting

We publish information about all exit payments paid during the financial year in our annual accounts. This disclosure includes details about the number of exit payments paid in 8 payment bands from £0-£250,000.

11. Procedure

In the case where a special severance payment may need to be made the following procedure should be adhered to, with professional advice and authorisation sought clearly documented.

As soon as it becomes apparent that a special severance payment may need to be made the Special Severance Payment Business Case form needs to be completed by the Head of Service. The form should evidence all the non-financial avenues explored in an attempt to resolve the issue at hand. The individual completing the form may need to contact Employee Services to obtain some of the information pertaining to the employees terms and conditions of employment in order to complete the form.

The S151 Officer and where appropriate, the Monitoring Officer should at this point be made aware of the business case and be cited on all financial decisions made pertaining to a Special Severance payment.

A thorough breakdown of the costings associated with the special severance payment should be clearly set out on the business case form. Once each category of the business case form has been completed it can be sent to the People Consultancy Team for scrutiny. If the People Consultancy team don't feel that all alternative options have been fully explored it is like that the business case form will not be authorised by the People Consultancy Lead until they are satisfied that all options have been full exhausted.

The business case should be sent to the relevant individual identified to authorise the associated special severance costs.

Once fully complete the business case, with all supporting approvals (if on email) should be sent to the directorate Finance Business Partner, for audit and annual reporting purposes. The documentation should also be sent to the

PAPEinbox@surreycc.gov.uk for recording.

12. Exceptional Circumstances

The financial scheme of delegations makes clear that there is an expectation that payments which exceed £100,000 should go to Full Council. The council can take the approach that this would usually be the case unless there are reasons to depart from the statutory guidance.

This could include a number of reasons – for example:

- speed, with a view to minimising the disruption to the Authority from uncertainty should a swift decision not be made;
- in exceptional circumstances it may be inappropriate to divulge information beyond the amount of special payment value
- the need to move forward swiftly, where litigation is on-going.

Where the decision is being taken by the relevant Committee (PPDC), it can be made clear that should members not feel comfortable in agreeing the Special Severance payment they could refer the matter to Full Council.

Appendix 1

Special Severance Payment Business Case form

Strictly Private & Confidential

Special Severance Payment Business Case

This template is to be used for all Special Severance cases submitted for approval.

Special Severance Business Case	
Employee Name	
Name of Requesting Department	
Date decision is needed by and a brief outline of why	
Circumstances of the case	
Overview of the case (including brief case history, with key dates, summarising how the situation has come about. Any wider Council context)	
Terms of Employment	
(length of service, current salary, contractual notice period, type of contract (e.g. permanent, fixed term, part time, contractual entitlements, pension (and over/under 55))	
Breakdown of proposed exit payment	
List each type of payment separately e.g. enhanced contractual redundancy inc. statutory redundancy element breakdown, pay in lieu of notice, accrued annual leave, compensatory payment proposed, contribution to legal costs	

Proposed ways of proceeding

Rationale for settlement inc. potential consequences? Other options considered?
Why is proposal the preferred option?

Financial Considerations

Include here consideration of:

- 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, under any circumstances, been willing to leave with their statutory and contractual benefits alone.

Non-Financial Considerations

Legal Implications

Performance Management

Management Procedures

Repercussions Risk

Lesson Learnt from this case (Explain what lessons have been learned and how management systems have been/will be improved to avoid future occurrences of similar cases)

Wider Impact & potential precedents

Authorisation

<u>Specials Severance payment amount</u>	<u>Authorisation required</u>	
<input type="checkbox"/> Over £100,000	<input type="checkbox"/> Full Council Name of individual taking the business case to Full Council	
<input type="checkbox"/> Over £20,000 but less than £100,000	Chief Executive Council Leader Director of People & Change Service Exec Director Finance Director*	Name: Signed: Date: Name: Signed: Date: Name: Signed: Date: Name: Signed: Date: Name: Signed: Date:
Director of Corporate Finance or Director of Financial Insights (on behalf of the Section 151 Officer).		
<input type="checkbox"/> Less than £20,000	Head of Business Partnering and Employment Practice	Name: Signed: Date:

	Head of Service	Name: Signed: Date:
	People Consultancy Lead	Name: Signed: Date:
People Consultant advising on the case – NAME		
Legal Advice sought from- NAME & DATE		

7

*If any of the senior officers mentioned here are to be the recipient of the payment, they should not play any part in the decision-making process.

A payment cannot be considered authorised unless the business case is completed in full and authorisation is obtained from all of the relevant stakeholders in the applicable amount.

Once fully complete the business case, with all supporting approvals (if on email) should be sent to the directorate Finance Business Partner, for audit, approval and annual reporting purposes. The documentation should also be sent to the PAPEinbox@surreycc.gov.uk for recording.

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Special Severance Policy

1. Introduction

Surrey County Council adheres to the Government's Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England. It is the Government's view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances.

7

2. Categories of Special Severance

The statutory guidance defines Special Severance Payments as any of the following:

- payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault.
- the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date (for example, lease cars, health insurance etc).
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- payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

3. Approval process

Special Severance payments are approved by the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011 (see section on [exceptional circumstances](#))
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Recommendation and approval must be sought of the Director of People and Change, Relevant Executive Director and either Director of Finance – Corporate and Commercial Or Director of Finance – Insight and Performance (on behalf of the S151 Officer).
- payments below £20,000 must be approved by the Head of Business Partnering & Employment Practice and relevant Head of Service & People Consultancy Lead. Strategic Finance Business Partner supporting the service funding the application (on behalf of the S151 Officer).

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The Government's guidance states that we may consider making a Special Severance payment in order 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 be possible to conclude that a special severance payment is the most suitable option and prudent use of public money.

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4. Annual Reporting for all severance payments

We publish information about all exit payments paid during the financial year in our annual accounts. This disclosure includes details about the number of exit payments paid in 8 payment bands from £0-£250,000.

5. Procedure

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(length of service, current salary, contractual notice period, type of contract (e.g. permanent, fixed term, part time, contractual entitlements, pension (and over/under 55)	
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Director of Corporate Finance or Director of Financial Insights (on behalf of the Section 151 Officer).	Name: Signed: Date: Name: Signed: Date: Name: Signed: Date: Name: Signed: Date: Name: Signed: Date:

<input type="checkbox"/> Less than £20,000	Head of Business Partnering and Employment Practice Head of Service People Consultancy Lead	Name: Signed: Date: Name: Signed: Date: Name: Signed: Date:
People Consultant advising on the case – NAME		
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People, Performance and Development Committee
27 February 2023

8

Surrey County Council Ending Bullying and Harassment Policy

Purpose of the report:

To update the Committee and seek the approval of the newly created Ending Bullying and Harassment Policy. This newly created policy is an extension to the already existing Grievance Policy.

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 and contractual terms and conditions of employment of all staff”.

Recommendations:

1. It is recommended that the Committee agree the publication of the newly created Ending Bullying and Harassment Policy.

BACKGROUND:

1. In 2010 the council had a separate Ending Bullying & Harassment policy, further reviews and simplification of employment policies saw the Ending Bullying and Harassment Policy bought back into the Grievance policy.
2. The Grievance Policy was formally reviewed and updated in July 2022. Upon undertaking the Grievance Policy review in 2022, it was felt that there was very little in the existing policy wording to acknowledge the council's commitment to creating a safe and inclusive workplace for all.

3. The Grievance Policy was agreed for publication by SCCTU and made available internally in November 2022. The final version of the policy is available on the intranet, 'Our Surrey'.
4. The creation of the new Ending Bullying and Harassment policy highlights the council's position on dealing with, both informally and formally, concerns relating to bullying, harassment, victimisation and discrimination.
5. The creation of the Ending Bullying & Harassment Policy will act as an initial framework for other policies to feed into. For example, the creation of a Corporate Transitioning at Work Policy and the impending updated statutory Code of Practice which is due to be published nationally this year (no confirmed date) detailing an employer's responsibility to prevent harassment in the workplace.
6. The Ending Bullying and Harassment Policy details our duty to protect our employees from 3rd party harassment and to investigate concerns, taking action as appropriate, even where statutory services responsibilities are in place.
7. The custodian of the policy is the Director of People and Change. All policies and inter-relationships are centrally reviewed by the HR Policy and Reward Board and Surrey County Council Trades Unions, whose role it is to act as one body and represent the interests of its constituent bodies and their members in response to Surrey County Council proposals.

DOCUMENT DETAIL:

1. To approve the Ending Bullying and Harassment Policy, a brief description of the policy content is below:

2.

- **Policy Statement:**

Details the intent of the policy, which is designed both to help eliminate bullying or harassment in any form and to offer support to any employee of the council who feels that they are being bullied or harassed by another council employee or by a third-party.

- **Equality Impact Statement**

This statement appears in a number of our employment policies. The statement has been introduced to encourage employees and line managers to engage in meaningful equality, diversity and inclusion (EDI) conversations around the possible solutions which could be implemented (or barriers removed) to enable an employee to fully engage with a process. The EDI conversation could be related to a disability, religious or cultural needs, caring responsibilities, interpreters, specific location access, specialists or modified equipment.

- **What is Harassment?**

A definition of what is considered harassment under the Equality Act 2010 is provided along with a number of examples of behaviours which may constitute as harassment. This is to help individuals identify behaviour or actions which could be deemed as harassment in order to address the concerns.

- **Third Party Harassment**

A definition of who constitutes as a third party in relation to the council is provided along with information on how to raise concerns surrounding third party harassment are provided.

- **What is Bullying?**

A definition of what is considered bullying is provided which is in line with the ACAS definition, as there is no legal definition. A number of examples of behaviours which may constitute as bullying are also provided.

- **Employee Wellbeing Support**

Information on where an individual can seek support, other than from their line manager, is provided. This section of the policy directs individuals to the wellbeing hub where additional information regarding the Employee Assistance Programme (EAP) can be found along with other additional supportive resources.

- **Reporting Bullying & Harassment**

In addition to raising concerns with a member of management, employees (or a manager on an employee's behalf) should report all incidents of bullying and/ or harassment on OSHENS, the council's online incident reporting tool. This section of the policy also directs individuals the Health and Safety manual for more information on the council's approach to minimising risks to health and safety from violence, including aggressive behaviour.

- **Informal Procedure**

It may be appropriate in some circumstances to manage incidents of bullying or harassment informally. It is recognised that sometimes an individual may not be aware how their behaviour or conduct is impacting another individual. Making that individual aware may be sufficient to stop the bullying or harassment, therefore this section outlines some initial action that can be taken to address the concerns.

- **Formal Procedure**

This section outlines when concerns around bullying and harassment should be addressed formally. At this point an individual can raise a formal grievance and the process will be handled in line with the grievance resolution procedure.

- **Victimisation**

This section details that as a council we do not tolerate any form of victimisation for speaking up or raising concerns. The sections provides information on what employees should do if they feel they are being victimised.

8

Report Contact:

Emma Lucas: Head of Business Partnering and Employment Practice
Chloe Newberry: Employment Practice Consultant

Contact details: emma.lucas@surreycc.gov.uk or chloe.newberry@surreycc.gov.uk

Sources/background papers:

Surrey County Council

Ending Bullying & Harassment Policy

Document Owner	Employment Practice & Reward Team
This Issue	Oct 2022
Last Issue	Newly created
Review Date (reviewed every 3 years)	Oct 2025



Ending Bullying & Harassment Policy

Glossary	3
Policy Scope and Purpose.....	4
1. Policy Statement	5
2. Equality Impact Statement.....	5
3. What is Harassment	5
4. Third Party Harassment	6
5. What is Bullying?.....	7
6. Employee Wellbeing Support	8
7. Reporting Bullying and Harassment	8
7.1 Informal Procedure.....	8
7.2 Formal Procedure	9
8. Victimisation	9

Glossary

Acronym or term	Definition
SCC or Surrey County Council	Defined as the Employer in this policy. It can also be referred to as the Council and/or organisation.

Policy Scope and Purpose	
Scope and Purpose:	The council is committed to eliminating bullying and harassment and to promoting a harmonious work environment where every employee is treated with respect and dignity. The council will not tolerate bullying or harassment of any member of the organisation by colleagues, or by third parties such as service users, or suppliers.
Who uses this Policy:	This Policy applies to all Surrey County Council (SCC) employees on Surrey Pay and employees on different terms and conditions in the absence of national conditions, except firefighters and teachers employed by schools.
Roles and Responsibilities:	<ul style="list-style-type: none"> • Line Managers are responsible for implementing the policy in a fair and consistent manner. • All employees will be responsible for engaging with and adhering to this policy and procedures. • Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members • The Human Resources team will be responsible for ensuring compliance with this policy and procedure and providing advice and guidance • All parties will be expected to apply the policy correctly
Is there a procedure or any other appendices attached to this policy?	This policy should be read in conjunction with the Grievance Policy.

1. Policy Statement

This policy is designed both to help end bullying or harassment in any form and to offer support to any employee of the council who feels that they are being bullied or harassed by another council employee or by a third-party. It aims to assist in developing and encouraging an inclusive working and learning environment and culture in which bullying and harassment is known to be unacceptable.

The council takes grievances or issues about unacceptable behaviour towards employees seriously and wants individuals to have the confidence to report harassment without fear of victimisation.

This policy should be read in conjunction with the councils Grievance Policy however, issues directly related to bullying and harassment can follow the informal procedure as set out in this document. Should an issue persist or be deemed too serious to be resolved informally then the formal grievance procedure should be adopted.

8

2. Equality Impact Statement

Equality is not about treating everyone the same; equality is about valuing a person as an equal regardless of their characteristics and treating people according to their needs in order to achieve a fair outcome. Line managers are responsible for having an Equality, Diversity & Inclusion (EDI) discussion with their employee at the earliest stage possible, to understand if equalities issues could be a contributing factor and to understand if anything could be considered to enable them to fully participate in a process. This could include but are not limited to; disabilities or long term health conditions (including undiagnosed), religious or cultural needs, caring responsibilities, interpreters, specific location access, specialists or modified equipment.

It may also be appropriate to check in from time to time to ensure any measures put in place are fit for purpose and likewise an employee should notify their line manager of any changes in their circumstance. Additional advice and support can be sought from My HR Helpdesk or Trade Unions.

3. What is Harassment

Harassment is defined under the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment related to the following ‘protected characteristics’ (as defined by the Equality Act 2010):

- Race
- Age
- Disability
- Gender reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Sex
- Sexual Orientation
- Religion & belief

Harassment may take many forms and includes behaviour related to a protected characteristic outlined above. However, harassment can occur without being related to any of the above. Examples of behaviour which is likely to constitute harassment are given below. The list is not exhaustive and other forms of harassment will be viewed equally as seriously:

- Behaviour of a racist, sexist, homophobic, ageist or disabled nature.
- Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, verbal or physical abuse etc.
- Offensive sexual behaviour such as, lewd or suggestive comments, offensive flirtations, unwanted sexual advances or demands for sex and compromising invitations.
- Offers of favoured treatment in return for sexual acts (or threats of disadvantage if refused).
- Unnecessary bodily contact or the invasion of personal space
- Threatening behaviour
- Deliberate exclusion from conversations or work activities on the basis on the characteristics outlined above
- Using email, the internet, text, instant messaging services or other electronic media for the purpose of bullying or making offensive remarks.
- Displaying offensive material (on paper or electronically).
- Drawing unwelcome attention to or abusing someone's religious beliefs.

'Sexual harassment' includes unwanted sexual behaviour or advances, requests for sexual favours or unwanted verbal, written or physical behaviour of a sexual nature. Sexual harassment also includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

The word 'unwanted' means essentially the same as 'unwelcome' or 'uninvited'. It does not mean that expressed objection must be made to the conduct before it is deemed to be unwanted.

Employees are able to complain of harassment that they find offensive if it relates to a protected characteristic, even if it is not directed at them. The complainant need not possess the relevant characteristic themselves.

Protection from harassment is also given because of perception and association. Harassment occurs even if the person harassed does not have the characteristic but is wrongly perceived to have the characteristic or harassed because of their association with someone who has the characteristic, such as a family member, friend or partner.

In order for the council to take action, harassment or bullying does not have to be so serious and/or unrelenting that the person who is being or has been harassed feels it necessary to change their job although the council recognises that this may be a consequence of harassment, if no action is taken to stop the harassment.

4. Third Party Harassment

The council acknowledges that an employee, from time to time, may suffer unacceptable behaviour by users of its services or people providing services to the council. Unacceptable behaviour directed at an employee of the council by a third party (e.g., service users, suppliers, contractors, agency staff, member of the public) should be reported immediately to the employee's manager.

The council will investigate any complaint of unacceptable behaviour made by an employee against a third party and take appropriate action. The manager should investigate the allegation. The investigation should include speaking to the complainant and may include speaking to any witnesses or the alleged perpetrator if possible.

Where a complaint is about a service user and depending on the type of service being provided, it may not be possible to withdraw services due to statutory responsibilities.

However, alternative arrangements can be considered and implemented where one or more of the below have taken place:

- Abusive or threatening behaviour towards Council employees;
- Persistent intimidation, bullying or harassment of staff despite warnings;
- An actual physical assault on a member of staff.

The list is not exhaustive.

Where an incident has occurred, the individual should report the incident on the accident reporting system [OSHENS](#), under the category of 'abuse/threat/violence' or 'injury' as appropriate.

Staff and managers should always work towards a resolution that maintains staff safety while continuing to provide necessary services. Heads of Service should seek advice from Legal Services when considering the withdrawal of a service and this should always be a last resort.

Any employee who has been subjected to unacceptable behaviour must be dealt with sympathetically and supportively by management and should be offered suitable support such as the Employee Assistance Programme.

5. What is Bullying?

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge.

Inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable. Examples of bullying are given below. These are just a small number of the many forms bullying can take and other forms will be viewed equally as seriously:

- Unreasonable supervision, shouting, verbal, written or published abuse.
- Abuse of power or behaviour that causes fear or distress for others.
- The deliberate undermining of an individual through unfair work allocation and/or constant unwarranted criticism.
- Inconsistent management style where there is evidence of unfavourable treatment.
- Public ridicule, sarcasm or humiliation.
- Ostracising or excluding colleagues from work events or social activities

Bullying does not include appropriately conducted constructive feedback of an employee's behaviour or job performance by their line manager.

6. Employee Wellbeing Support

Employee wellbeing is our priority. Employees, both the individual raising the concern and the alleged perpetrator, will be asked whether they require support during and after the period of investigation by their line manager. They will be given information about any other relevant persons or services which are available to support them. Individuals seeking wellbeing support can find additional information on the [wellbeing hub](#).

7. Reporting Bullying and Harassment

Where an employee believes they have experienced or witnessed any behaviour that is in breach of this policy they can raise their concerns to their line manager or if this is not appropriate to another member of senior management. Alternatively, they can seek assistance from the HR Helpdesk.

8

Any form of bullying or harassment is taken extremely seriously by the council and if proven, could lead to disciplinary action and possibly dismissal. In addition, individuals who engage in such behaviour may be in breach of the law.

The possibility that allegations may be made with vexatious or malicious intent is also recognised by the council and such complaints will be treated as grounds for possible disciplinary action.

An employee should report incidents of bullying or harassment on the council's online incident reporting system [OSHENS](#), under the category of 'abuse/ threat/ violence' or 'injury' as appropriate.

Further information can be found in [Section F4 of the Health and Safety Manual](#), on the council's approach to minimising risks to health and safety from violence, including aggressive behaviour not causing actual physical harm.

The council believes there may be occasions where allegations of bulling and harassment can be resolved informally. The alleged perpetrator may not realise that their behaviour is unwanted or perceived as bullying or harassment. It is therefore very important that where an employee feels they are being bullied or harassed that they do everything as reasonably possible to resolve this informally as detailed in section 7.1. Where the matter is so serious it may be more appropriate to raise their concerns formally, as detailed in section 7.2.

7.1 Informal Procedure

An employee who feels that they are being subjected to unacceptable behaviour may find it useful to discuss the details with an independent person (e.g., a work colleague, manager or Trade Union representative) in the first instance. Having a second opinion can help the employee to determine whether they have reacted reasonably or if they may have misinterpreted the situation.

If the employee still believes that they are being subjected to unacceptable behaviour, they should attempt to resolve the matter informally by raising it with the person subjecting them to the behaviour. The employee should explain that they found the behaviour offensive and/or unwelcome and request that it is not repeated. It is recognised that sometimes an individual may not be aware how their behaviour or conduct is impacting on another individual. Making that individual aware may be sufficient to stop the bullying or harassment.

This initial approach can be made either in person, written communication or by telephone. If the employee feels unable to make the approach on their own, they can ask their manager (or the next most relevant manager if the complaint is about their manager) to make the approach on their behalf. This action should be taken as soon as the bullying or harassment becomes apparent.

It may be appropriate to consider mediation as a restorative approach to dealing with bullying or harassment. The restorative approach recognises that the quality of working relationships may be influenced by certain issues or incidents and seeks to provide ways in which colleagues can constructively address these to find a positive way forward.

Further advice on mediation can be found on the [wellbeing support hub](#) or by contacting my HR Helpdesk.

The employee should keep a record of the action they have taken and the response. If the unacceptable behaviour continues or reoccurs, this information could be used as evidence in any formal investigation.

A potential outcome of a formal procedure may result in both parties being required to attend a meeting to agree strategies to restore the working relationship. Individuals are therefore encouraged to exhaust informal measures to resolve the matter in the first instance.

7.2 Formal Procedure

If an informal approach does not resolve the issue or the concern is too serious to be dealt with informally (e.g., threatening behaviour), the employee can raise a formal grievance. The council has a duty to protect all employees and reserves the right to commence an investigation into concerns raised informally, even where the employee has not raised a formal grievance, if it considers it appropriate to do so.

In any cases of bullying, harassment, and victimisation, an independent or external person may be sourced to investigate the case at the discretion of the council. The term 'external/independent' may mean that a director or senior manager from another directorate across the council is appointed as an Investigating Officer, or in certain situations an investigator may be sourced from an external company.

This approach is to ensure the council has a clear approach to responding to inappropriate and potentially discriminatory behaviour, and that any resulting recommendations are acted upon in a timely manner. The overall aim is to ensure people feel confident in and protected by the council's approach and can raise concerns regarding other people's behaviour knowing they are safe and that their complaints will be taken seriously.

Please refer to the grievance policy for more information.

8. Victimisation

We do not tolerate retaliation against anyone who speaks up and raises concerns. Retaliation means any kind of unfair treatment, whether subtle or overt towards a person who raises a concern or who participates in a process.

All employees who experience or witness any behaviour they believe to be revengeful should immediately report such behaviour to their line manager, contact the HR Helpdesk.

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