

Personnel Committee

Wednesday, 16 September 2020 at 14:30

Virtual meeting, <https://www.youtube.com/user/nottsc>

AGENDA

- | | | |
|---|--|---------|
| 1 | Minutes of the last meeting held on 8 July 2020 | 3 - 6 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below) (a) Disclosable Pecuniary Interests (b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Nottinghamshire County Council Workforce Availability and Support to Maintain Employee Health and Wellbeing | 7 - 34 |
| 5 | Nottinghamshire County Council Workforce Profile Information 2020 | 35 - 66 |
| 6 | Update Report on Actions to Support the Council's Black Workforce | 67 - 76 |
| 7 | Staffing Resources for the McCloud Judgment Project | 77 - 82 |
| 8 | Work Programme | 83 - 86 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in

the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Sarah Ashton (Tel. 0115 977 3962) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Minutes

| | |
|---------|---|
| Meeting | PERSONNEL COMMITTEE |
| Date | Wednesday 8 July 2020 (commencing at 10.30am) |

Membership

Persons absent are marked with an 'A'

COUNCILLORS

Neil Clarke MBE (Chairman)
Keith Walker (Vice-Chairman)

Maureen Dobson
Errol Henry JP
John Longdon
Sheila Place
Helen-Ann Smith

Stuart Wallace
Gordon Wheeler
Jonathan Wheeler
Yvonne Woodhead

OFFICERS IN ATTENDANCE

Sarah Ashton Democratic Services Officer
Marjorie Toward Service Director – Customers, Governance and Employees
Gill Elder Head of Human Resources

TRADE UNION IN ATTENDANCE

Karen Eddy UNISON
James Minto UNISON

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

RESOLVED 2020/09

That the appointment of Councillor Neil Clarke MBE as Chairman and Councillor Keith Walker as Vice-Chairman by the County Council on 11 June 2020 for the ensuing year be noted.

2. COMMITTEE MEMBERSHIP

RESOLVED 2020/10

That the membership for the 2020 / 2021 municipal year as follows: Councillors Maureen Dobson, Errol Henry JP, John Longdon, Sheila Place, Helen-Ann

Smith, Stuart Wallace, Gordon Wheeler, Jonathan Wheeler and Yvonne Woodhead be noted.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 11 March 2020, having been circulated to all Members, were taken as read and confirmed and signed by the Chairman.

4. APOLOGIES FOR ABSENCE

None

5. DECLARATIONS OF INTEREST

None.

6. PERSONAL PROTECTIVE EQUIPMENT (PPE) RESOURCE IN RESPONSE TO COVID-19

RESOLVED 2020/11

That the Committee agreed to the establishment of posts listed in Table 1 of the report until 31st May 2021.

7. NOTTINGHAMSHIRE COUNTY COUNCIL WORKFORCE UPDATE DURING THE COVID-19 PANDEMIC

RESOLVED 2020/12

- 1) That the Committee welcomes the chance to commend the efforts and send heartfelt thanks to the Council's workforce in responding to the unprecedented challenges presented by the Covid-19 pandemic.
- 2) That the Committee agreed to further work being undertaken to better understand the links between flexible working, reduced absence and workforce availability.
- 3) That the Committee agreed to receive a further report on the workforce's engagement and actions with recovery at November's Committee meeting.

8. SUPPORT FOR BLACK, ASIAN AND MINORITY ETHNIC (BAME) STAFF

RESOLVED 2020/13

- 1) That the continued actions required by signatories of the Race at Work Chartered be agreed.

- 2) That the Committee agreed that work is undertaken to identify further areas for improvement and actions delivered for sustainable change, as detailed in paragraph 9 of the.
- 3) That the Committee agreed an additional 0.5 fte Equalities Officer post be established within the corporate Workforce and Organisational Development Team of the Human Resources function with immediate effect.
- 4) That the Committee agreed to receive a further report updating progress in Autumn 2020.

9. WORK PROGRAMME

RESOLVED 2020/14

That the work programme be updated according to recommendations made during this meeting and the work programme be approved.

The meeting closed at 12.27pm.

CHAIRMAN

REPORT OF SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND EMPLOYEES**NOTTINGHAMSHIRE COUNTY COUNCIL WORKFORCE AVAILABILITY AND SUPPORT TO MAINTAIN EMPLOYEE HEALTH AND WELLBEING****Purpose of the Report**

1. To inform Elected Members of the current position of workforce availability, sickness absence for quarter 1 2020/21 and to seek approval for the refreshed actions contained in the updated Employee Health and Well-being Action Plan.

Information

2. This report seeks to inform Members of the Council's performance in terms of attendance and workforce availability. It remains the case that over 50% of the directly employed workforce have had no sickness absence in the last 12 months (Appendix E). The balance between short and long term absence has also shifted to around 65% long term (4 weeks or more) to 35% short term (Appendix C). This is helpful information and provides a clear indication of where we need to focus management attention as we know that short term absence improves when there is a concerted effort to reduce it and Members have previously received case studies which demonstrate this.
3. We also have to acknowledge that as a large employer there will always be a proportion of the workforce unavailable due to chronic ill health for example those undergoing treatment for cancer or serious heart conditions. We need to focus our efforts on the areas we can influence and adopt different approaches depending what the identified issue is. This may be a more robust line with frequent short-term absence to a more supportive approach to those experiencing longer term illnesses. This would align with our ongoing efforts to recruit more people with disabilities into the workforce and also our commitment to the Dying to Work charter which promotes employee choice in the unfortunate event of someone receiving a terminal diagnosis.
4. The table at the foot of Appendix E shows that there were 5 capability (ill health) terminations and 23 ill health retirements in quarter 1 demonstrating the managers retained a focus on managing attendance during the height of the Covid-19 pandemic. The picture varies between the departments and we aim to adopt an individual approach when managing casework as the reasons for absence and the barriers preventing an early return to work are very specific to individuals.

5. Members will recall receiving a report to July's Committee which demonstrated that the level of workforce availability throughout the Covid-19 pandemic had remained stable and comparable with four randomly selected dates prior to the outbreak. The level of availability fluctuated between 85 and 89% of the workforce and took into account people unavailable to work due to sickness absence, annual leave or for any other approved reason. This figure has dipped slightly in August due to employees being encouraged to take some of their annual leave allowance to ensure they maintain their resilience and have some time for rest and recuperation, given the intensity many are experiencing in their current work situations. It is expected that the figure will return to the previous level in September after children of all ages return to school.
6. Members will be pleased to learn that at the time of writing, it remains the case that no Council employee has died as a result of the Covid pandemic. However, we are aware of the continuing impact of the current situation on people's health, particularly their mental wellbeing and we know that we continue to have employees who have been bereaved due to Covid-19. The extended counselling provision which operates 24 hours a day, 7 days a week, continues to ensure people have access to professional support whenever they need it and the attached Action Plan (Appendix F) seeks to refresh and where appropriate, extend the support available to the whole directly employed workforce.
7. Information contained in Appendices indicates the annual 12 month rolling picture regarding sickness absence. The figure for quarter 1 2020/21 is 9.39 days which does not reflect the overall improved attendance during the Covid outbreak. This is due to the number of days absence being calculated as a 12 month rolling figure. The average number of days' absence per full time equivalent employee (FTE) for quarter 1 is 8.87 days and when the figure is extended from 1 April to 31 August 2020, the average number of days absence reduces further to 7.9 per FTE. A further report will be brought to November's Committee to report quarter 2 performance and to identify whether the overall reducing trend continues.
8. Members previously agreed to further work being undertaken to fully understand the impact of flexible working on those who could work in this way. Unfortunately the Public Health Registrar identified to assist with this piece of work and the investigation into comparing our workforce with the general population, has been seconded back to Public Health England and to date, there is no capacity within their service to offer an alternative due to their continued focus on the Covid-19 pandemic. We continue to work with Timewise to maximise the benefits and to explore further opportunities for flexible working.
9. Further work is still required to fully understand the link between flexible working and attendance so we can utilise this information to improve sickness absence overall. The availability to work figure as mentioned above, has stayed relatively constant around the high eighties percent. The unavailable for work figure includes sickness absence but also approved absence for annual leave and all aspects of paid and unpaid special leave. We have previously only looked at sickness absence in terms of those not in work either long term or regularly absent short term. The understanding of workforce availability may provide new insight into the reasons for absence. Alongside further examination of the positive benefits of flexible working on absence generally, work will be initiated across all departments to understand what the reasons for this may be and a further report will be brought to this Committee. We will explore different ways to utilise Public Health expertise despite the loss of dedicated capacity and aim to inform Members of progress in respect of this research and any actions taken as a result of this.

10. There remain areas where joint work with Public Health colleagues is possible and which will enhance our existing package of support for employees. Unfortunately, one of the known outcomes from the ongoing pandemic is a reported increase in domestic abuse. Work is now underway between HR and Public Health colleagues to refresh our policy in this area and to publicise the range of support available to all employees should they find themselves in this most difficult of situations.
11. Another area where the organisation can benefit from a more joined-up approach is the winter flu vaccination programme. We know that the Covid-19 situation continues and the possibility of local lockdowns remains a possibility. There is concern that the position will be exacerbated if we have a significant winter flu outbreak and the normal vaccination programme is being extended. We will work together to ensure an effective communications programme is developed and delivered to maximise the impact and to ensure, as far as is possible, our workforce and their families are protected.
12. The employee health and wellbeing action plan, previously approved by Members, has been refreshed to include new measures directly linked to the Covid-19 situation or where it has already been recognised there is a gap in our provision. Discussions are continuing with the recognised Trades Unions and the various self-managed groups to ensure our support package meets the needs of all and retains its currency.
13. The Workforce Recovery Group, chaired by the Service Director, Customers, Governance and Employees, has identified employee health and wellbeing as a key workstream of its programme of work and will continue to identify required actions to support the workforce as we move from response to recovery and the new future of work evolves. A new Workforce Recovery Strategy and associated action plan is being developed to address how the Council's future workforce will be supported and developed to enable them to respond positively and flexibly to the new challenges emerging. The action plan will refer to an align with the existing actions plans addressing the full range of equalities issues and the attached refreshed employee health and wellbeing action plan.

Other Options Considered

14. The Council recognises that its workforce is its most valuable asset and needs to be prepared and protected during the current emergency through the range of activities identified here. There is a raft of guidance, toolkits and risk assessments available to assist managers support their team members as well as further additions to the Council's employee wellbeing offer which has been reviewed and extended throughout the pandemic as new needs are identified and fresh resources become available. Continued work is required to better understand the reasons for absence levels, the benefits of flexible working and to identify any further actions which would improve attendance and support our employees to come to work and perform to the best of their ability.

Reasons for Recommendations

15. The Council's employees are integral to developing new ways of working and service delivery and as such understanding the things they have valued in the emergency situation will be critical to moving forward positively. The Council needs to maximise the attendance and

contribution of each employee as there are efficiencies to be made to meet the ongoing cost of the Covid response.

Statutory and Policy Implications

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

17. There are no data protection or GDPR issues arising from this report as all the information contained is generic and cannot be attributed to individual employees.

Financial Implications

18. There are no direct financial implications arising from the content of this report. However, there is clearly a cost to the measures put in place to support and protect the workforce during the current situation. Developing a comprehensive package of support has made employees feel valued and ultimately will have a positive impact on turnover and recruitment. As an “employer of choice” there is a strong moral as well as business benefit to delivering this.

Human Resources Implications

19. The Council’s most valuable asset is its employees and it would have been unable to deliver and continue to provide services to its most vulnerable citizens without their invaluable contribution. The range of activities outlined in this report in terms of support and protection has enabled every individual to make their own contribution and ensured their positive engagement throughout. Learning from the current situation will be gathered used to inform future activity as we move to recovery and the “new normal”.

Public Sector Equality Duty implications

20. Work has been undertaken to understand the potential additional risk factors presented by Covid-19 to specific groups of employees including Black and Minority Ethnic employees and those with relevant disabilities and long-term health conditions. Targeted actions have been identified to address these specific issues. We continue to engage with the recognised Trade Unions and Council’s self-managed groups and support networks to ensure we take full account of the concerns and needs of these members of the workforce.

RECOMMENDATIONS

It is recommended that Members:

- 1) Agree to the identified further work being progressed with Public Health colleagues in the areas of domestic abuse, the winter flu vaccination programme and health promotion opportunities to effect lifestyle changes to reduce obesity and encourage smoking cessation.
- 2) Agree to receive a further report in January 2021 which provides further information on the reasons for the links between flexible working, reduced absence and workforce availability.
- 3) Agree to receive a further report on the workforce's engagement and actions with recovery at November's Committee

Marjorie Toward
Service Director – Customers, Governance and Employees
Chief Executives Department

For any enquiries about this report please contact:

Gill Elder, Head of Human Resources, on gill.elder@nottsc.gov.uk or 0115 9773867

Constitutional Comments (EP 24/08/20)

21. The recommendations fall within the remit of the Personnel Committee by virtue of its terms of reference.

Finance Comments (SES 25/08/20)

22. There are no specific financial implications arising directly from this report.

HR Comments (JP 25/08/20)

23. The human resources implications are set out in the body of the report. Significant activity has been undertaken to develop and support initiatives to maximise employee attendance.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Appendix A

Chart 1. Average number of days sickness per employee for the authority by department

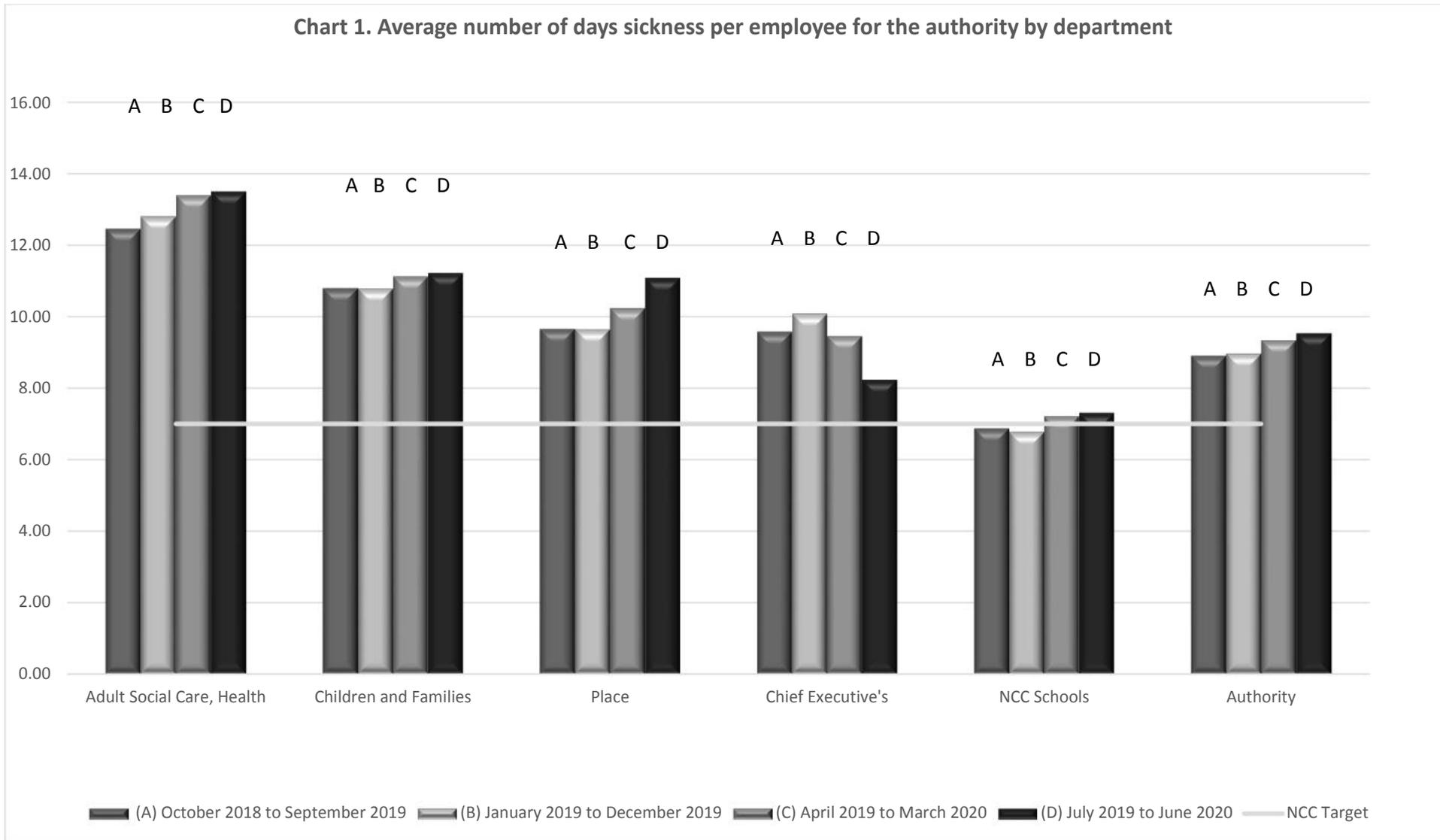


Chart 2 ASCH July 2019 to June 2020

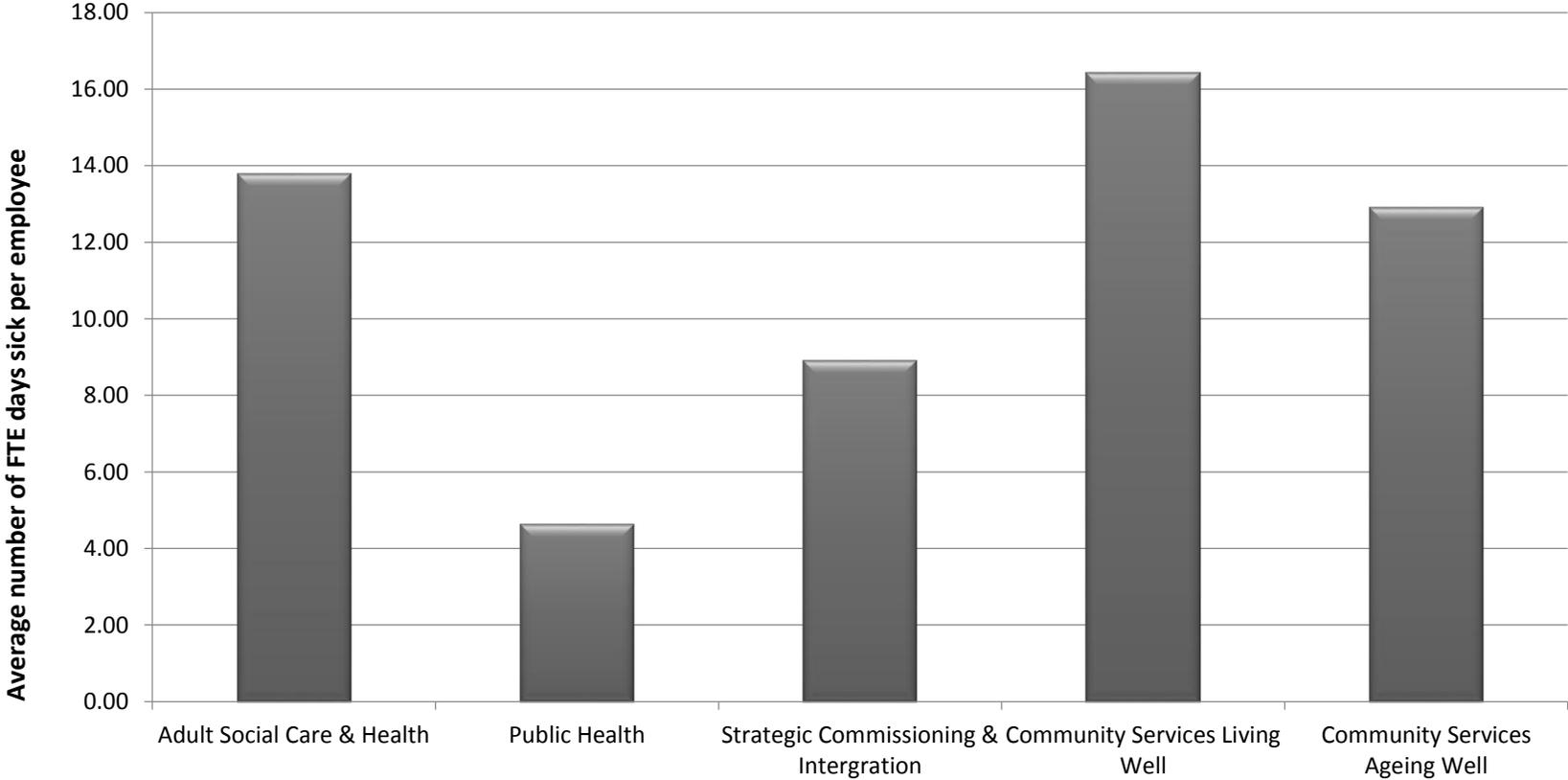


Chart 3 Children and Families June 2019 to June 2020

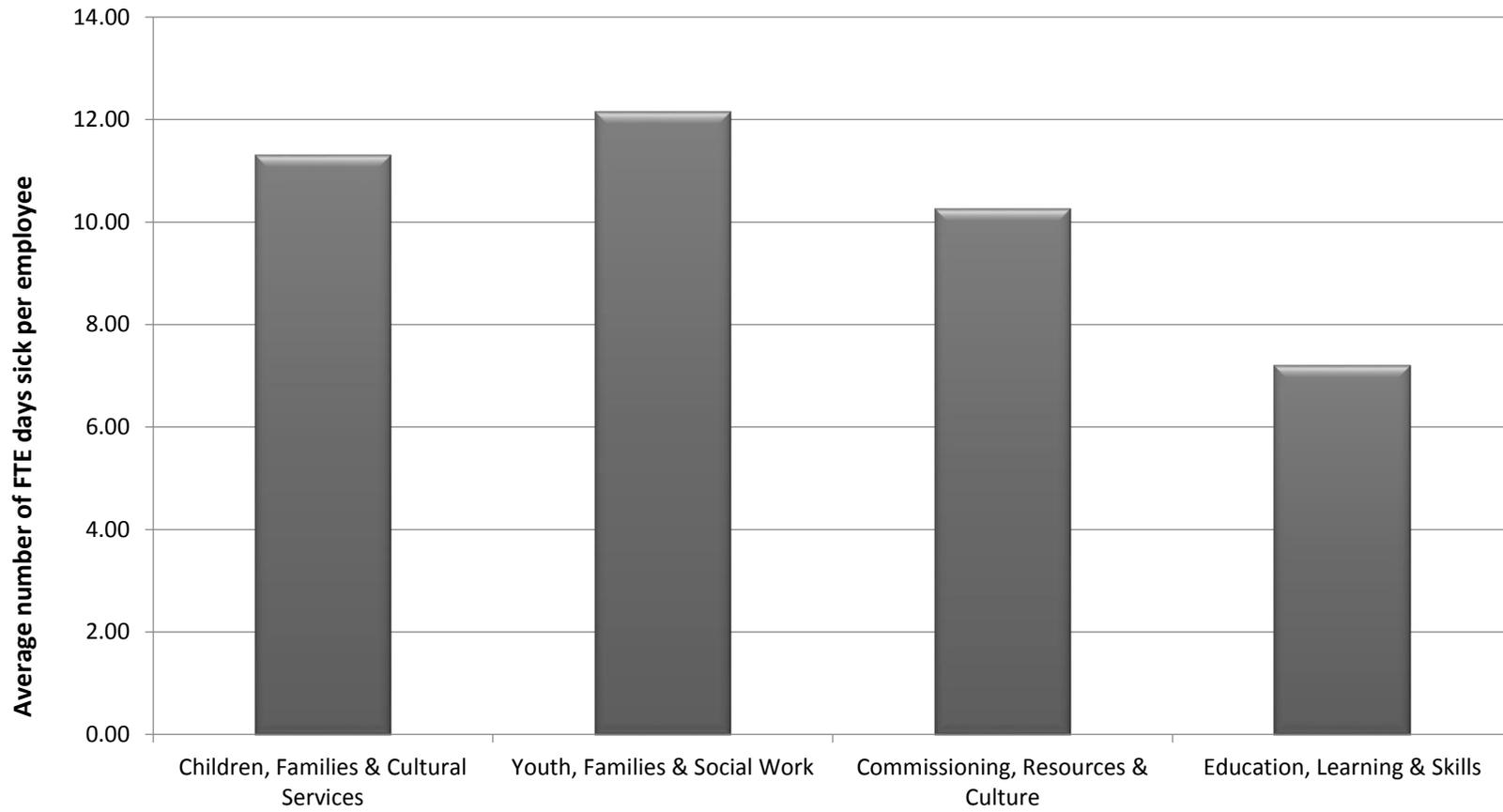


Chart 4 Place July 2019 to June 2020

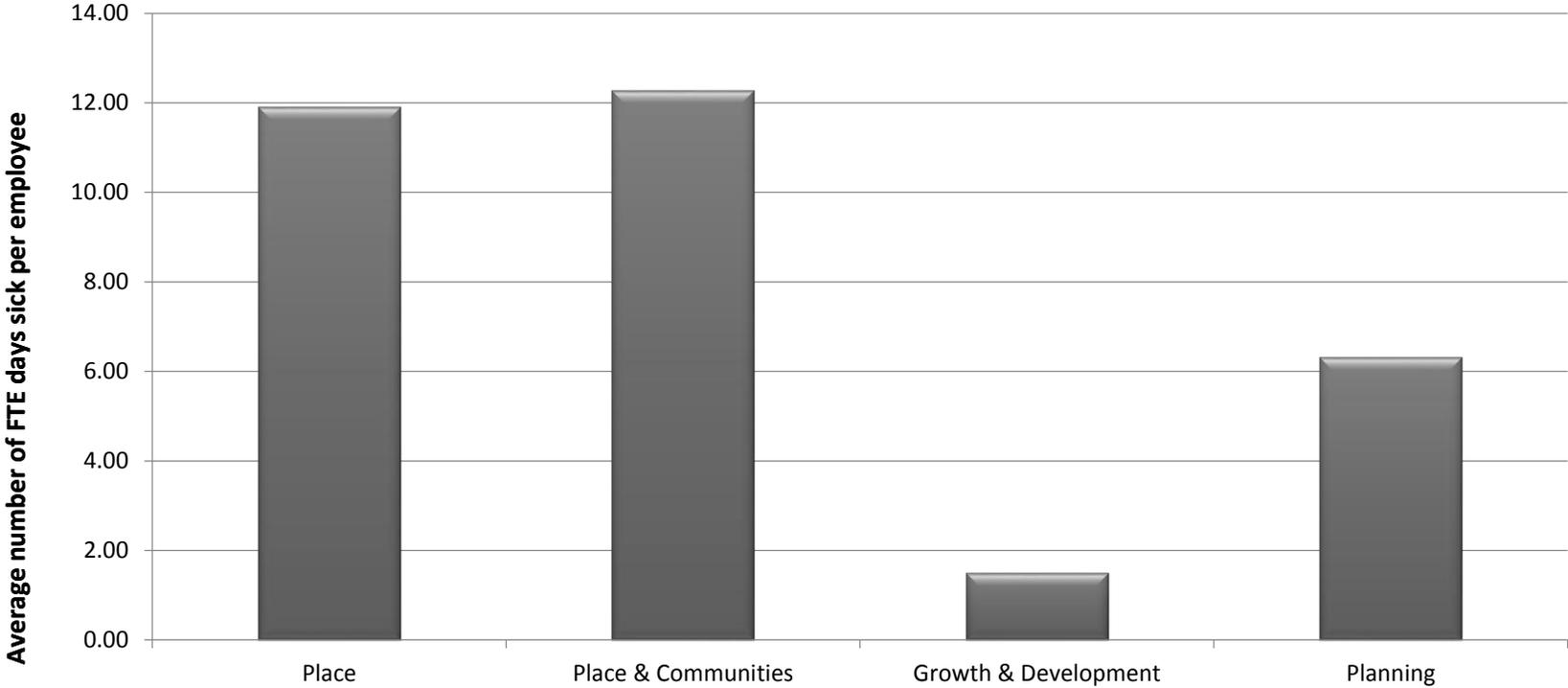


Chart 5 Chief Executive's January 2019 to December 2019

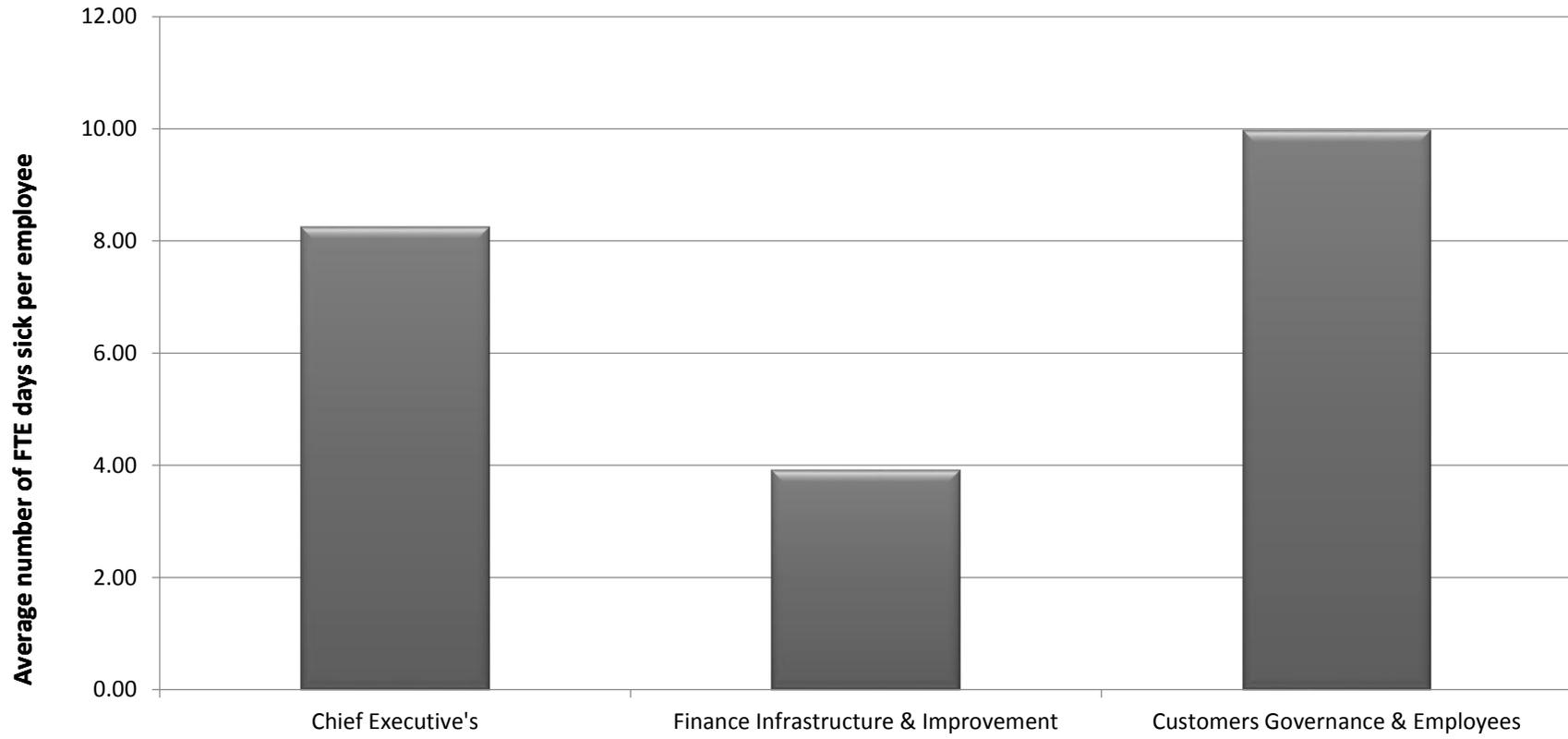


Table 1. Sickness Levels over rolling 12 month basis by Department

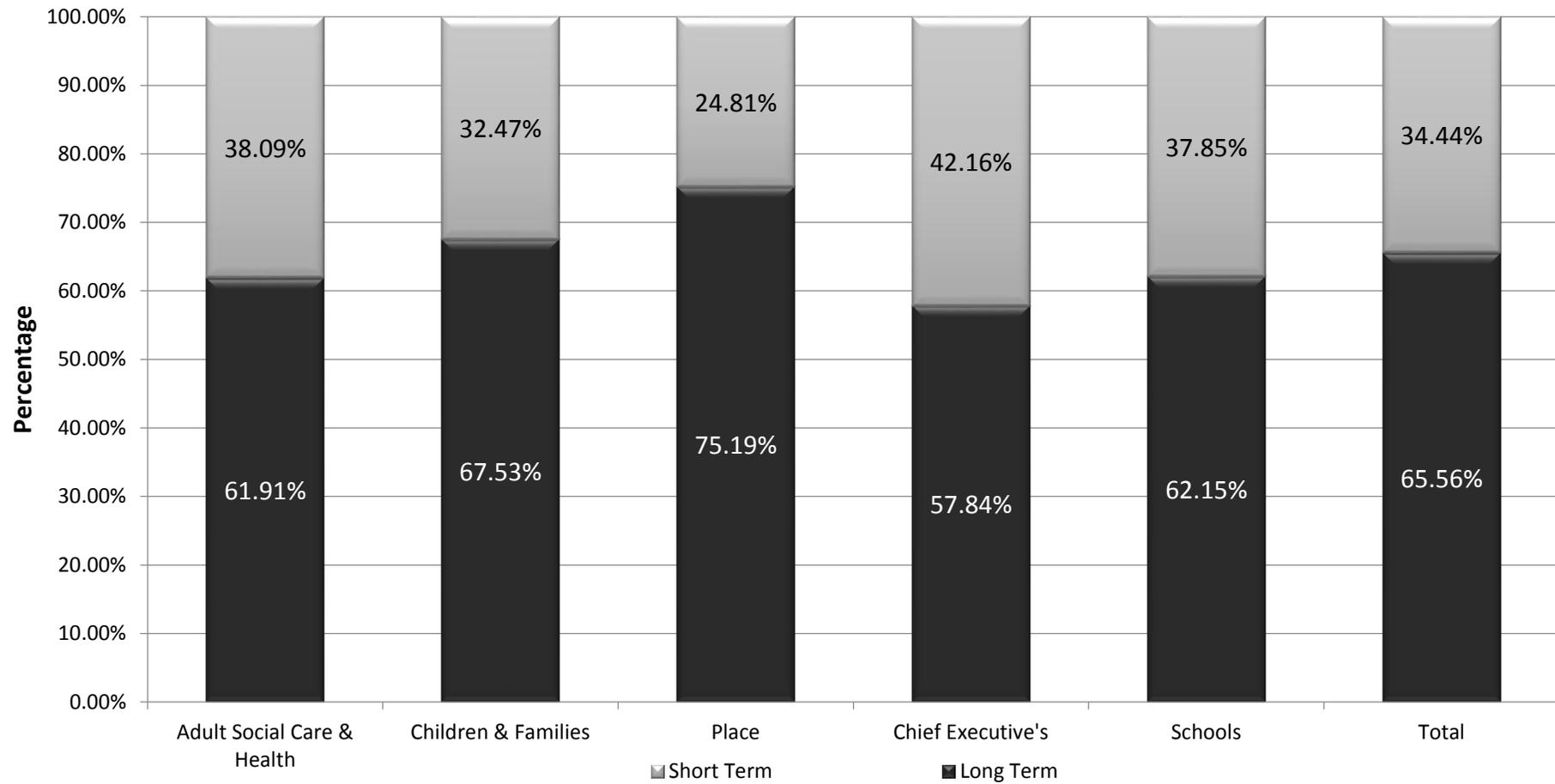
| | (A) October 2018 to September 2019 | (B) January 2019 to December 2019 | (C) April 2019 to March 2020 | (D) July 2019 to June 2020 |
|------------------------------------|---|--|-------------------------------------|-----------------------------------|
| Adult Social Care, Health | 12.46 | 12.80 | 13.40 | 13.51 |
| Children and Families Place | 10.80 | 10.79 | 11.13 | 11.23 |
| Chief Executive's | 9.66 | 9.65 | 10.24 | 11.09 |
| NCC Schools Authority | 9.59 | 10.09 | 9.46 | 8.25 |
| | 6.88 | 6.78 | 7.22 | 7.33 |
| | 8.91 | 8.97 | 9.34 | 9.39 |

Appendix B

| | Back Problems | Cold/Flu/Sore Throat | Corona virus | Headache/Migraine | Heart/Circulation | Infection | Muscular/Skeletal | Op/Post Op Recovery | Other | Pregnancy Related | Respiratory | Skin Disorder | Stomach/Digestion | Stress/Depression | Terminal Illness | Not assigned |
|--------------------------|---------------|----------------------|--------------|-------------------|-------------------|--------------|-------------------|---------------------|---------------|-------------------|--------------|---------------|-------------------|-------------------|------------------|--------------|
| ASCH & Public Protection | 4.59% | 6.86% | 6.01% | 1.63% | 1.33% | 2.72% | 12.34% | 13.83% | 9.39% | 1.49% | 2.64% | 0.26% | 5.20% | 29.69% | 0.01% | 2.02% |
| Children and Families | 3.50% | 5.94% | 10.14% | 2.19% | 1.50% | 2.40% | 6.98% | 8.49% | 12.77% | 2.00% | 3.84% | 0.07% | 4.70% | 32.76% | 0.77% | 1.96% |
| Place | 5.25% | 3.66% | 11.25% | 1.73% | 3.20% | 4.00% | 17.47% | 11.07% | 13.36% | 0.06% | 3.78% | 0.21% | 5.51% | 16.83% | 0.01% | 2.62% |
| Chief Executive's | 1.90% | 10.18% | 0.86% | 4.81% | 1.13% | 2.57% | 7.58% | 17.72% | 10.32% | 0.87% | 3.86% | 0.21% | 8.77% | 28.26% | 0.00% | 0.96% |
| Schools | 2.99% | 7.77% | 22.70% | 1.58% | 0.48% | 3.19% | 7.39% | 11.28% | 11.76% | 0.95% | 3.17% | 0.25% | 6.18% | 20.01% | 0.28% | 0.02% |
| Totals | 4.11% | 6.22% | 7.76% | 2.26% | 1.86% | 2.97% | 11.70% | 12.27% | 11.47% | 1.14% | 3.43% | 0.19% | 5.68% | 26.72% | 0.20% | 2.02% |

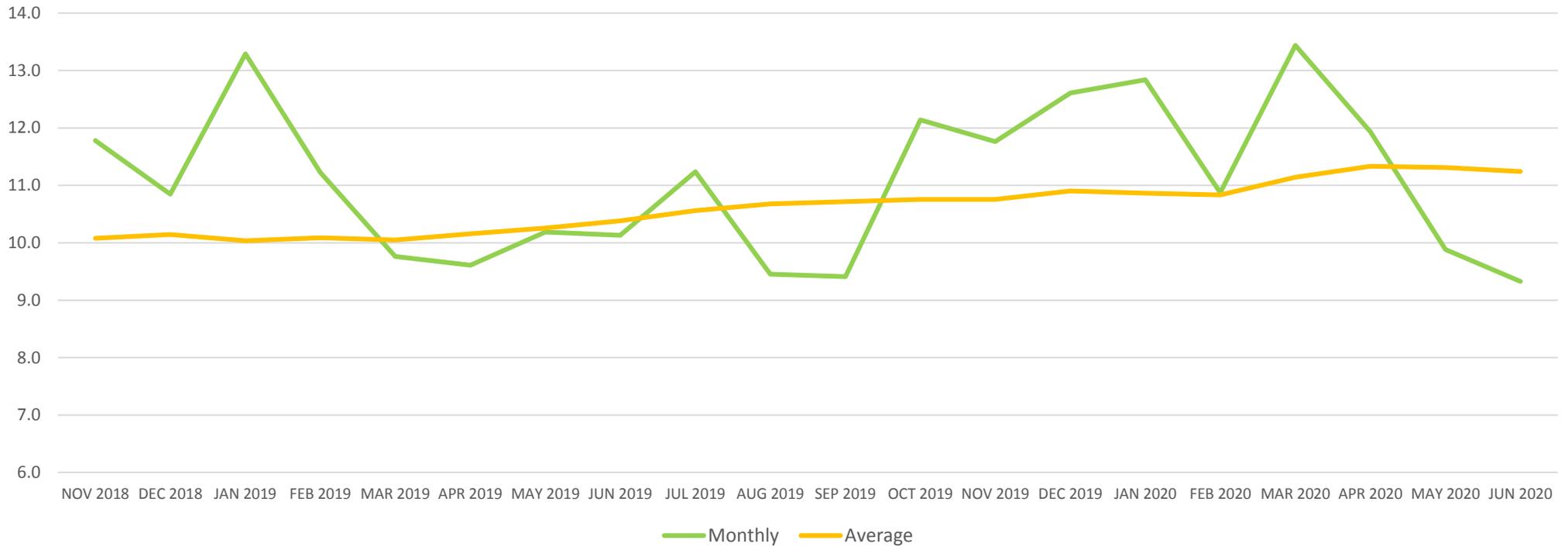
Appendix C: Long and Short Term Sickness

Distribution of sickness type



Appendix D

Monthly sickness compared to rolling average



Appendix E

Employees and number of days absent

| | 0 Days | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 28+ |
|----------------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|----|------|
| Adult Social Care & Health | 625 | 99 | 97 | 81 | 79 | 64 | 38 | 29 | 36 | 30 | 314 |
| Chief Executive's | 594 | 101 | 80 | 63 | 51 | 36 | 26 | 26 | 24 | 12 | 120 |
| Children & Families Place | 1265 | 136 | 135 | 86 | 62 | 50 | 31 | 50 | 31 | 24 | 312 |
| | 1416 | 140 | 149 | 95 | 61 | 63 | 49 | 47 | 28 | 11 | 315 |
| Total | 3900 | 476 | 461 | 325 | 253 | 213 | 144 | 152 | 119 | 77 | 1061 |

| | Percent with no sickness | 4 weeks or more |
|----------------------------|--------------------------|-----------------|
| NCC | 50.3% | 13.7% |
| Adult Social Care & Health | 36.1% | 18.2% |
| Chief Executive's | 47.7% | 9.6% |
| Children & Families | 52.6% | 13.0% |
| Place | 53.9% | 12.0% |

Relevant leavers

| | Dismissal Capability | Retirement Ill Health |
|------------------------------|----------------------|-----------------------|
| Adult Social Care and Health | 0 | 8 |
| Chief Executive's | 1 | 3 |
| Children and Families | 1 | 4 |
| Place | 3 | 8 |
| | 5 | 23 |

The purpose of this action plan is to identify and prioritise a range of activities to support and enable employees to maintain their physical and mental wellbeing and to provide advice and guidance to the workforce including managers to maximise performance and reduce the incidence of preventable sickness absence

| Key Objective | Actions | Responsible Officer (s) | Timescale | Progress update | Other comments |
|--|--|---|-----------------|--|---|
| Reduce stress and tackle presenteeism | Implement wellbeing initiatives, including suitable learning interventions arising from the health checks undertaken in C&F and ASCH departments | Bev Cordon/Sue Jeffery- HR Senior Business Partners | Ongoing | HR surgeries in absence area “hotspots” continue to be undertaken | This area of work benefits from joint working approaches with the recognised trade unions |
| | Monitor completions of EPDR’s | Helen Richardson - WOD Senior Business Partner | From April 2020 | New e-learning offer around workplace health and wellbeing is now in place EPDR is now available online | |

| | | | | | |
|--|--|--|----------------------------------|---|--|
| <p>Facilitation of flexible working</p> | <p>Improving Workforce Mobilisation</p> <p>Engage Timewise to maximise the use of flexible working</p> | <p>Smarter Working Team ICT</p> <p>Michelle Richardson – HR Senior Practitioner</p> | <p>Ongoing</p> <p>April 2020</p> | <p>Successful roll out of equipment to enable flexible working. Availability of ICT pop – up shops for immediate assistance</p> | <p>The Pop-up shops have enabled employees to access immediate support with ICT issues</p> |
| <p>Developing the existing wellbeing prevention offer</p> | <p>Implement MIND’s Thriving at Work as part of the Councils employee support package</p> <p>Adopt wellness action plans to encourage employees to self-manage their own wellbeing with the support available from NCC</p> | <p>Bill Iliffe – HR Business Partner</p> <p>Helen Richardson – WOD Senior Business Partner</p> | <p>Jan 2020</p> <p>Jan 2020</p> | <p>Meet with representative from MIND</p> | <p>Guidance for employees and line managers is being prepared to complement the use of wellness action plans</p> |

| Key Objective | Actions | Responsible Officer(s) | Timescale | Progress Update | Other Comments |
|--|---|--|------------|--|----------------|
| Employee engagement and awareness | Continue to work with trade unions to build on the managers guide to mental wellbeing | Gill Elder – Head of HR | Ongoing | The My learning My career portal has been updated to include further support tools | |
| | Promote national awareness raising events /days | Helen Richardson – WOD Senior Business Partner | | Work with colleagues from trade unions, Public Health and the Communications team to ensure a joined-up approach | |
| | Encourage open discussion about wellbeing and mental health | | | | |
| | Create a “whole Council” approach to addressing identified issues | | | | |
| | Develop a mechanism to further engage with employees to gauge how they are feeling about work and to seek their views on the support package in place | Gill Elder – Head of HR | March 2020 | Review of internal communications already underway | |

| | | | | | |
|---|---|--|------------------------|---|---|
| <p>Promote the use of the Stress Audit Tool</p> | <p>Continue to provide an effective stress audit tool and associated action planning process to enable managers to identify and action plan to address any stress issues at local level</p> | <p>Occupational Health and Wellbeing team Health and Safety Team</p> | <p>Ongoing</p> | <p>Review use of the current “Well-Worker” system</p> | <p>Research the potential for an improved, more cost effective, system</p> |
| <p>Develop and embed a Coaching Culture across NCC</p> | <p>Ensure all NCC managers are equipped to appropriately support employees on an individual basis.</p> | <p>Helen Richardson – WOD Senior Business Partner Adrian McKiernan – WOD Business Partner</p> | <p>From March 2020</p> | <p>Review the current Manager as Coach offer to ensure it reflects the maturity of coaching experience across NCC Consider expanding the number of qualified coaches in the coaching network</p> | <p>A refreshed tender is to be produced to ensure that the new refresher programme extends the coaching experience across the Council Recruiting further qualified coaches would enable better, targeted representation to reflect the employee support networks</p> |

| Key objectives | Actions | Responsible Officer (s) | Timescale | Progress Update | Other Comments |
|--|--|--|------------|--|---|
| Continue to raise awareness of mental health in the workplace | Enable NCC employees to access counselling through third party provider (Care First) for work related issues through management referral | Joseph Parker – HR Senior Business Partner | Ongoing | Review the current contract arrangements with Care First | Promotion of the availability of the counselling service encourages open dialogue regarding mental health |
| | Develop mindfulness e-learning materials to complement existing e-learning offer | Helen Richardson – WOD Senior Business Partner | March 2020 | Regularly promote the availability of the counselling service through HR casework and publicity via the intranet | |
| Ongoing promotion of support available for workplace health | Continue to promote health care schemes and support available to NCC employees, such as Westfield Health Care Scheme | Helen Richardson – WOD Senior Business Partner | | Promote the availability of schemes through events such as wellbeing at work and health and safety week | |
| | Use the employee wellbeing pages on the intranet to promote healthier lifestyles and preventative measures | Helen Richardson- WOD Senior Business Partner OHU team Public Health | Ongoing | Continued promotion of national campaigns | |
| Promotion of workplace health | Recruit further workplace health champions across all NCC bases | Helen Richardson- WOD Senior Business Partner | May 2020 | A further recruitment of work place health | |

| | | | | | |
|--|--|---|------------|---|---|
| | Promote the Mental Health First Aider's Network | MH First Aiders | Ongoing | champions to take place in Spring 2020 | |
| | Promote the wider support available to employees, including the buddying scheme and chaplaincy service | Gill Elder Helen Richardson | Ongoing | MH First Aiders have been trained and are active across NCC workbases | Initial take up of informal chats with MH First Aiders has been very successful |
| | Refresh the Councils accreditation to retain platinum wellbeing at work award. | Helen Richardson-WOD Senior Business Partner | April 2020 | Public Health have refreshed the Wellbeing at Work scheme and a new submission will be undertaken | |
| | Work with colleagues in Public Health to promote wellbeing events throughout the year | | Ongoing | | |
| | Maintain a Smoke Free workplace | Public Health HR Business Partners Trade Unions | Ongoing | Support Public Health on workforce implications of NCC Tobacco | Review as necessary to ensure continued effectiveness/impact of NCC Smoke Free |

| | | | | | |
|--|--|--------------------------------|--|--|-------------------------------|
| | | NCC Health and Wellbeing Board | | Declaration Plan and fulfil duty of care in respect of creation of a Smoke Free working environment of all employees | Workplace policy in practice. |
|--|--|--------------------------------|--|--|-------------------------------|

All of the above will be in addition to ensuring that the Council continues to deliver on achievements to date, including continued support for initiatives such as the Dying to Work charter, Time to Talk events, promotion of flu vaccinations and promotion of effective systems for workload management.

The HR & WOD teams will continue to provide guidance and learning opportunities to enable and encourage employees to manage their own wellbeing whilst ensuring that supportive measures are in place through continuing to work pro-actively with colleagues in Public Health and the recognised trade unions.

REPORT OF SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND EMPLOYEES

NOTTINGHAMSHIRE COUNTY COUNCIL WORKFORCE PROFILE INFORMATION 2020

Purpose of the Report

1. The purpose of this report is to provide Personnel Committee with an updated annual summary of the diversity profile of the direct workforce of Nottinghamshire County Council by their “protected characteristics” and to seek approval to publish the information as part of the Council’s statutory public sector duty under the Equality Act 2010.

Information and Advice

Background

2. Since 2011 public sector employers with 150 or more employees have a specific statutory duty to collect and publish annually relevant, proportionate, information about the profile of their direct workforce defined by their “protected characteristics”, that is age, gender (including gender reassignment), race/ethnicity, disability, religion/belief and sexual orientation.
3. In compliance with this duty the Council reports on and compares the current profile of its workforce at April each year.
4. External comparison is made, where relevant data is available, in order to benchmark the diversity profile of the protected characteristics of the Council’s workforce against that of:
 - The overall community of the population of the whole of Nottinghamshire using data drawn from the most recent (2011) national Census.
 - The Local Labour Market (LLM) of working age people (age 16-64) of Nottinghamshire as defined by the most recent Office of National Statistics (ONS), survey 2019).
5. The intention of the report is to provide the public with the information they need to hold public bodies to account for their performance on equality in employment and to enable employers to set themselves specific, measurable equality objectives.
6. It is recognised that the Council needs to develop more robust comparator information given the time elapsed since the last Census and the reduced involvement in the CIPFA benchmarking cohort.

7. Collecting this information has facilitated the Council to undertake a year on year trend analysis, using comparable data which provides an evidence base to inform how it assesses its equality performance as an employer and to benchmark its performance against other comparable local authorities.
8. The workforce profile information has previously informed and underpinned activities around delivering the Council's People Strategy. With the unprecedented situation arising from the Covid-19 ongoing pandemic, it is vital that we understand the make-up of our workforce and ensure anyone with additional vulnerabilities is properly protected. As we move from response to recovery, this information will assist the work of the Workforce Recovery Group and will be used to help ensure that the Council's existing and future employment practices and services are free from discrimination and prejudice. If either are identified, the profile information can be used to take any necessary remedial action and measure the success of this.
9. It will also be used to inform the review and development of actions to support the delivery of the Council's wider workforce planning priorities, including succession planning and talent management, to ensure that it has a flexible and diverse workforce which provide the skills base to enable it to deliver its future service priorities.
10. The profile data informs a number of action plans including those to address the gender pay gap, to deliver the Council's priority to become a Disability Confident Leader and the newly created action plan to provide support to the Council's Black workers.

Basis of reporting

11. The data in the **appendix** has historically been generated through the Council's Business Management System (BMS), based on the Full Time Equivalent (fte) occupancy of posts, rather than headcount. The retrospective trend data reflects the most recent 5 year period, that is **2016 to 2020** and reporting on the basis of full time equivalent (fte) has been maintained in order to enable meaningful year on year comparison.
12. In addition, the use of full time equivalent data is a better measure of the relative impact of multiple employments which are consolidated, reflecting the complexity of working arrangements across the Council. It also provides a standard measure to enable the Council to compare our performance with other County Council's through the CIPFA Value for Money reporting regime (see paragraph 28).
13. The latest annual workforce information for Nottinghamshire County Council (NCC) is **as at April 2020** when the overall workforce of centrally employed permanent and temporary staff, many of whom are part time employees, stood at **5318.37 fte** down from **5470.94 fte** the previous year. However, this figure does not include the Children Centre employees who transferred back into the Council which increased the figure to **5553.61 fte**.
14. The nature of the authority's current relationship with schools means that it is unable to directly influence their recruitment, promotion and retention practices or associated action plans for improvement. As there is also no statutory obligation on a local authority to include data relating to employees of controlled schools, their employees are not included

in this data set. Previous analysis has demonstrated that to include schools' data would introduce a significant variance in the percentage representation of employees by all protected characteristics when compared with the direct County Council workforce and it is therefore excluded. This approach to not include schools' information is adopted by other County Councils.

15. Data in respect of the successful candidate for each Council job vacancy is entered into the Council's Business Management System (BMS) at the point of recruitment. Comparison with previous years enables trends to be identified and reflects the degree to which the County Council's workforce has changed over time in relation to the representation of protected characteristics.
16. The full implementation of the e-recruitment portal enables the Council to report on the profile of applicants from 2017 onwards for the majority of its advertised vacancies which are now processed through this facility.
17. A breakdown of applicants, individuals shortlisted for interview and those appointed into post is set out in **section 4** of the appendix to this report. The application of stringent vacancy control reduced the opportunity to make significant changes to the make-up of the workforce. This is particularly the case at more senior levels as it should be noted that over time there has been a significant reduction in the number of service and corporate director level posts so opportunities for progression to the most senior roles in the Council are limited with only one service director appointment made in the 12 months covered by this report. This creates a further challenge to support and enable all employees to develop their careers where they wish to do so and create stimulating opportunities which will enrich and fulfil our aspirant workforce.
18. Certain protected characteristics, including an employee's disability status, may change during their employment and can be updated direct by the employee on the Employee Self Service facility of the BMS system. Managers of those frontline employees without direct access to BMS are encouraged to liaise with individual employees with due sensitivity to update their personal information and ensure that it is completed on their behalf.
19. To continue to improve on levels of disclosure frequent reminders are issued to encourage individual employees to complete and update their personal information. These communications promote the positive business reasons for collecting diversity data and provide reassurance that the information will be treated with utmost confidentiality. Improvement in this area continues to be a priority action and work with the recognised trades unions and the self-managed groups is ongoing to consider how this can best be achieved.
20. Areas for ongoing improvement identified in this current report will form part of the detailed action plans which have been created to support the delivery of the Council's People Strategy and more recently the emerging Workforce Recovery Strategy.

Key trends

21. The current workforce profile data as required under our public sector duty, is presented in detail in the **Appendix** to this report and sets out the position in relation to:

- Disclosure rates and comparison with previous years. In the main, these have increased slightly.
- Overall NCC workforce profile in relation to the protected characteristics of individual employees and comparison with previous years
- A breakdown of workforce profile by service department in relation to protected characteristics and comparison with previous years
- Comparator community and LLM data where this is available
- Profile of NCC employees by grade in relation to their protected characteristics
- Recruitment profile of applicants, shortlisted candidates and appointees by protected characteristics
- Information on turnover based on protected characteristics.

22. Underpinning this data is the ongoing impact on the Council's workforce numbers of service review and redesign in response to organisational transformation and budget pressures, including headcount reduction, transfers out to other employers and natural turnover, all of which have led to an incremental reduction in the Full Time Equivalent (FTE) number of people employed by the Council overall. It should be noted that some of the service changes have been delayed whilst the Council focusses on the response to Covid-19 and greater impact may be apparent in the Profile information in April 2021.

23. The current data illustrates that this ongoing trend of reduction has not in itself had a direct or negative impact on the overall diversity profile of the remaining workforce. However further work is required to understand a proportional reduction in disclosure rates for recent new starters to understand why applicants are choosing not to disclose their equality information.

Commitment to Continuous Improvement:

24. The Council's People Strategy sets out its strategic workforce planning priorities in response to the challenges it faces over the coming years and the workforce transformation needed to deliver these priorities. However, the advent of the Covid emergency has brought into sharp focus the need to fully understand the workforce profile and the varying impacts on different groups of employees in terms of risk management and support. A new Workforce Recovery Strategy is being developed to cover the period from September through to the end of May 2021 which will shape what the future of work will be for the services who have seen significant changes in how they have worked since the end of March.

25. The Council retains its strategic aspiration to be an Employer of Choice, this includes adopting good employment practices that are fair and equitable and acting as a role model to other employers who contribute to the economy of Nottinghamshire. We want equity and fairness to be at the heart of all that we do, where any discrimination is challenged and removed. To achieve this, we need to deliver on a number of priority areas:

- Ensuring that the Council maximises and sustains its workforce capacity by creating a workforce drawn from across the wider labour market which is properly representative of all the communities in Nottinghamshire
- Evaluating and removing any identified barriers in the Council's recruitment and on-

boarding strategy which might deter under-represented groups from joining the Council's workforce and ensuring that associated processes are modern, accessible and inclusive

- Evaluating barriers to under-represented groups being in leadership positions, maximising potential and reflecting this in the identification of future leaders and senior managers
- Promoting diversity across the Council's workforce and ensuring it is reflective of the community served using national standards to improve practice and ensuring the Council models good practice
- Reviewing reporting mechanisms to ensure the Council publishes and acts on information on its Gender Pay Gap in line with legal requirements from April 2018 onward and most recently in January 2020
- Continuing to create an inclusive working environment by encouraging and supporting employees to respect and value others, treat others with fairness and honesty and to challenge bad behaviour.

Priority actions for improvement during 2020/21

26. Working as appropriate in conjunction with managers, employees, the self-managed employee groups, trades unions, Corporate Equalities Group, the Workforce Recovery Group and partner organisations' priorities for action identified to date include:

- Continuing to review the Council's key employment policies which includes ensuring they are fully compliant with all of the statutory requirements of the Equality Act 2010 and inclusive and accessible to all employees. This includes using gender neutral language and, where reference is made to an employee's partner/spouse that this applies to both heterosexual and same sex couples.
- Assessing the level of diversity of background, experience and perspective across the leadership and management cohort to identify and eliminate the barriers to under-represented groups being in leadership positions and reflect this in the identification and development of leaders for the future.
- Addressing the under representation of women, black and disabled people in the most senior posts in the Council by equipping them for more senior leadership roles through the next phase of the Council's Leadership Development Programme notwithstanding the challenges identified by limited recruitment and reduced number of posts at the most senior levels of the organisation.
- Specific action plans for the different areas of the workforce requiring particular attention have been developed and agreed by this Committee separately.
- Offering learning and development opportunities to support existing line managers to progress their careers as well as enabling aspiring managers to develop the skills to take on their first management post.
- Continuing to review our workforce profile to ensure that under-represented groups are encouraged to consider employment with the Council and are not disadvantaged in doing so. This will include considering how to develop the number of placements offered as part of the Leonard Cheshire Change 100 initiative through which the Council has

previously taken on 4 disabled under-graduates and graduates on paid internships in services across the Council. Unfortunately, the latest cohort were unable to commence in July due to the Covid outbreak but we have agreed to one placement starting in September. The other identified candidates felt unable to take up their placements due to their health conditions and the risk presented by Covid-19.

- Actively encouraging all managers to identify and make full and creative use of any reasonable adjustments, including redeployment, to recruit and support disabled people in work and retain them in employment wherever possible. This includes ongoing work to identify additional mechanisms to support employees experiencing stress and poor mental health.
- Personnel Committee recognised the Council's improved status from being Disability Confident - committed to Disability Confident and agreed to becoming a Disability Confident Leader. This work continues and we aim to submit our self-assessment by the end of the calendar year.
- Continuing to develop appropriate managerial guidance and tools to support employees with a disability, to enable them to maximise their potential and be able to remain in work is a priority and work being led by the Corporate Director for Adult Social Care and Health under the workstream Employment and Health is providing opportunities for people previously excluded from paid employment through our developing supported internships although the initial start date of September 2020 has been deferred until January 2021 due to the current Covid situation.
- Encouraging and supporting employees from all under-represented groups in the existing workforce to maximise their potential, remain in the Council's employment and progress their careers. Extending the workplace "Allies" initiative to BME is now part of the draft Equalities (Support for Black Workers) Action Plan and for Disabled employees is under active consideration through the Corporate Equalities Group to support this.
- Increasing the percentage of younger employees in the Council's workforce by reviewing, expanding and refreshing the Council's approach to offering work based learning opportunities, including Apprenticeships, Graduate Traineeships and Work Experience as part of a refocused talent management strategy. As reported to July's Committee we had an unprecedented response to our Graduate Trainee Programme and the assessment centre for shortlisted applicants is due to take place in September with further updates on progress in this area to be reported to this Committee later this year.
- In compliance with its Public Sector Duty to comply with the national Apprenticeship Levy introduced from 1 April 2017, the Council has revised and extended its Apprenticeship Programme and Apprentices will now be directly employed, a significant proportion of whom will continue to be young people aged 16-24. We have also agreed to transfer a proportion of the levy to maximise our use of the available funding. This is another area which has proved challenging due to the global pandemic but work continues to be undertaken in this important area to develop future talent and create new employment opportunities.
- Identifying how to better engage with and maximise the skills and experience of older

workers, support them to embrace change and new ways of working and retain their talent in key areas.

- Further improving disclosure rates of protected characteristics by continuing to encourage existing employees to declare and update as necessary their personal data relating to their protected characteristics to provide a more robust baseline for the ongoing analysis of workforce profile data.

27. The Council has a well-established network of employee support groups for its Black and Minority Ethnic; Lesbian, Gay, Bisexual and Transgender and Disabled employees which report into the Council's Corporate Equalities Group (CEG) and will be involved through this forum in identifying and developing these actions under the recently revised Terms of Reference.

Performance Benchmarking

28. The Council is performing well against the most recently published relevant indicators compared with the other Local Authorities in its Chartered Institute of Public Finance (CIPFA) benchmarking group. However new comparators are necessary due to the lack of timely data from this source:

| Indicator | Nottinghamshire County Council (April 2018) | CIPFA average (31.3.18) |
|--|---|-------------------------|
| % of women in leadership posts (*CIPFA definition spinal column point 47 and above on NCC pay scale) | 66.22% | 51% |
| % of employees who consider themselves to have a disability (*declared) | 6.38% | 4.0% |
| % of employees aged 50 or over | 41.15% | 37% |
| % BaME employees (*declared) | 10.19% | 11.3% |

29. The County Council subscribes to the annual national Stonewall Workplace Equality Index which measures the efforts of a wide range of public and private sector organisations in tackling discrimination and creating an inclusive workplace for LGBT employees. The Council continues to perform well in this area with the annual submission deferred for a year due to the current situation.

30. Similarly, the Council is classified as a Disability Confident employer. We aim to reach Leader status within the next 6 months, however, our registration at the current level has been extended to April 2022.

Other Options Considered

31. The County Council regularly reviews the way it presents this type of statistical information with the aim to make it as clear and as concise as possible. We have a legal duty to publish the attached information under the Public Sector Equality Duty so no other options were considered.

Reason for Recommendation

32. The County Council has a statutory duty to publish workforce information on an annual basis. It is important that elected members are aware of this information when determining the strategic direction of the County Council and other related policies.

Statutory and Policy Implications

33. This report has been compiled after consideration of implications in respect of, crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance Implications

34. The data in this report and the associated appendix cannot be attributed to individual employees and therefore protects their privacy. It is important to give our workforce confidence in how their equalities information is stored and used to provide greater assurance under GDPR requirements with the intention of improving disclosure information.

Human Resources Implications

35. The human resource and equality implications are implicit within the body of the report. The Corporate Equalities Group will consider how to successfully implement the actions identified at its next meeting. Trades union colleagues will also be engaged at Central Joint Consultative and Negotiating Panel to encourage their members to disclose this information and to contribute to the further development of the identified actions.

Public Sector Equality Duty Implications

36. The publication of this Workforce Information Report ensures that the County Council complies with its statutory duty under the Equality Act 2010. Actions undertaken by the Council to address any potential inequalities identified from the data as set out in the report would further support compliance with this duty.

Implications for Service Users

37. This information will be made available to Service Users and the general public via the County Council's public website.

RECOMMENDATIONS

It is recommended that Members:

- 1) Consider the actions set out in the report and any additional ones identified as being required.
- 2) Approve the publication of the annual Workforce Information Report 2020 on the Council's public website in compliance with the Council's statutory public sector duty.
- 3) Agree to receive an annual update report setting out the situation as at April 2021 and that this be included in the work programme.

Marjorie Toward
Service Director – Customers, Governance and Employees
Chief Executive's Department

For any enquiries about this report please contact:

Gill Elder, Group Manager (HR) on email: gill.elder@nottsc.gov.uk or 0115 9773837

Constitutional Comments (EP 24/08/20)

38. The recommendations fall within the remit of the Personnel Committee by virtue of its terms of reference.

Financial Comments (SES 25/08/20)

39. There are no specific financial implications arising directly from the report.

HR Comments (GME 24/08/20)

40. These are set out within the body of the report and should be read in conjunction with the People Strategy and the emerging Workforce Recovery Strategy and Action Plan.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All



Workforce Profile Information 2020

DRAFT

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This report has been produced by the County Council’s Human Resources team which is part of its Chief Executives department. Any additional information or queries should be directed to the email address: david.holmes@nottscc.gov.uk.

If you would like to receive this report in an alternative format or language, please contact us on the above email address.

Part 1 – Introduction

The purpose of this report is to provide an annual summary of the profile of the workforce for Nottinghamshire County Council by its protected characteristics as defined under the Equality Act 2010.

All public sector employers, including local authorities, have a statutory duty under the Equality Act (2010) to publish the equality profile data it holds for its directly employed workforce on a regular annual basis. The latest workforce information for Nottinghamshire County Council (NCC) is based on data at April 2020.

The Council's Business Management System (BMS), was introduced in December 2011, resulting in the workforce information being analysed in terms of full time equivalents (fte), whilst in previous years, it was based on headcount. Whilst this development set a new baseline for year on year performance reporting it continues to make meaningful comparison to historical data prior to 2012, very difficult.

This data underpins the Council's commitment to ensuring that its employment practices and services are free from discrimination and prejudice and fulfil the core statutory duty placed on all public sector employers, including local authorities, to:

- monitor the profile of their workforce by the protected characteristics
- publish the relevant data on a regular basis (annually)
- identify any negative trends or issues and take any necessary action to address these.

The report also analyses how this data

- compares with the community we serve
- compares with the local labour market.

Comparisons of the NCC workforce against the local community (Nottinghamshire county population) and the local labour market (LLM) are also shown where meaningful comparator data is available.

Whilst it is a legal requirement to publish relevant information about the workforce, the information is also used to inform the ongoing development and delivery of the County Council's Workforce Recovery Strategy. The Council uses the Chartered Institute for Public Finance and Accounting (CIPFA) Value for Money Indicators as its standard benchmark measures. Where possible, data definitions in this report match the CIPFA definitions to ensure consistency and thereby facilitate comparisons between reports produced by the Council and other County Councils in its benchmarking group.

The most current Workforce Information Report is made available to members of the public as well as Council employees through the Council's public website.

Disclosure Rates

An analysis of disclosure rates can be found in section 3.

Data collection and definitions: as at April 2020

| Topic or Acronym | Definitions | Notes |
|------------------------------------|---|---|
| Who's included | Permanent NCC employees Temporary NCC Employees | Direct employees of NCC only |
| Who's not included | Relief workers Casual workers Agency Workers | |
| Protected characteristics analysed | Gender Ethnic group Age Disabled status Sexual orientation Religion/belief | |
| Heads/headcount | Number of individual employees | |
| FTE | The employees full time equivalent (FTE) occupancy of any posts to which they are employed to account for the many employees who work less than full time | All data is based on full time equivalent (fte) unless otherwise stated. For example, 1.0 fte = 37 hours worked per week; 0.5 fte = 18.5hrs worked per week. |
| Posts/incumbencies | If an employee holds more than one post (incumbency) they will be counted for each post they hold | Many of the County Council's posts are part time. Some employees have more than one post |
| Community we serve | All Nottinghamshire residents (excludes City) | From most recent (2011), census |
| Local labour market (LLM) | Households reflecting entire adult population (aged 16+) of Nottinghamshire plus Nottingham City | Office of National Statistics Annual Population Survey 2019 (Jan 2019 – Dec 2019) |
| BAME | All ethnicity categories other than British/English/Scottish/Welsh/N.Irish | |
| Disabled | Individuals who consider themselves to be disabled under the Equality Act 2010 | |
| LGB | Lesbian, Gay, or Bisexual | |
| NCC | Nottinghamshire County Council | |
| ASCH | Adult Social Care and Health | |
| C&F | Children & Families | |
| Period/Year | Source of workforce profile data | |
| April 2012 onwards | Business Management System | |

Part 2 – Executive summary

Basis of reporting:

- Nottinghamshire County Council's direct full time equivalent workforce (FTE) as at April 2020 was 5318.37 fte.
- As at April 2020, the proportion of employees disclosing their personal information from which this report is derived is 100% for both gender and age.
- As indicated in Part 3, disclosure rates for sexual orientation and religion remain lower than for the other protected characteristics although they have risen again since April 2016.
- The initiative to further encourage employees to declare and update their personal data is regularly refreshed.
- Disclosure rates for Ethnicity, Religion and Belief and Sexual Orientation have all improved since April 2016. Disclosure rates for disability have declined compared to 2019.
- The graphs in Part 4 section a) summarise overall performance across the whole council workforce.
- Section b) of Part 4 separates out this data by department, as well as providing relevant Community and Local Labour market comparison.
- Part 4 section c) breaks the data down by grade.
- The information reported addresses the statutory requirements but further analysis is required to fully understand the wider profile information contained here.
- The 12 months reflected in this profile report have seen limited recruitment which reduces the opportunity to address areas of underrepresentation significantly.

Key Trends:

Age

- The County Council's workforce overall has an ageing workforce, with over 58.6% of its workforce currently being aged 46 or over, however this is a shift to a younger age profile when compared to the figure of approximately 62% in 2016.
- There is a direct correlation between age and experience, employees aged 46 to 55 continue to be more likely to be in the most senior posts.
- The highest percentage of older workers, aged 56 plus, are in the lowest paid frontline posts.
- The proportion of NCC employees overall who are aged under 25 years has reduced from 4.98% to 2.96% in the last 12 months.
- Community and Local Labour Market (LLM) comparators for young people aged 16-25 do not allow for meaningful comparison as a significant majority of this cohort remain in full time education or training.

Ethnicity

- The proportion of NCC employees that classify themselves as Black and Minority Ethnic has increased **from 9.57% to 10.19%**.
- The BAME group most represented at 3.41% is employees who identify as Black British.
- This compares favourably with the current representation in the community served which is 7.36% (based on 2011 census).
- Representation of BAME employees in the NCC workforce is slightly lower than the 10.4% in the Local Labour Market (LLM).
- The highest representation of BAME employees is in mid-graded posts at professional and first line management level.

Disability

- The proportion of employees overall, including those who classify themselves as having a disability, has again increased from **5.77% to 6.38% in April 2020**
- This is significantly lower than the percentage of people with a declared disability, as defined by the Equality Act 2010, in the LLM which is now 24.98%.
- There is no meaningful Community Comparator as the national census definition of disability is not based on the Equality Act definition.
- The highest representation of disabled employees is also in mid-level professional and line management posts.

Gender

- Women make up the significant majority of the overall NCC workforce at **73.87%, compared with 73.55% in 2019**, this is compared to approximately 50% in the Community and the LLM.
- Proportionate to their overall representation in the wider work force, men continue to be more highly represented in the most senior posts at and above Group Manager level where they make up 31.09% of all employees on these Grades, which is an increase 30.82% in 2019.
- Women continue to be proportionately most highly represented in lower paid front line posts reflecting the large numbers of women employed part time in directly provided front line services, including Catering and Cleaning and nonmanagerial grades where the representation of women is most reflective of the workforce gender split as a whole.

Religion and Belief

- At **46.71%** the percentage of NCC employees who have declared that they have no religion or belief is higher than that in the local Community which is 31.48%.
- No LLM comparator data is available.

Sexual Orientation

- Of those employees who have declared their sexual orientation **3.49%** are Lesbian, Gay, or Bisexual (LGB) compared to **3.34% in April 2019**.
- No LLM or Community comparator data is available.

Commitment to improvement:

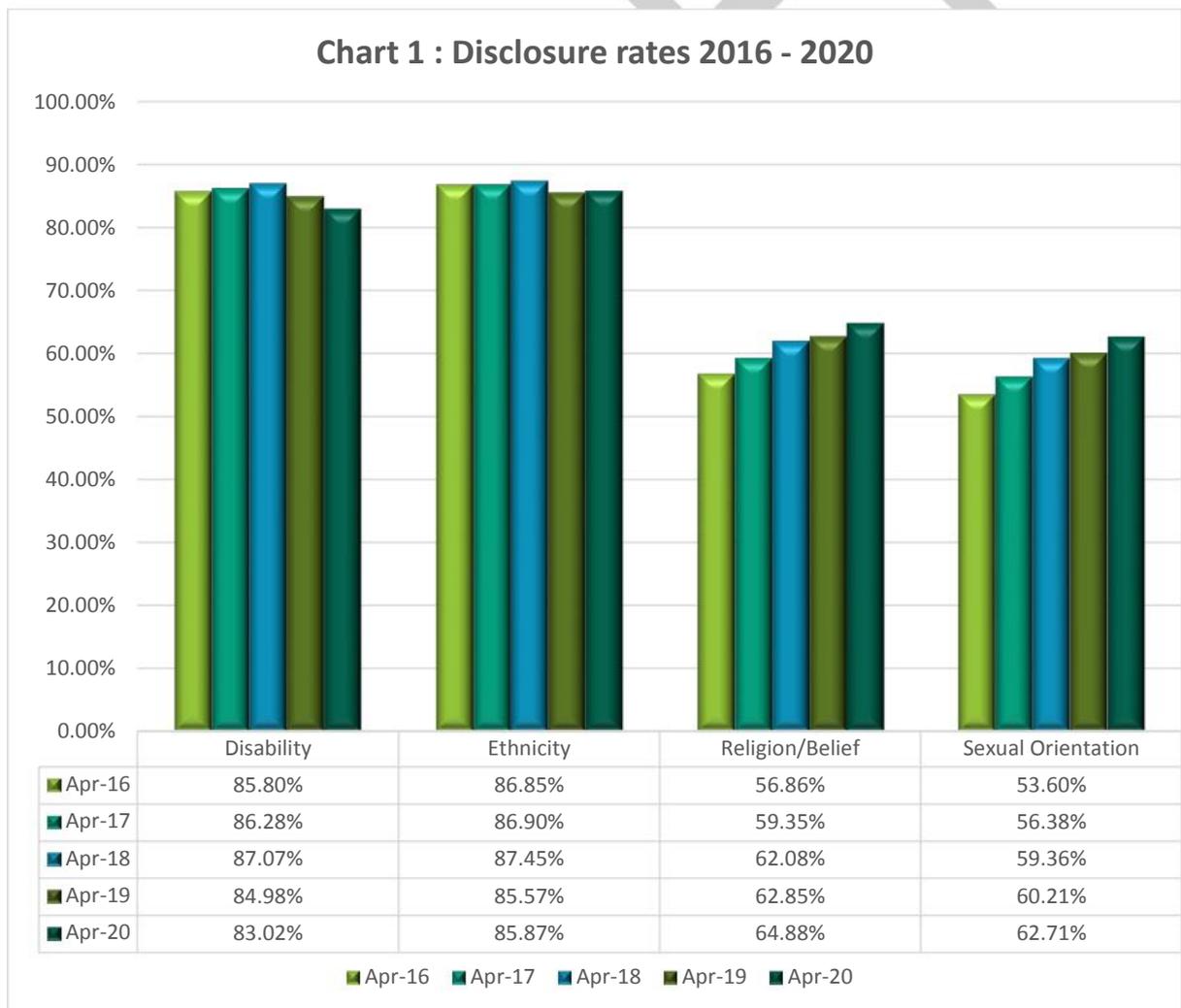
As part of its Workforce Recovery Strategy and associated action plans, the Council has a range of measures in place to ensure that it continues to attract, develop and retain a diverse workforce appropriately drawn from across the Local Labour Market which is reflective of the community served and to offer equal opportunity for career progression.

The Council will continue to identify action to address the under-representation of any protected characteristic where this is evidenced by the data in this report but it needs to be within a context of limited recruitment which is one of the measures which would deliver increased diversity across the Council's workforce.

Part 3 – Disclosure Rates

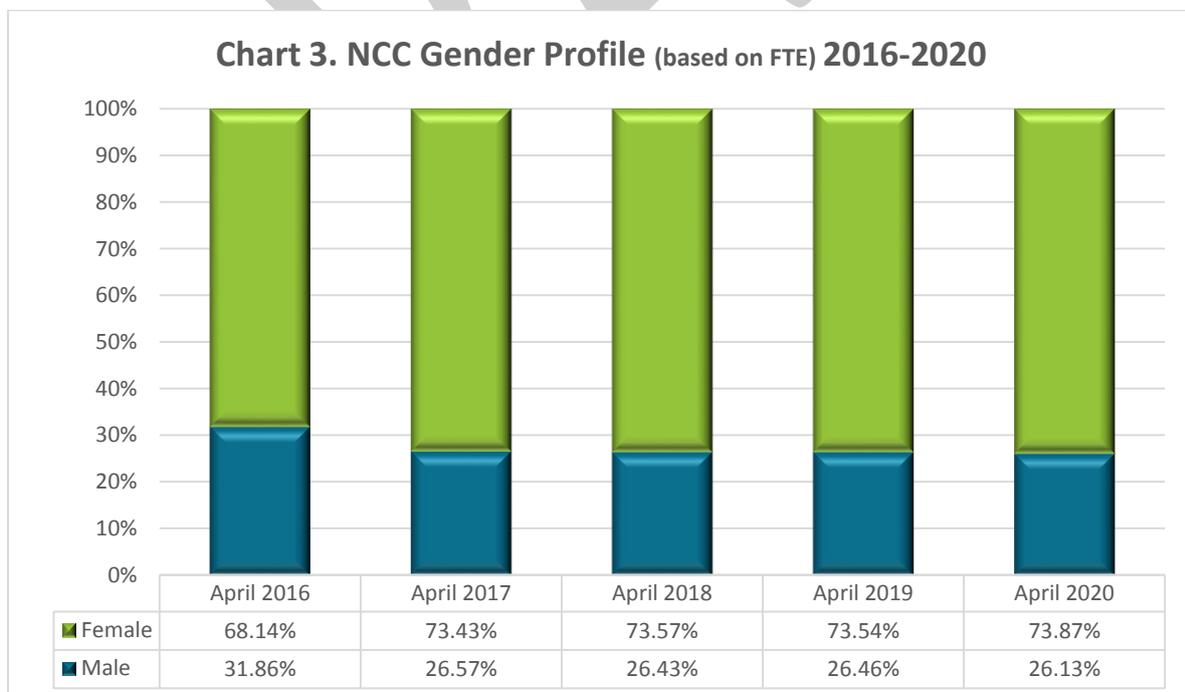
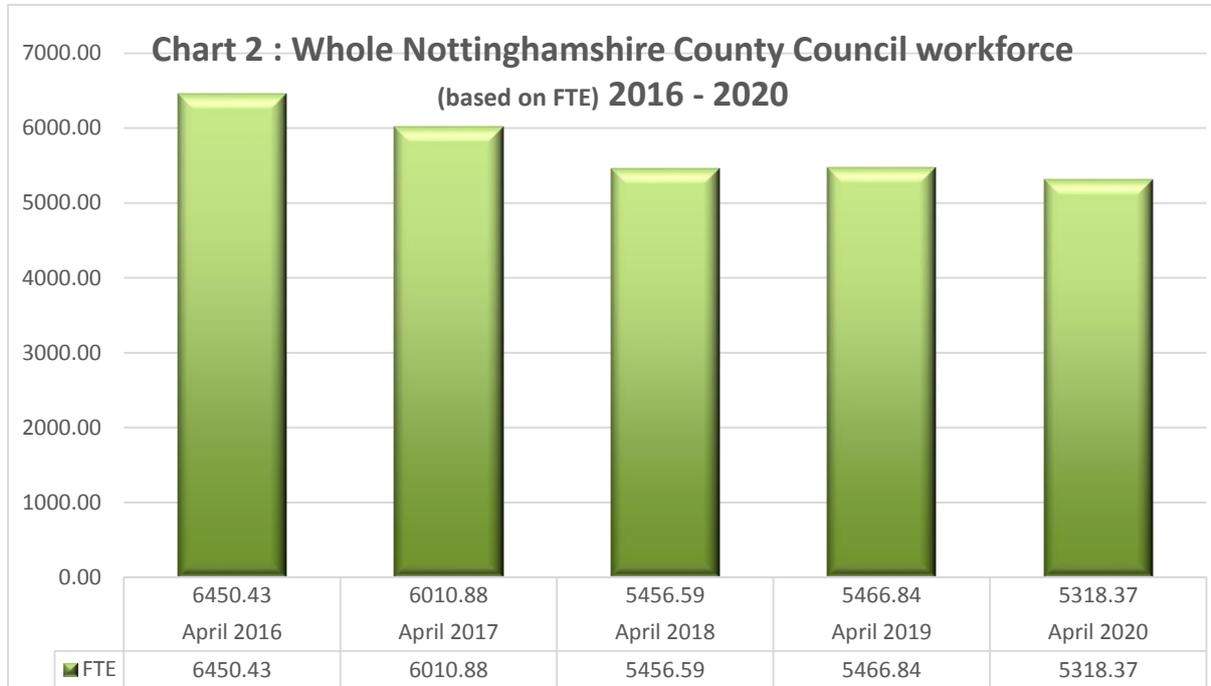
Disclosure rates for gender and age can be extrapolated from payroll data and are therefore 100%. Disclosures for disability and ethnicity have fallen since last year whilst disclosures for religion/belief and sexual orientation have both risen. Whilst disclosure rates for sexual orientation and religion/belief continue to improve, the level of non-disclosure remains a factor when interpreting the data. Since the introduction of the BMS system in November 2011, NCC employees have been able to update their own personal data using the Employee Self Service (ESS) facility on the Business Management System (BMS).

Communications aimed at engaging with staff to explain the positive reasons for holding this information and to encourage them to update their personal details are issued via the NCC intranet, at regular intervals. This continues to be discussed with the recognised trades unions and staff support groups on how this can be further improved. But it remains a matter of personal choice whether people provide this information.



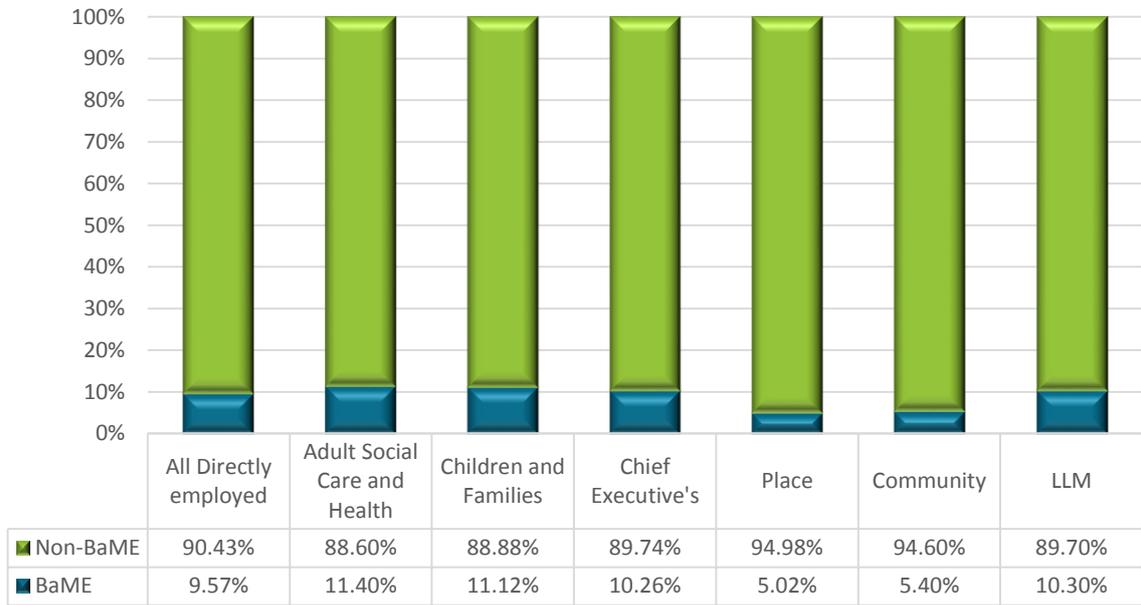
Part 4 - Workforce Profile

4a - Profile of Nottinghamshire County Council



In 2020, there were 23 members of staff who stated they had a different gender to that they had been assigned at birth. Unfortunately, this number is too low for significant representation on the chart so is not included.

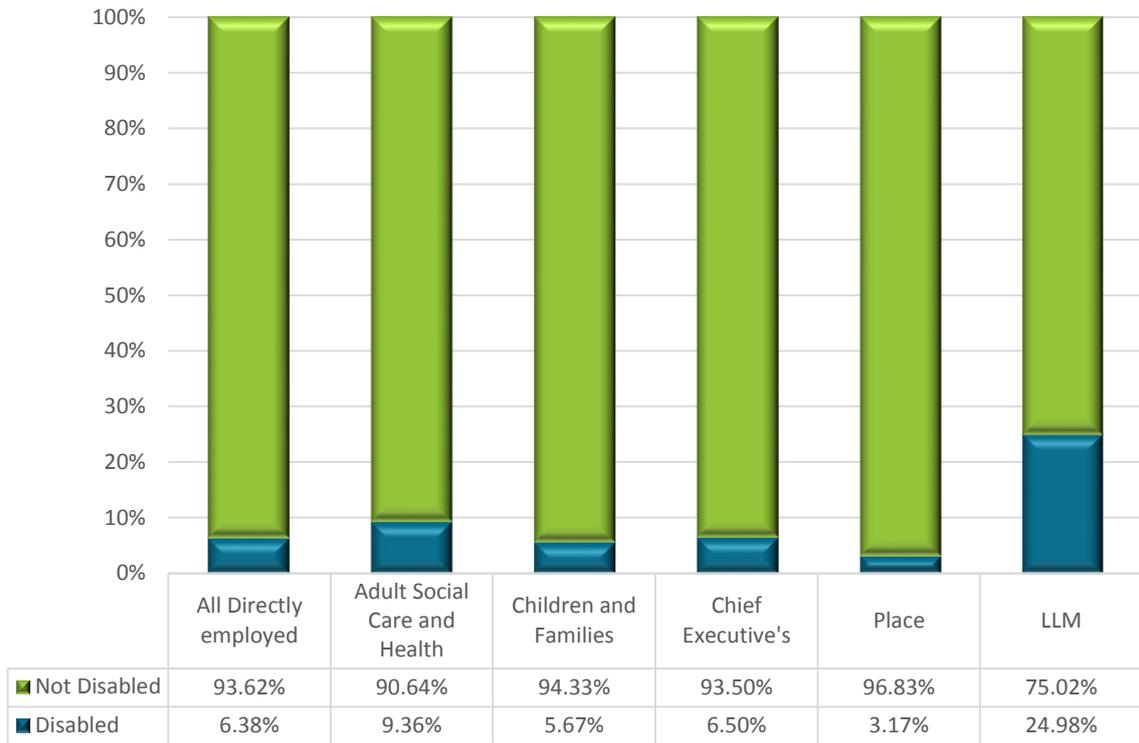
Chart 4. NCC Workforce by Ethnicity (based on FTE) 2020



Non-disclosures are discounted when calculating the percentages, the above represents the 85.87% of NCC employees who have made a declaration of their ethnic origin.

BAME definition is anyone who has not declared themselves as 'White British / English / Scottish / Welsh / N.Irish'.

Chart 5. NCC Workforce by Disability status (based on FTE) 2020

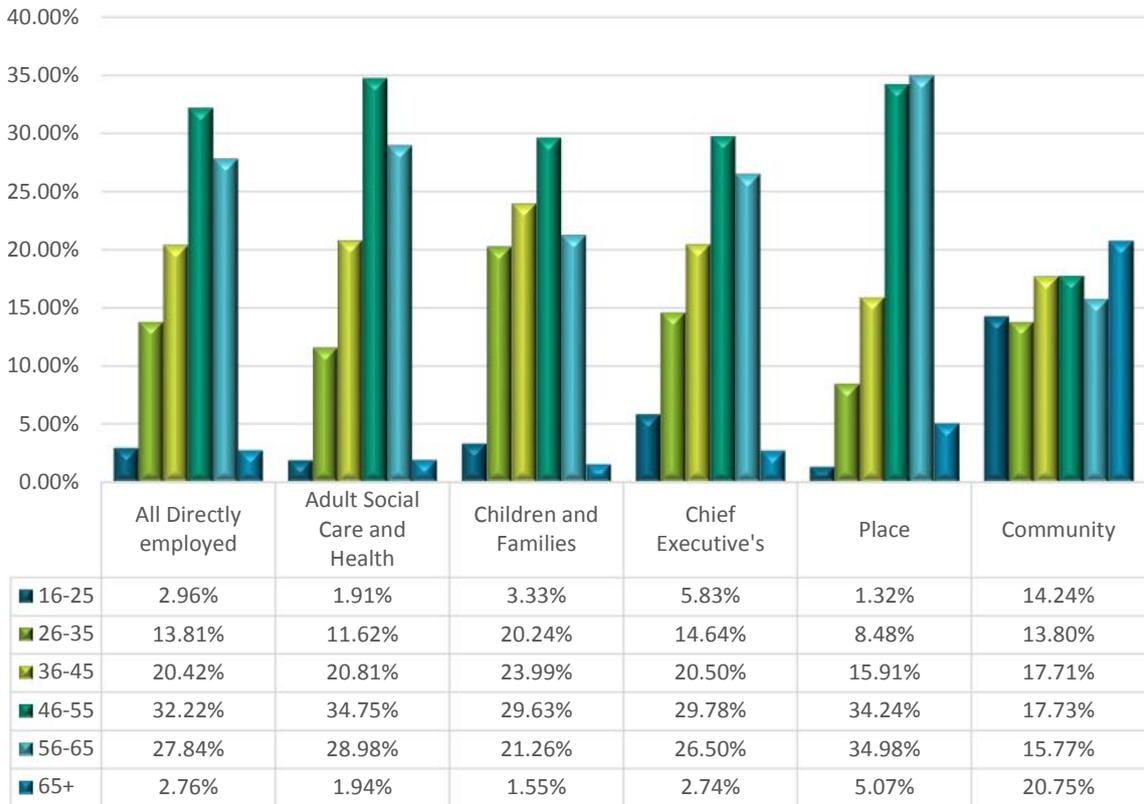


Non-disclosures are discounted when calculating the percentages, the above represents the 83.02% of NCC employees who have made a declaration whether they regard themselves as having a disability.

Data is not available for the community comparative, as disability figures collected via the census are not based on the Equality Act (2010) definition.

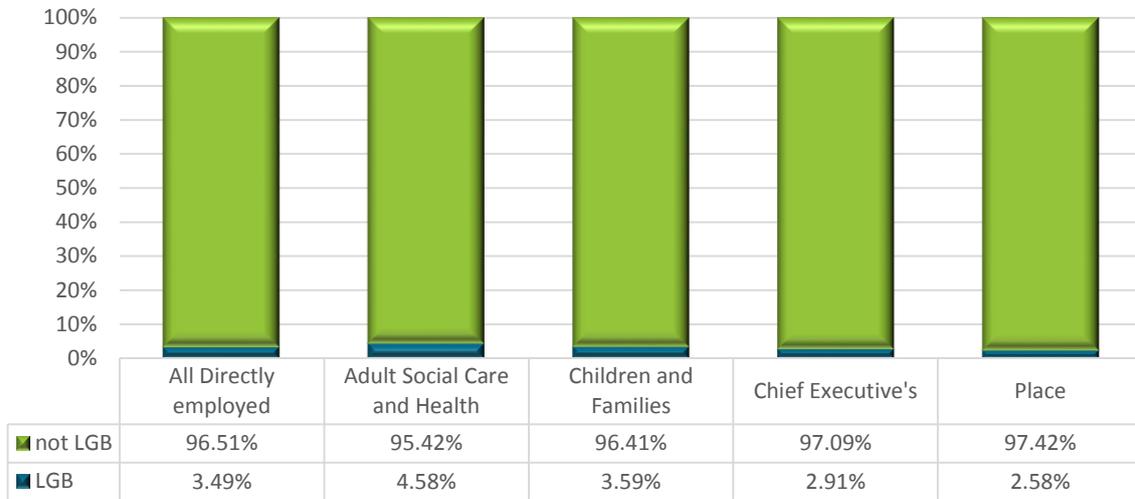
Data for the LLM is based on the Equality Act (2010) and is defined as EA Core disabled, meaning – those who have a long-term disability which substantially limit their day to day activities. This matches the Council’s application form definition which is used to collate data at the point of recruitment.

Chart 6. NCC Workforce by Age (based on FTE) 2020



The LLM data uses different age group categories and is not comparable.

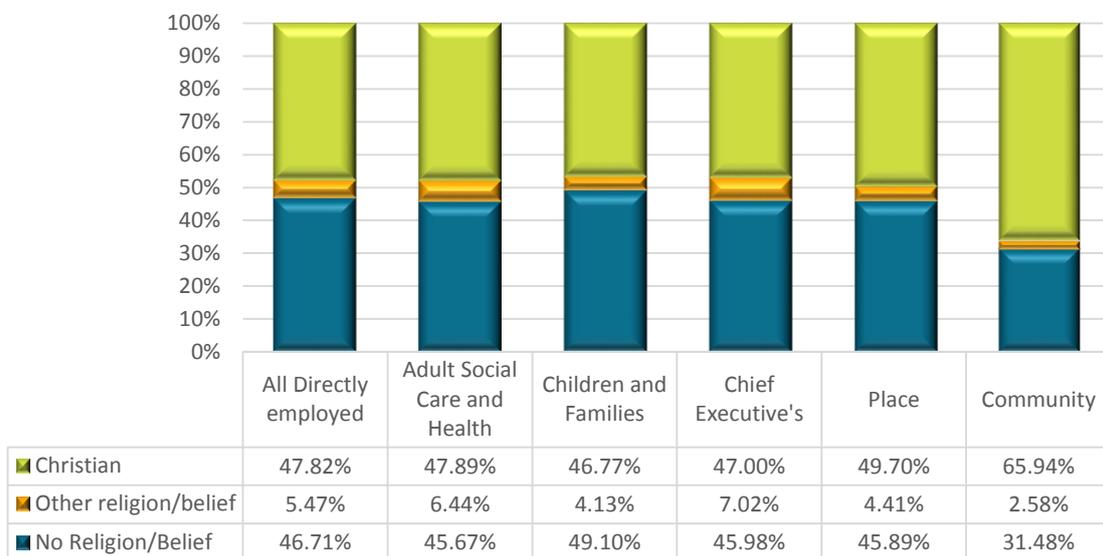
Chart 7. NCC Workforce by Sexual Orientation (based on FTE) 2020



Non-disclosures are discounted when calculating the percentages, the above represents the 62.71% of NCC employees who have made a declaration of their sexual orientation.

No data was collected on sexual orientation for the LLM or 2011 census.

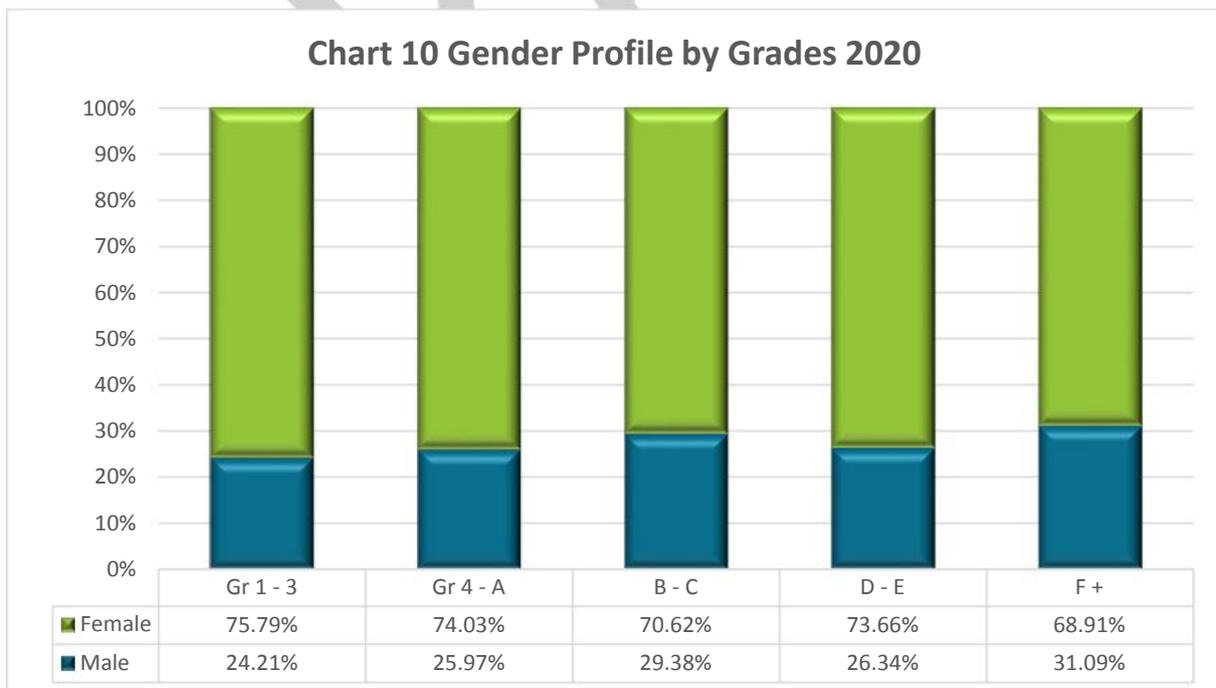
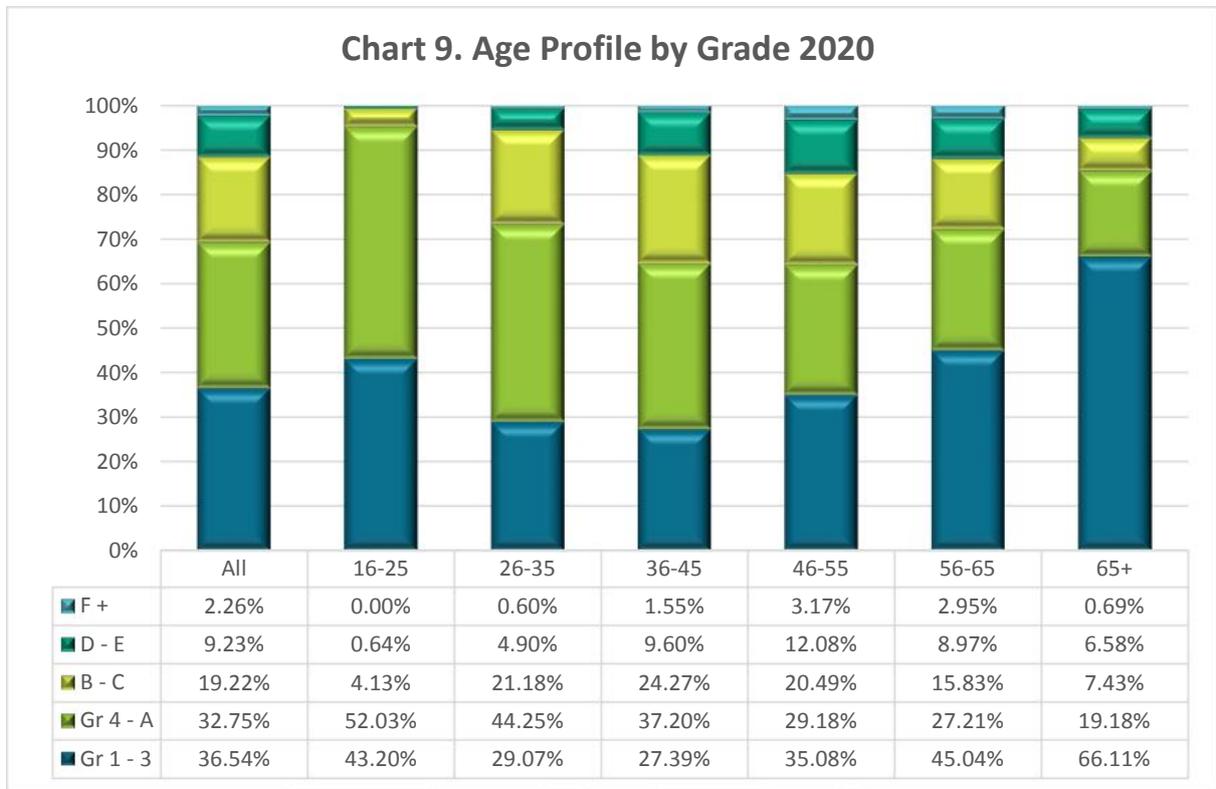
Chart 8. NCC Workforce by Religion/Belief (based on FTE) 2020



No data was collected on religion for the LLM. Chart 8 above groups together all religions/beliefs other than Christian. These are shown in greater detail in table 4.

Non-disclosures are discounted when calculating the percentages, the above represents the 64.88% of NCC employees who have made a declaration of their religion or belief.

4b – Profile of NCC employees by grade of post
 (Non-declarations are excluded in all cases)



All data is based on fte. NCC gender profile is female 73.87%, male 26.13%.

Chart 10a Gender profile by grade for Hay Band F and above

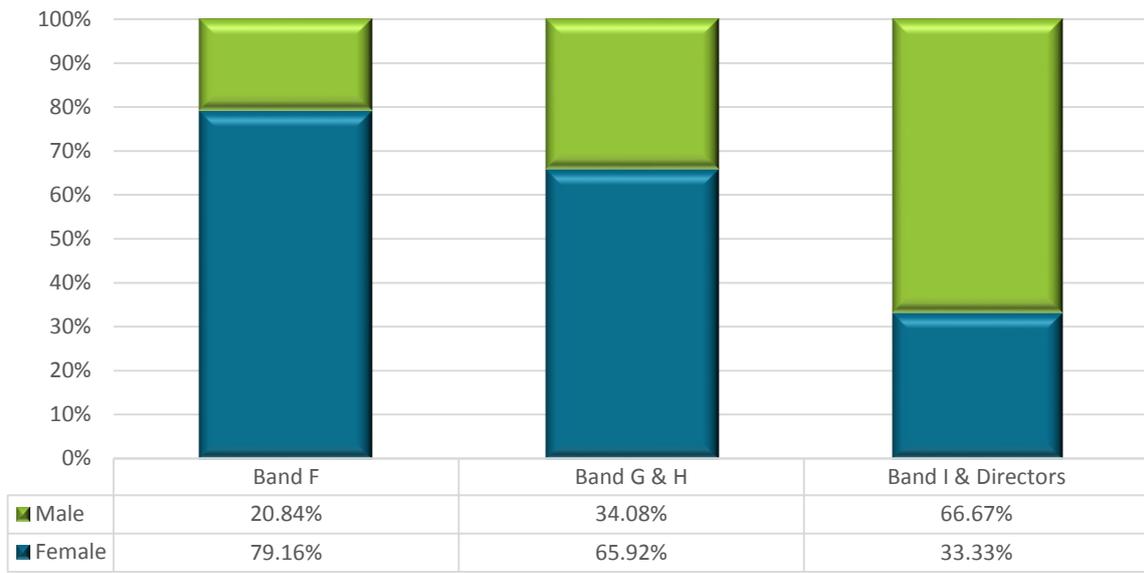
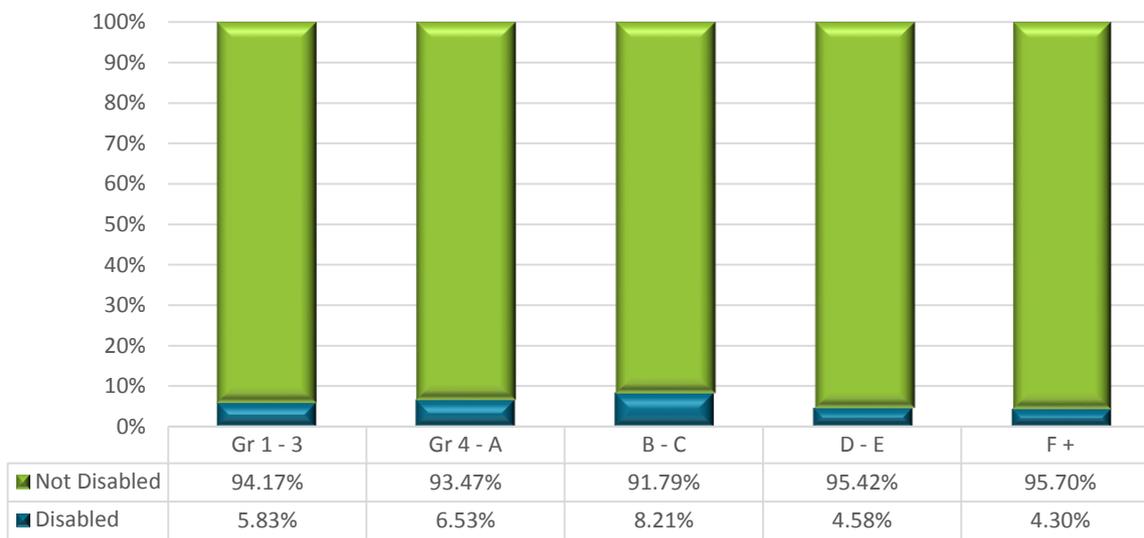


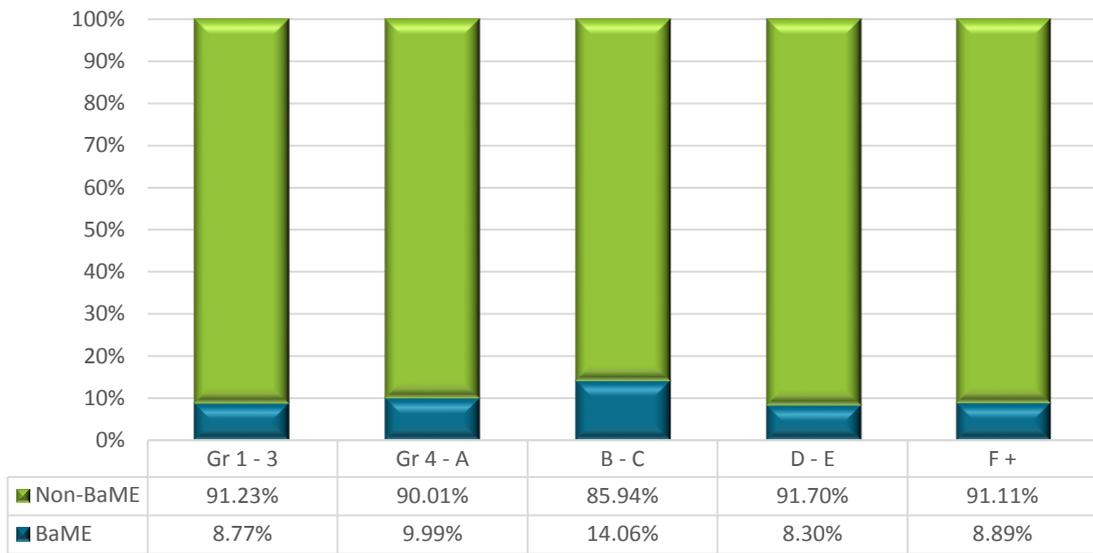
Chart 11 Disabled Profile by Grades 2020



Non-disclosures are discounted when calculating the percentages, the above represents the 83.02% of NCC employees who have made a declaration whether they regard themselves as having a disability.

All data is based on fte. The NCC profile is Disabled – 6.38%, Not disabled – 93.62%

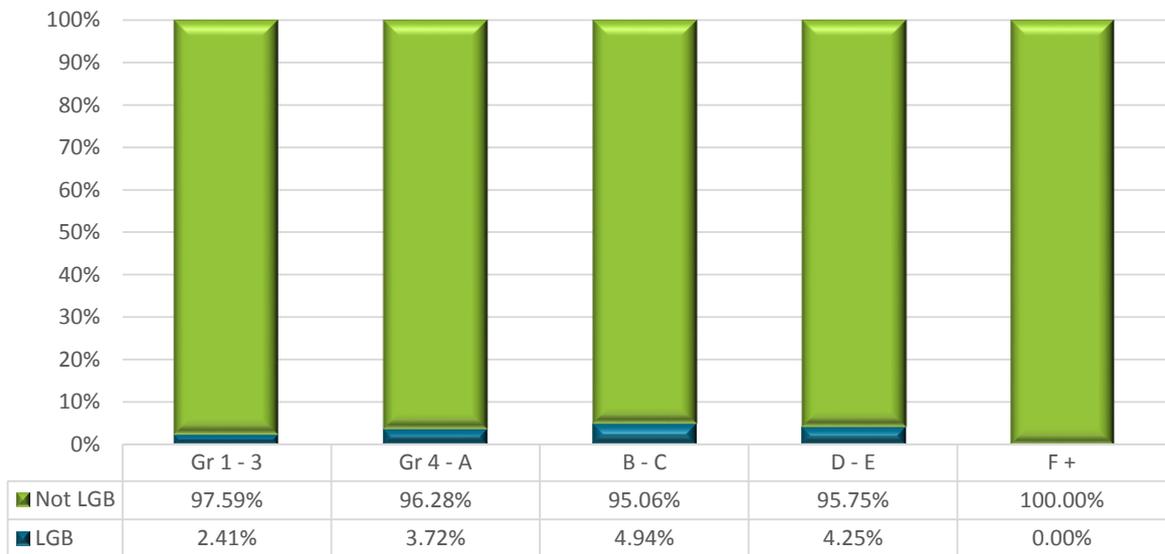
Chart 12 Ethnicity Profile by Grades 2020



Non-disclosures are discounted when calculating the percentages, the above represents the 85.87% of NCC employees who have made a declaration of their ethnic origin.

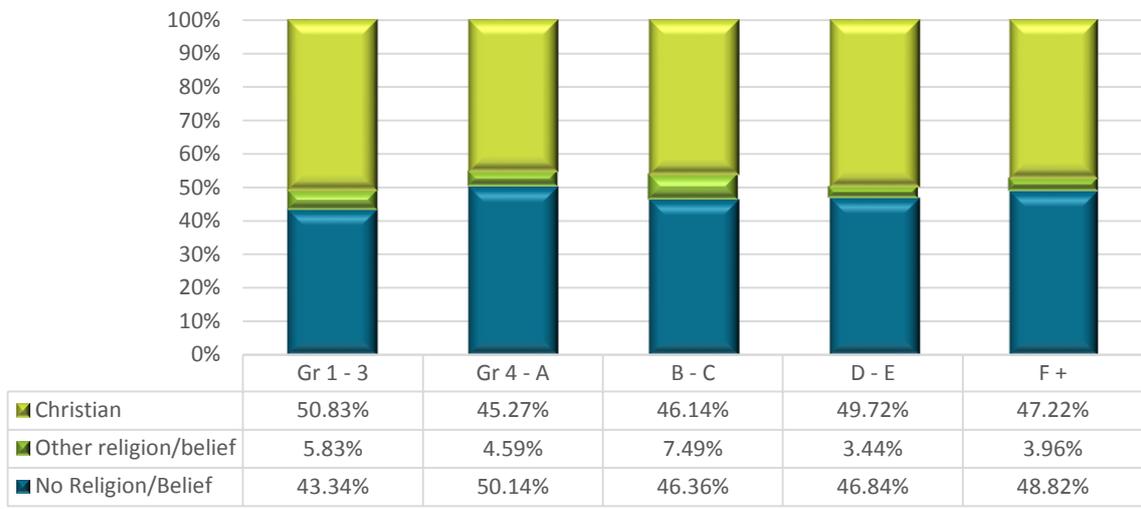
All data is based on fte. NCC profile is BAME – 10.19%, Non BAME – 89.81%

Chart 13 Sexual orientation by grades 2020



Non-disclosures are discounted when calculating the percentages, the above represents the 62.71% of NCC employees who have made a declaration of their sexual orientation. All data is based on the fte. NCC profile is LGB – 3.49%, not LGB – 96.51%.

Chart 14 Religion/Belief by grade 2020

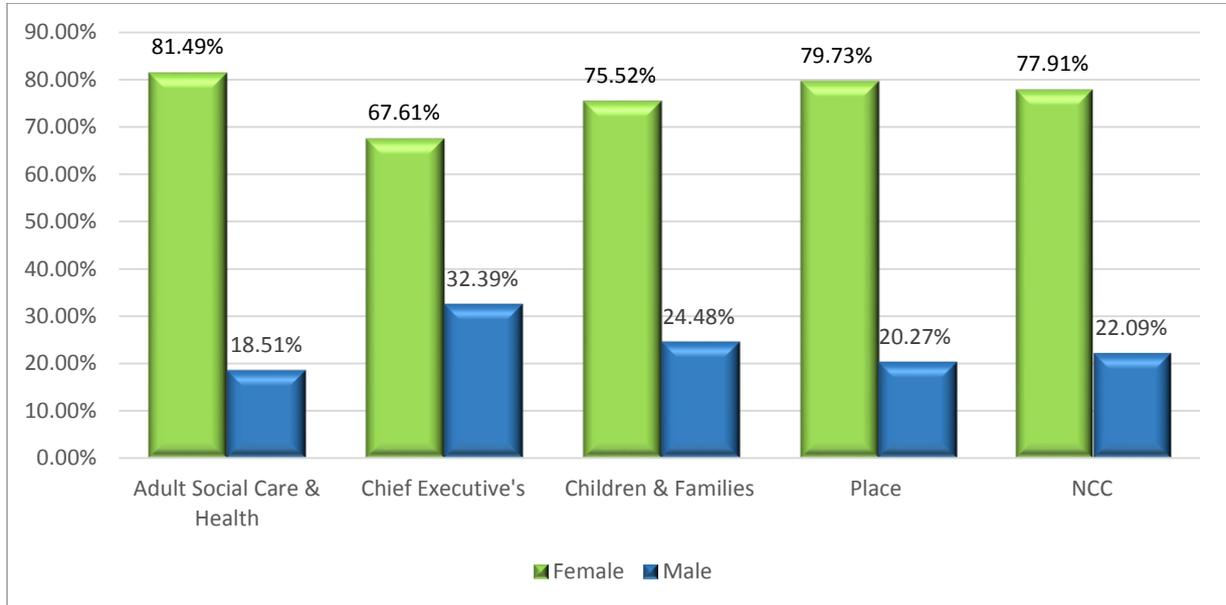


Non-disclosures are discounted when calculating the percentages, the above represents the 64.88% of NCC employees who have made a declaration of their religion or belief. All data is based on the fte.

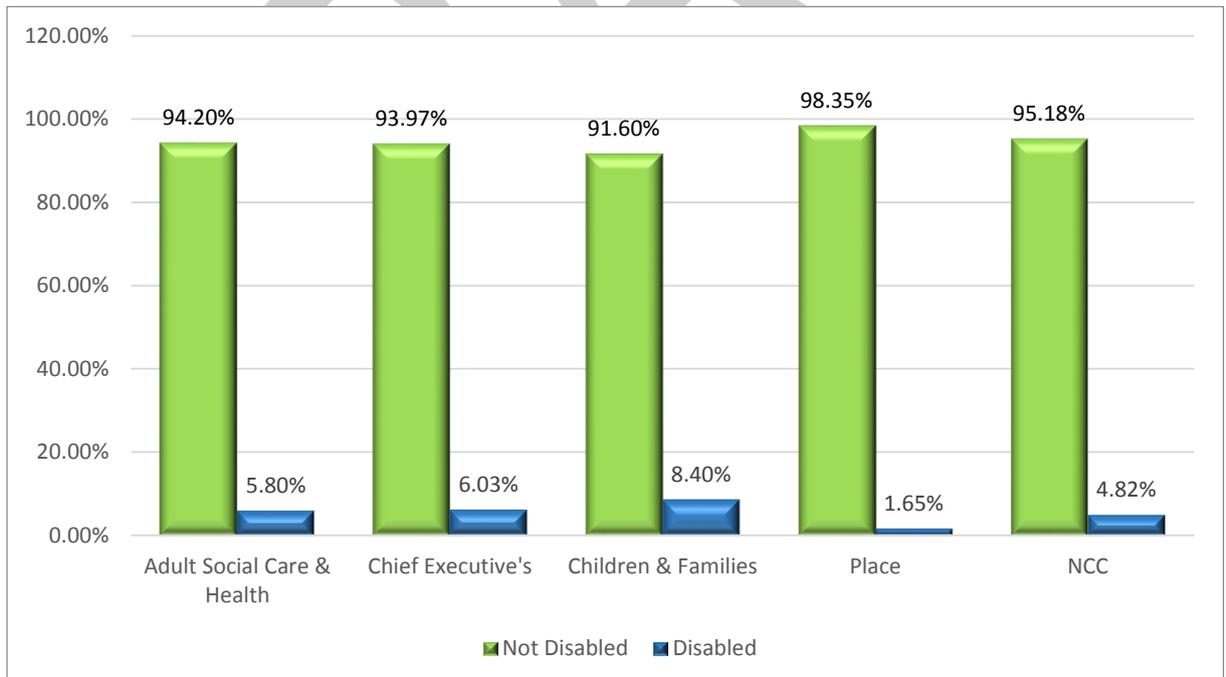
NCC profile is No Religion/Belief – 46.7%, Other Religion/Belief – 5.47%, Christian – 47.82%.

4c – Turnover April 2019 to March 2020

Gender

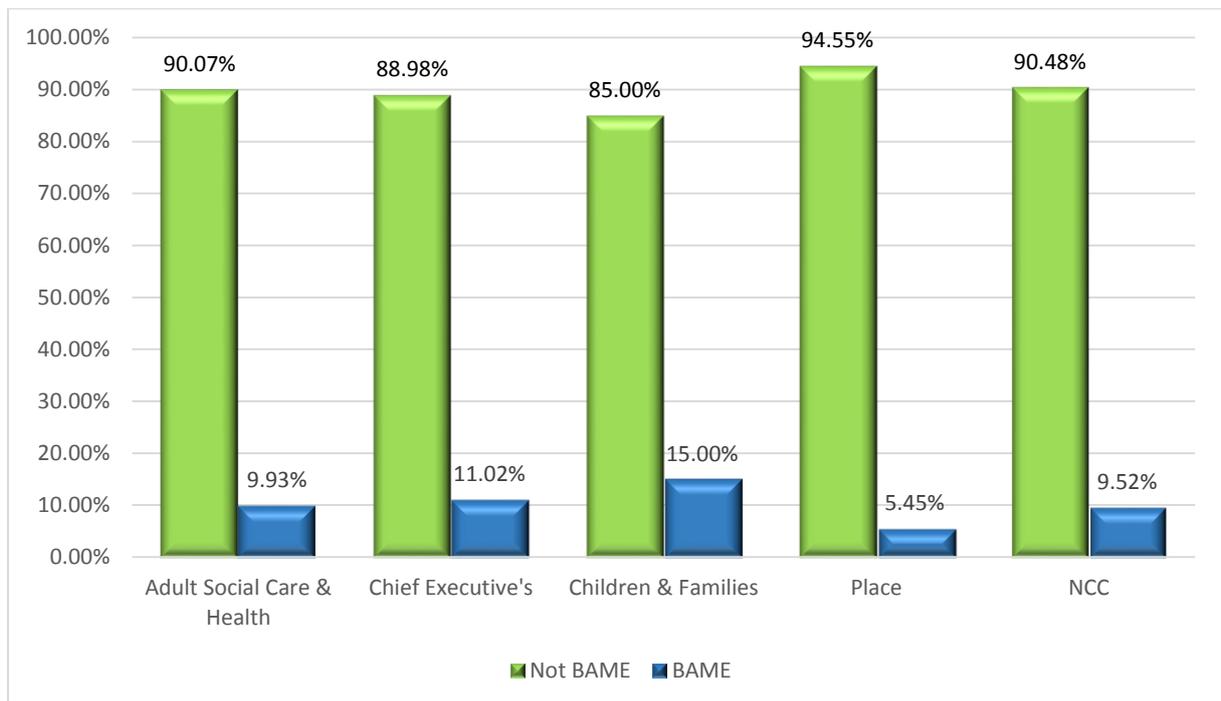


Disability



Non disclosures are discounted when calculating the percentages above. The profile represents the 77.73% of NCC leavers who had made a declaration about whether they regarded themselves as having a disability.

Ethnic Origin



Non disclosures are discounted when calculating the percentages above. The profile represents the 77.90% of NCC leavers who had made a declaration about their ethnic origin.

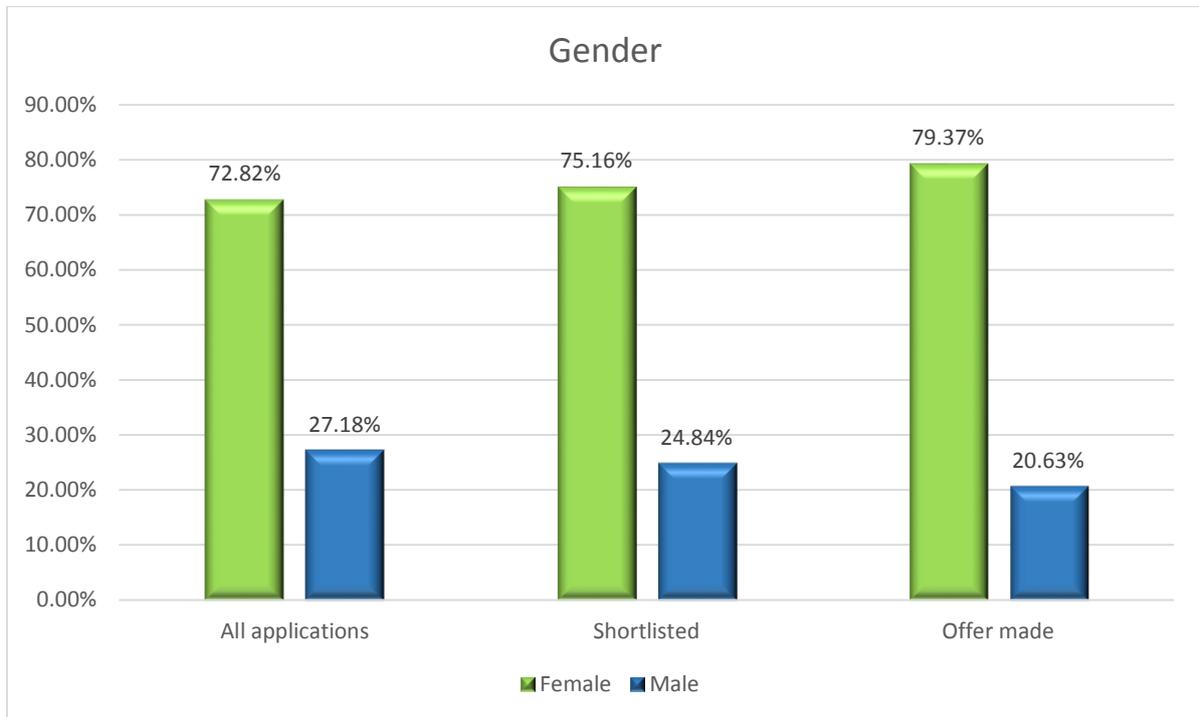
Sexual Orientation



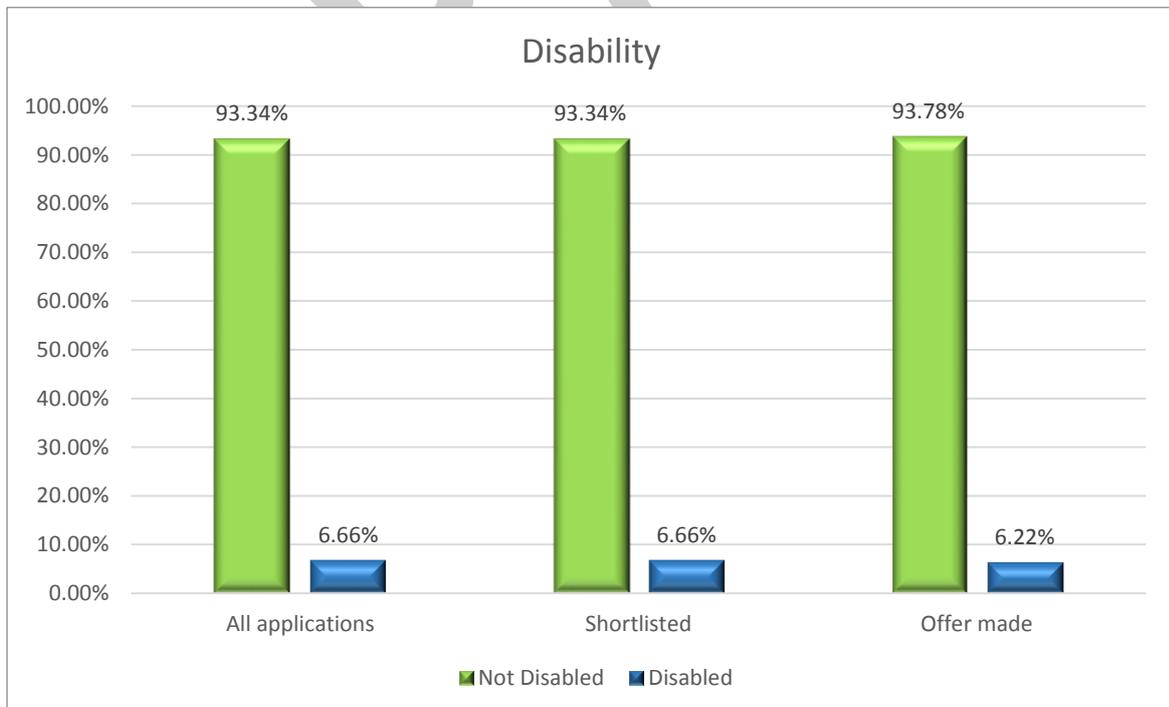
Non disclosures are discounted when calculating the percentages above. The profile represents the 54.95% of NCC leavers who had made a declaration about their sexual orientation.

4d – Profiles of Applicants of advertised positions April 2019 to March 2020

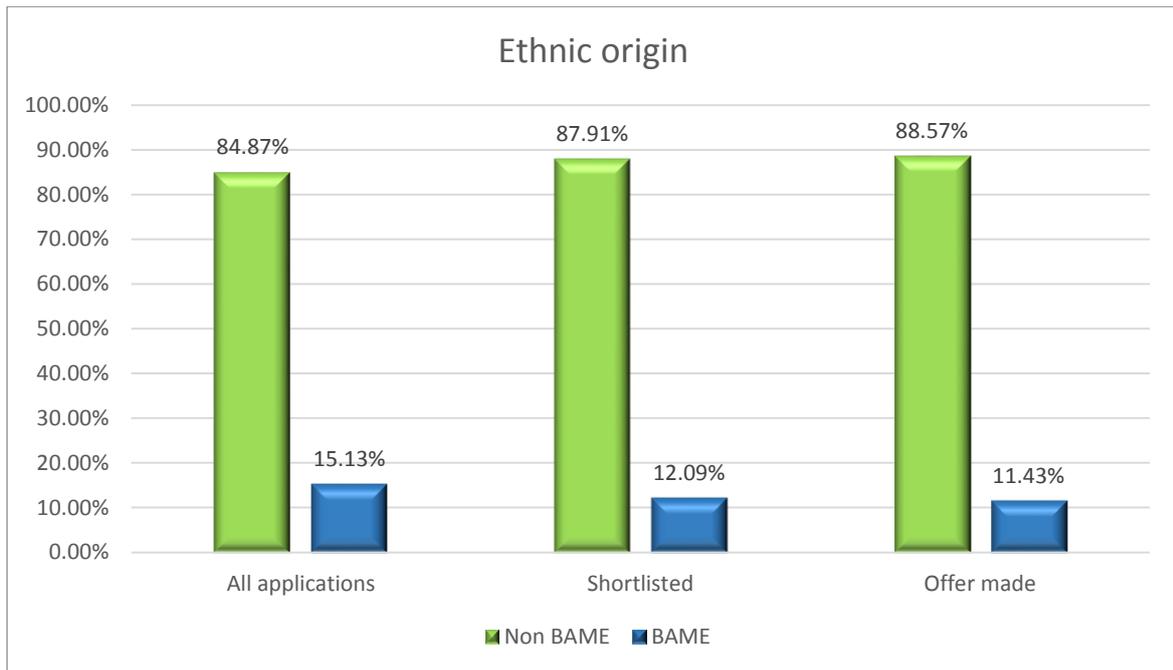
Gender



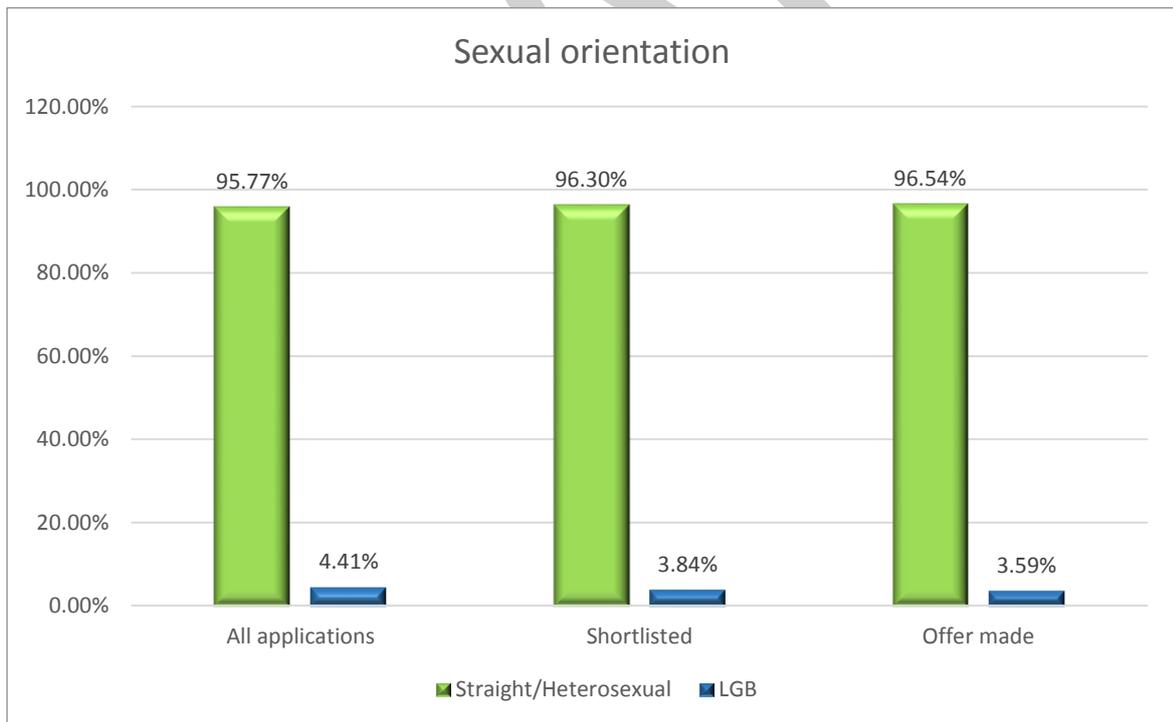
Disability



Ethnic origin



Sexual orientation



REPORT OF THE SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE AND EMPLOYEES

UPDATE REPORT ON ACTIONS TO SUPPORT THE COUNCIL'S BLACK WORKFORCE

Purpose of the Report

1. To provide further information to Elected Members on the support identified for Black employees and to seek approval for the attached appendix, draft Equalities (Support for Black Workers) Action Plan.

Information

2. A report was considered at Personnel Committee on 8 July 2020 which served to update Members in relation to the Race at Work Charter and to seek approval for the additional actions identified to better understand the issues being raised and to provide support for Black employees. This was considered necessary to help the Council to tackle racism and discrimination. The recommendations included approval for the establishment of an additional Equalities Officer post within the Human Resources Workforce and Organisational Development Team to provide subject matter expert capacity in this area.
3. Discussions have been ongoing with the Council's self-managed Black Workers Group throughout the Covid pandemic and in the Corporate Equalities Group to identify what is required to provide support to Black colleagues. It was considered important to record the identified actions in one place so the relevant parties could be held accountable for progress being made and to provide a platform to measure the impact of the various activities.
4. Progress has been made and a refreshed job description for the Equalities Officer post is being consulted on with the various self-managed groups and it is intended for the recruitment advertisement to be placed at the beginning of September. The selection process will involve colleagues from the self-managed groups, Corporate Equalities Group and the recognised trade unions to ensure the successful candidate is tested on the full range of equality issues which the Council seeks to make progress on.
5. The Council, as a large employer and community leader, will continue to challenge racism and discrimination in our Council and communities, and support black colleagues in our many service areas and their daily lives where they face discrimination and prejudice. Whilst we have had long standing policies and procedures to address racism and other forms of discrimination, the current situation has provided an opportunity to review our position and

work with staff support networks and trades union colleagues to identify additional actions to promote discussion, raise awareness and identify how we can further improve.

6. The attached draft action plan is extensive and ambitious and will be added to over time as new ideas and initiatives are generated to ensure it retains its currency and meets the objectives it is intended to achieve. It provides a framework in which work can be planned in advance so important events, for example Black History Month and Windrush Day, are celebrated and marked with appropriate events to enable them to have a refreshed profile across the whole of the Council's workforce and Nottinghamshire communities. The action plan will be an addendum to the Council's overarching Equalities Action Plan which has some specific actions identified regarding each of the specific areas but also more general actions around inclusivity and accessibility.
7. The information contained in the Workforce Profile which has been considered earlier on this Committee's agenda will be used to further develop actions and to provide further lines of enquiry to enable the Council to fully understand the challenges faced by some of its workforce and to remove any barriers to inclusion and career progression. This will also lead to targeted actions to understand why there appears to be some barriers to career progression when proportionally more Black employees access learning development opportunities and coaching. As reported in the Workforce Profile report, it is important to bear in mind the limited opportunities recently available at service director level and above, with the service director posts reducing from 27 to 10 posts over the previous 10 years.

Other Options Considered

8. The Council has a legal obligation under the Public Sector Equality Duty to publish information regarding the makeup of its workforce. The action plan draws together a suite of priority areas requiring further work and which seek to build on progress made to date by further improving the diversity of its workforce. No other options were considered as effective in meeting this ambition.

Reasons for Recommendations

9. The Council has a duty to all its employees and the citizens of Nottinghamshire to create and maintain a working environment free from harassment and discrimination, to support and enable people to develop their careers and to provide inclusive and accessible employment opportunities for all. The draft action plan provides a framework to enable progress to be monitored and which will be added to over time. The current situation makes this a timely and important set of initiatives which will assist the Council to recruit and retain people from a diverse range of backgrounds and ensure we have the relevant knowledge, skills and experience to meet future challenges.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

11. There are no data protection or GDPR issues arising from this report as all the information contained is generic and cannot be attributed to individual employees.

Financial Implications

12. There is no additional funding required arising from the recommendation in this report as any costs for additional development and learning opportunities will be met from the existing HR, Workforce and Organisational Development service budgets.

Human Resources Implications

13. The Council continues to aspire to be an Employer of Choice for all and therefore it is important to take the necessary actions to ensure people feel they will be treated fairly and any type of harassment, discrimination or bias is challenged and eradicated.

Public Sector Equality Duty Implications

14. We previously identified that signing the Race at Work Charter, provided evidence of how we are meeting our obligations under the Public Sector Equality Duty which requires public bodies to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

The additional actions set out in the attached action plan will further support the Council in meeting and going beyond its statutory obligations.

RECOMMENDATIONS

- 1) To approve the actions identified in the Draft Equalities (Support for Black Employees) Action Plan.
- 2) To receive an update on progress made towards meeting the identified actions at Committee in January 2021.

Marjorie Toward
Service Director – Customers, Governance and Employees
Chief Executives Department

For any enquiries about this report please contact:

Gill Elder, Head of Human Resources, on gill.elder@nottscc.gov.uk or 01159773867

Constitutional Comments (EP 24/08/20)

15. The recommendations fall within the remit of Personnel Committee by virtue of its terms of reference.

Financial Comments (SES 25/08/20)

16. There are no specific financial implications arising directly from this report.

HR Comments (JP 25/08/20)

17. The Action Plan within this report supports the Authority in respect of its obligations under the Public Sector Equality Duty.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Nottinghamshire County Council Employer Equalities (Support for Black Workers) Action Plan 2020-2021

Purpose: to promote the support and development of the Council's existing BME workforce and to encourage and increase their representation at more senior levels, removing any existing barriers to career progression. As with the Council's Equalities Action Plan, this document provides a flexible framework to enable the County Council's Elected Members, Corporate Leadership Team and all managers including senior management teams to understand and undertake their responsibilities to behave and interact with all prospective and existing employees in a way that demonstrates the Council's commitment to fairness, equality of opportunity and respect in order to enable the Council to maximise the flexible recruitment and deployment of the talent available to it to support the delivery of its priorities and objectives in the Covid-19 recovery phase and beyond.

By its nature, this document is internally facing but we need to learn from the experiences of others to ensure our commitment is known to our current and future workforce, partners, stakeholders and all residents of Nottinghamshire.

Implementation: Equality, equity, fairness and inclusion are everyone's responsibility. All of us including dedicated lead roles, self-managed staff groups and department leads have a collective responsibility to successfully implement this action plan and ensure equity and fairness is embedded in service delivery, employment and throughout the work of the Council.

Overall Responsibility: Marjorie Toward, Service Director - Customers, Governance and Employees

Lead Manager: Gill Elder, Head of Human Resources

Delivery Lead Officer: Helen Richardson, Senior Business Partner Organisational Development and Equalities Officer

Delivered by: Corporate HR, Workforce and Organisational Development team; Departmental Equality Leads; All Managers; Member Equality Sponsor/Champion, Black Workers Self-Managed Group, Corporate Equalities Group. Ultimately it is a shared responsibility to embed equality, value diversity and ensure the Council is an inclusive place to work for all employees through their behaviour and how they deliver services.

Key stakeholders: Elected Members, Corporate Leadership Team and departmental Senior Leadership Teams, all BME employees, Black Workers Self-Managed Group; Trade Union colleagues; Corporate Equalities Group

Culture – to ensure Nottinghamshire County Council develops and maintains a working environment free from racial harassment, bias and discrimination, enabling all our workforce to flourish and maximise their contributions to the achievement of the Council’s objectives and overall organisational success

| Topic | Actions | Timescale | Progress/ Status |
|---|--|--|---------------------|
| Employer of Choice promoting Accessibility and Inclusion for all | <ul style="list-style-type: none"> • Complete accreditation for Race at Work Charter as an external measure of the Council’s performance on racial equality as the Stonewall Index is for LGBT+ activity and Disability Confident for all matters relating to disability. • Publish an Anti-Racism statement which makes clear that racial harassment and/or abuse of our BME employees will not be tolerated by anyone, colleague or member of the public. • Appoint an Elected Member and Officer Equality Champion/Sponsor to promote the overarching Equalities agenda and to hold to account the organisation’s performance as stipulated in the Race at Work Charter. • Develop a scheme for Anti-Racism Allies to align with the Proud Ally system. • Review the equalities resource capacity to maximise impact and increase the profile of the work required. Recruit to the refreshed Equalities Officer role and engage the departmental Equalities leads to ensure a consistent and proactive approach is adopted to actions required in this and other Equality Action Plans. • Building on previous Employee Surveys, undertake a cross Council information gathering exercise to engage with employees about their experiences of fairness and respect at work in order to provide a current baseline and to identify further priorities for improvement. • Undertake a review of the Council’s employment policies and procedures regarding raising issues of harassment and discrimination to ensure they promote a zero-tolerance approach. • Develop a series of Webinars and Q&A sessions for senior leaders, external role models and employees to contribute and engage in as a means of promoting open and honest conversations to raise awareness and to develop wider understanding to challenge the silence which can be construed as acceptance of the status quo. A number of topics have been identified to be discussed at each session. However, there will be an | <p>September 2020</p> <p>October 2020</p> <p>September 2020</p> <p>Ongoing</p> <p>Immediate and ongoing</p> <p>Autumn 2020</p> | |

| | <p>opportunity to add on new topics or change the sequence of these topics. The proposed topics are:</p> <ul style="list-style-type: none"> - Organisational Culture - Health and Wellbeing - Career Development - Learning & Development - How to measure our success <ul style="list-style-type: none"> • Review competency framework in terms of leadership requirements to identify the skills, knowledge and experience required to deliver the Council’s priorities and performance indicators around all equalities but for the purpose of this plan in relation to race. • Consider the range of activities to assist with career development and progression (see below in recruitment section) and engage with BME employees to understand what they considered barriers to progression are with a view to adding further actions to address. | September 2020 | |
|--|--|--|-------------------|
| Learning and Development | | | |
| Topic | Actions | Timescale | Progress / Status |
| Management skills and development | <ul style="list-style-type: none"> • Review existing unconscious bias training to broaden its application. • Corporate Leadership Team (CLT) to undertake training August/September with a focus on strategic leadership. A version of the input will then be rolled out as mandatory training for all employees who manage resources or deliver services. • Mandatory Equality/unconscious bias training for elected members. • Seek clarification from agency managed service provider as to how they satisfy these criteria to remove unconscious bias from their recruitment and selection processes as the temporary to permanent transfer route is another avenue into employment with the Council. | <p>Immediate Aug/Sept. 2020</p> <p>Sept/Oct 2020</p> | |
| | <ul style="list-style-type: none"> • Building on existing mandatory learning requirements including Understanding Equality All NCC managers to undertake full suite of People Management learning activity as a mandatory requirement. | Consider in relation to Covid learning priorities | |

| | | | |
|--|--|----------------|--|
| | <ul style="list-style-type: none"> Incorporate existing learning resources on having constructive dialogue and conversations and Manager as Coach into a new “Managing with Confidence” learning suite to enable all managers to have enabling conversations with their employees. | | |
| | <ul style="list-style-type: none"> Provide Coaching through NCC in- house Coaching network to enable all employees to reach their full potential and encourage employees with protected characteristics to access coaching and introduce provision to express a preference for an available Coach who shares that characteristic. | Ongoing | |
| | <ul style="list-style-type: none"> Provide targeted modules for BME employees in the cohort as part of the wider Leadership Development Programme to enable them to develop the confidence and skills to progress their careers including applying for alternative / promotional roles. Evaluate the engagement and impact of the participants in the specialist programme run by Health locally. | | |
| | <ul style="list-style-type: none"> Develop an Anti-Racism Hub on the Learning Pool platform. The hub will be a repository for learning materials, discussion pieces, articles, podcasts etc. with a view to prompting discussion and enabling people to self-educate to inform and stimulate debate. Level of use will be monitored to identify how many people are accessing the portal. Content will be developed and updated on ongoing basis. | September 2020 | |

Recruitment and Retention

Attract and retain a diverse and representative range of applicants by reviewing the Council’s recruitment and on-boarding approach to promote the Council as an employer which is inclusive and welcomes and nurtures diversity. Remove any barriers to accessing available job opportunities.

| Topic | Actions | Timescale | Progress / Status |
|---|---|-----------|-------------------|
| Job Descriptions and role requirements | <ul style="list-style-type: none"> Redesign and relaunch an accessible recruitment portal “landing page” which removes perceived barriers to joining the Council by promoting NCC as an employer which welcomes and supports diversity and offers career progression for all. | | |

| | | | |
|-----------------------------|---|-----------------------|--|
| Recruitment practice | <ul style="list-style-type: none"> • Review and refresh guidance to ensure that managers present job requirements using accessible language and in a meaningful and succinct way which does not create barriers by inflating experiential or qualification requirements in a way which restricts the diversity of potential applicants. • Consider extending the offer of Guaranteed interviews similar to the requirement to invite all suitably qualified disabled candidates to interview where the minimum job requirements are met to BME applicants. | Reinforce during 2020 | |
| | <ul style="list-style-type: none"> • Provide managers with guidance on effective and legally compliant recruitment practice including ensuring that job advertisements are written in a succinct way which accurately describes the job in accessible language, and which does not over-specify the qualifications necessary to fulfil the role successfully. • Ensure that recruiting managers provide feedback on recruitment decisions in a transparent, honest and constructive manner to ensure all applicants enjoy a positive experience through the recruitment process, whether or not they are successful in securing the role. This will be reinforced through occasional surveys of candidates and through “spot checks” audits. • Provide targeted one to one interview training and guidance and support for applicants from under-represented groups. • Use the most appropriate selection tools for the advertised role. Check there is no bias built into the selection process and regularly validate the tools used to check their currency and relevance. | | |

Health and Wellbeing including any Covid specific related actions

Consider any specific health and wellbeing actions required to support BME employees

| Topic | Actions | Timescale | Progress / Status |
|--|--|-----------|-------------------|
| General Health and Mental Wellbeing | <ul style="list-style-type: none"> • Provide advice and guidance to better support BME employees with mental health or poor wellbeing to remain and thrive at work. • Encourage and support employees to respect and value others, treating all colleagues and service users with fairness and respect and ensuring that everyone feels valued as a human being. | Ongoing | |

| | | | |
|--|--|----------------|--|
| | <ul style="list-style-type: none"> • Support employees to challenge bad behaviour and take a “zero tolerance “approach to all forms of inappropriate behaviour and harassment including that targeted at people from BME groups. • Introduce trauma counselling resource using existing contract with Care First to support BME colleagues to explore the feelings generated from their lived experiences and to consider any issues arising from recent events and as a result of Black Lives Matter campaign. • Train additional 6 mental health first aiders nominated by Black Workers Group and undertake review of current demand and uptake. With a view to increasing the number trained if demand for additional capacity is evident | | |
| Covid-19 specific actions | <ul style="list-style-type: none"> • Ensure managers are aware of the need to engage and jointly complete the risk assessment for people with additional vulnerabilities and to consider actions required to protect BME employees during the Covid pandemic. • Provide additional guidance to managers and employees regarding the relevant risk assessment to complete depending on work circumstances and reinforce the mandatory nature of these risk assessments highlighting the importance of the supportive discussion. | Ongoing | |
| Data collection and evidence-based analysis | <ul style="list-style-type: none"> • Complete annual workforce profile report as required to meet the Council’s Public Sector Equality Duty and publish this information on the public website. This will be the platform to capture ethnicity data and publicise progress (This commitment was outlined in the last Personnel Committee report). • Working with BME Group and recognised trade unions, encourage improved disclosure of BME employee information. • Explore ways to effectively benchmark performance indicators and determine what success will look and feel like. • Use the calls to action in the Race at Work Charter to provide initial indicators for success/improvement | September 2020 | |
| V3 August 2020 | Author: Gill Elder, Head of HR | | |

**REPORT OF SERVICE DIRECTOR – CUSTOMERS, GOVERNANCE, AND
EMPLOYEES**

STAFFING RESOURCES FOR THE MCCLOUD JUDGEMENT PROJECT

Purpose of the Report

1. The purpose of the report is to seek approval from Personnel Committee for additional resources required within the Pension Administration Team in order to comply with the Court of Appeal McCloud judgement.

Information

Background

2. Nottinghamshire County Council is the administering authority for the Nottinghamshire Local Government Pension Fund. There are currently 494 Scheme Employers and a total membership of 142,832. Membership is comprised of active members, deferred members and pensioners. The Pension Administration Team delivers a full range of pension administration activities to all its membership including the processing of estimate, retirements into payment, death if scheme members and divorce sharing orders. This team also provides support and guidance to all Scheme Employers.
3. The LGPS is a statutory scheme with regulations made under the Superannuation Act 1972 and the Public Service Pensions Act 2013. The LGPS is a defined benefits scheme based, since 1 April 2014, on 'Career Average Revaluated Earnings' (CARE). Prior to the move to CARE in 2014 the LGPS was a final salary scheme.

Background to the Court of Appeal McCloud judgement

4. The case came about when R Sargeant, a firefighter employed by the London Fire Brigade, was 44 years old or more on 1 April 2015, she would have been entitled to remain in the Firefighters' Pension Scheme – a final salary pension fund that has a normal pension age between 50 and 55, a deferred pension age of 60 and an accrual rate of 1/60.
5. Because she was younger, Ms Sargeant was moved to the new Firefighters' Pension Scheme 2015, which is a career average revalued earnings scheme.

6. After a legal battle that saw firefighters and judges joining forces to claim discrimination on the grounds of age, Ms Sargeant and her peers were granted their claim by the Court of Appeal in 2018. And in June 2019, the Supreme Court refused the government's application to appeal the court case, by then known as McCloud, which marked the end of the legal process.
7. The case through the Courts identified unjustified age discrimination in transitional protection arrangements in the Judicial and Firefighters' Pension Schemes. However, in relation to the LGPS, this difference in treatment exists between two groups of LGPS members:
 - those who were in service on 31st March 2012 and were within ten years of NPA on 1st April 2012, therefore benefiting from underpin protection and 'better off' than the second group; and,
 - those who were in service on 31st March 2012 and were more than ten years from NPA, were not eligible for underpin protection and therefore 'worse off' than the protected members (as they were not guaranteed a pension of at least the level they would have received in the final salary scheme).

Impact on LGPS Members Benefits

8. Analysis nationally has identified that the proposals will mean that on average the members of the LGPS will see a slight improvement in their pensions as a result. However, this is not evenly spread, and the reality is that the average consists of members seeing no change at all to their benefits, whilst other members will see material improvements in their retirement income.
9. It has also been estimated that younger members of the pension scheme with relatively high pay growth could see up to an estimated 10% increase on their 8 years accrual from 2014 to 2022, when compared to what they could have expected from the current career average scheme.

Impact on Employers within the LGPS

10. Although the impact on the fund is likely to be small at whole fund level it could be significant at individual employer level.
11. For many employers in the LGPS with mature workforce, like councils, there is likely to be minimal impact. Although promotional increases could result in a material cost for certain members as the final salary scheme pension could exceed the career average scheme pension as where salary increases are higher, the underpin is more likely to have an impact.
12. Smaller employers may also be more affected. The change in an individual member's benefits may increase a significant proportion of their liabilities and therefore the impact on smaller employers is likely to be more volatile.
13. It is known that some employers are much more likely to be impacted than others, i.e. those with younger membership profiles and more concentrated on active employees, such as academy schools and leisure centers, and therefore it is estimated that they could see a contribution rate increase of 1% or more (but this estimate relies heavily on future salary growth).

Impact on the Administration of The Fund

14. In terms of what is being proposed, this will have a major impact on the Administration Team for various reasons:
- a. Pension Processes will require to be reviewed and updated in line with the McCloud underpin protections.
 - b. The Pension Fund will be required to collect hours and service break data for eligible members and scheme employers will have a statutory obligation to provide this data to the fund back to 2014.
 - c. Retrospective calculations performed on all eligible pensioners which may result in backdated pension adjustments being determined and require putting into payment.
 - d. McCloud underpin protections being determined and applied to eligible members.
15. This will need to be undertaken for an estimated 24,000 member records within the Nottinghamshire Pension Fund across all members who have a current underpin.
16. It will be important given the scale of the task, that the fund starts to plan to get ready for implementation. In addition, the Scheme Advisory Board will be producing some guidance and consistency across the LGPS. Work is also ongoing in respect of administration software providers to update the administration systems to deal with the complexities of the changes in calculations.
17. Communication to employers and members will be essential. The key focus for members will be for them to know that the underpin will be applied to them without the need for any action on their behalf, but also understand when their benefits will be reviewed. Employers will also need to understand the requirement to provide historic and ongoing data to enable the 2008 Scheme benefits to be calculated, and the Scheme Advisory Board have an implementation group to help provide documents to pension funds.
18. The fund will be required to collect data regarding hours changes and service breaks to enable the calculations for qualifying members since the 1 April 2014 to be undertaken. This will include not only additional members covered by the underpin, but those who were previously covered as well. Retired members may also be affected, and arrears may be payable, which may also bring several pension tax complications to consider and communicate.

Review of Resource Requirements

19. In terms of estimating the amount of work and resources required, the fund has estimated that there may be around 24,000 records that may need to be reviewed, several recalculations of members benefit, communicating to members, scheme employers, along with collecting and checking data. This work cannot be completed with the current resources in the Pension Administration Team, and maintain the current service level, as well as progress several other statutory required projects. Therefore, in order to complete this work, there will need to be a temporary project team established to focus on this area of work.

20. It is proposed to seek approval from Personnel Committee to the establishment of a temporary Project Manager post for a period of two years, or less if the project is able to finish earlier, at Band B at a current cost per annum of up to £36,922 plus oncosts.
21. It will be the responsibility of the Project Manager to scope the details of the project and the additional administration resource that will be required to meet the fund obligations as part of the McCloud judgement.
22. Consideration will be given to seconding some experienced staff from the Pension Administration Team to the project with appropriate back fill arrangements implemented.
23. In order to support the project, it may also be prudent to engage some additional support from the scheme actuary, who will be able offer advice and support to the project manager on preparing for the project, fund resources and other issues raised in the report.
24. Once the Project Manager is appointed it is proposed to undertake further work on the requirements of the project and to present a separate report to Personnel and Pension Committee on what resources will be required considering, current and future work activities of the Administration Team.

Other Options Considered

25. The Pension Fund is following the Scheme Advisory Board, and the LGA advice, along with engaging with the Scheme Actuary, as well as using normal LGPS funds to ensure that Nottinghamshire is following the best advice.
26. The Pension Fund has a legal requirement to ensure that the McCloud judgment is correctly applied to all eligible pensioners and members of the Nottinghamshire Pension Fund.
27. Absorb the McCloud project work into the existing work of the administration team. However, this is not considered to be a feasible option as this would have very significant implications and disruption for the delivery of the current business as usual, as well as the legal obligation to deliver the McCloud project.

Reasons for Recommendations

28. This will be a significant project for the Pension Fund which will require project management and additional resources to ensure that the fund fulfils the requirements of the McCloud judgement.
29. Advice and support from the Scheme Actuary and their extensive knowledge and understanding of the LGPS regulations and the McCloud judgement will provide the Nottinghamshire Pension Fund McCloud project with a quality assurance role.

Statutory and Policy Implications

30. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

31. The project, by its very nature, involves reconciliation, sharing and processing of personal and sensitive data. This is covered by existing arrangements and agreements with scheme employers and scheme members.

Financial Implications

32. It is estimated that the costs of the temporary post of Project Manager, Band B for a period of two years will be approximately £36,922 per annum plus oncosts. Pension Committee approved the funding for this post from the Pension Fund at the meeting on 10 September 2020.

33. Once appointed the Project Manager will determine the additional pension administration resource required to complete the McCloud project. This will be the subject of separate reports to both Pension and Personnel Committee.

Human Recourse Implications

34. Appointment to the temporary Project Manager post will be through the Council's agreed recruitment and selection procedures.

RECOMMENDATIONS

It is recommended that:

- 1) Members approve the establishment of a temporary post of Project Manager, Band B for a period of two years following approval by Pension Committee at its meeting on 10th September that the costs will be funded by the Pension Fund.
- 2) Agree to receive a further report on the proposed resource requirements of a McCloud project team.

Marjorie Toward

**Service Director – Customers, Governance and Employees
Chief Executives Department**

For any enquiries about this report please contact:

Sarah Stevenson, Group Manager, Business Services Centre on 0115 9775740 or sarah.stevenson@nottsc.gov.uk

Constitutional Comments (KK 01/09/2020)

35. The proposals set out in the report are within the remit of Personnel Committee.

Financial Comments (KRP 28/08/2020)

36. The financial implications are as noted in the report with the costs being a legitimate charge to the Pension Fund. Additional resources will be required but these will be the subject of a separate report.

HR Comments (JP 28/08/2020)

37. The temporary post will be recruited to as set out at paragraph 34.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

REPORT OF SERVICE DIRECTOR - CUSTOMERS, GOVERNANCE AND EMPLOYEES

WORK PROGRAMME

Purpose of the Report

1. To consider the Committee's work programme for 2020/21.

Information

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme has been drafted in consultation with the Chairman and Vice-Chairman and includes items which can be anticipated at the present time. (meeting dates and agenda items are subject to review in light of the ongoing COVID-19 period). Other items will be added to the programme as they are identified,
4. As part of the transparency introduced by the new committee arrangements, committees are expected to review day to day operational decisions made by officers using their delegated powers. It is anticipated that the committee will wish to commission periodic reports on such decisions. The committee is therefore requested to identify activities on which it would like to receive reports for inclusion in the work programme.

Other Options Considered

5. None.

Reason/s for Recommendation/s

6. To assist the committee in preparing its work programme.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and

the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

1) That the Committee considers whether any amendments are required to the Work Programme.

Marjorie Toward
Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:
Sarah Ashton, Democratic Services Officer, Tel: 0115 977 3962

Constitutional Comments (HD)

8. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

9. There are no financial implications arising directly from this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Personnel Committee Work Programme

| Title | Brief Summary of Agenda Item | Lead Officer | Report Author |
|--|---|--------------|------------------|
| 18 November 2020 | | | |
| Workforce Recovery Strategy and Action Plan | Annual update report | Marje Toward | Gill Elder |
| Progress report for the Council's Graduate Development Programme | Update on progress | Marje Toward | Helen Richardson |
| Sickness Absence Performance Trends and ongoing Action for Improvement (Quarter 2 - 2020/21) | Quarterly update, review of target and approval of annual action plan | Marje Toward | Gill Elder |
| Health and Safety Six Monthly Update | Annual performance and action plan | Marje Toward | John Nilan |
| Apprenticeship Levy – Update | Update on progress | Marje Toward | Helen Richardson |
| 20 January 2021 | | | |
| Nottinghamshire - County Council Corporate Equalities Action Plan | Update on Action Plan | Marje Toward | Gill Elder |
| Gender Pay Gap – Update | Statutory publication of annual information | Marje Toward | Gill Elder |
| Disability Confident Leader Accreditation – Update | Update on progress | Marje Toward | Gill Elder |
| Support for Black Workers and Race at Work Charter Updates | Update on progress | Marje Toward | Gill Elder |
| Update on Flexible Working including Timewise Accreditation | Update on progress | Marje Toward | Gill Elder |

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|--|---|--------------|------------|
| 10 March 2021 | | | |
| Sickness Absence Performance Trends and ongoing Action for Improvement (Quarter 3 - 2020/21) | Quarterly update, review of target and approval of annual action plan | Marje Toward | Gill Elder |
| 21 April 2021 | | | |
| To be confirmed | | | |
| 30 June 2021 | | | |
| Sickness Absence Performance Trends and ongoing Action for Improvement (Quarter 4 - 2020/21) | Quarterly update, review of target and approval of annual action plan | Marje Toward | Gill Elder |