

People, Performance and Development Committee
8 March 2018

HR Policy Changes: Ending Employment Policy

Purpose of the report:

The Committee is asked to note a number of amendments to the Ending Employment Policy of the Council and approve an addition to the Committee's Terms of Reference.

Recommendations:

It is recommended that the People, Performance and Development Committee:

- i. Approves the amendments (as set out in **Annex 1** of the submitted report) to provisions within the Ending Employment Policy of the Council which were made following Member feedback at the Committee meeting on 29 January 2018.
- ii. Approves an addition to the Committee's Terms of Reference (as set out in **Annex 2** of the submitted report) to set out that the Committee will be responsible for approving business cases for level 1 to 3 managers' severance terminations and for the Constitution to be updated accordingly and reported to County Council.

Introduction:

1. Officers in the Human Resources and OD Service of the Council believe that a consolidated 'Ending Employment Policy' would provide Council employees and managers with more clarity on provisions around resignation, retirement, and death in service. Consolidating those provisions, together with a reference to policy principles that apply to severance/redundancy terminations could make them more accessible and easier to understand.
2. At its meeting on 29 January 2018, the People, Performance, and Development Committee ratified a proposal for the adoption of a consolidated policy, indicated its agreement in principle for the Council to adopt the Dying to Work Charter to support employees who have been diagnosed with terminal illness, and requested that a number of changes be made to the Policy prior to its publication.

Ending employment

Key Issues:

3. At the meeting of the People, Performance, and Development Committee on 29 January 2018, Members ratified an officer proposal to consolidate various employment policy provisions into a new Ending Employment Policy, and introduce a number of amendments to the provisions in question. Members also suggested that the proposed new Policy would benefit from a number of additional amendments prior to publication, and requested an officer update on the amendments requested. The updated policy can be found at **Annex 1**.
4. A provision has been introduced to undertake that the Council will endeavour to investigate any allegations of misconduct that may relate to fraud and/or other officer actions/omissions that could create financial or reputational risks for the Council, even after it has received notice of resignation from the officer[s] whose conduct is under investigation. The introduction of such a provision signals the Council's commitment to good financial practice and overall transparency, and would make it easier for the Council to pursue any such matters through the court system.
5. Changes have been made in order to accurately reflect the post title for officers within the second tier of the management structure within the Council's paid service ('Strategic Directors').
6. Reference was added to the requirement for Member approval for severance terminations for a number of senior officer posts, and the discretion that is available for the Head of the HR&OD Service to approve such terminations [on a de minimis basis]. These provisions are set out in detail within the Council's Severance Policy and Guidance document, together with relevant procedural requirements (e.g. the submission of a business case for approval). The Committee's Terms of Reference have been updated to reflect this as a result and can be found at **Annex 2**.

Financial and value for money implications:

7. It is expected that the proposed policy modifications will not result in any discernible financial impact to the Council.

Equality and Diversity implications:

8. The proposed policy revisions are not expected to have an impact on the management of Equality and Diversity within the Council.

Risk Management implications:

9. The proposed policy modifications are not expected to substantially alter the way in which the Council manages risk, however some risk mitigation could be achieved through the introduction of an expectation for management to conclude any investigations into allegations of misconduct which relate to fraud or financial/reputational damage to the Council. It is

expected that the provision in question may facilitate any Council efforts to seek redress through litigation.

Next Steps:

10. Publish the proposed new Policy on s-net with clear references to relevant guidance and arrange for the new policy to be disseminated to officers within HR and managers across the Council.
11. Ensure the Policy continues to accurately reflect the Council's Severance Policy and Guidance and incorporates any relevant amendments. These may include the introduction of clearer definitions of terminology around 'severance' and/or 'redundancy', and a review of policy and practice around the approval of termination payments for senior officers.

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Annexes:

Annex 1 – Ending Employment Policy

Annex 2 – Updated People Performance and Development Committee Terms of Reference.

Sources/background papers:

The proposed changes have been developed principally from Member input and articulated through officer discussions within the Council's HR&OD service.

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