

SALISBURY CITY COUNCIL

Report

Subject : Employment Law Professional Support
Committee : Personnel Committee
Date : 09 November 2020
Author : Annie Child, City Clerk

1. Report Summary:

1.1. This report considers options for legal advice in relation to employment law for Salisbury City Council's (SCC) HR Manager (HRM).

2. Background:

2.1. Councillors asked how the HRM is supported when managing complex matters relating to employment law. This report sets out the current situation and gives options for consideration.

3. The Role of the HR Manager:

3.1. The HRM's Job Description is shown at Annex A to this report.

3.2. This shows the job purpose is; *To be fully responsible for the Council's HR service, working to support the senior management team to achieve their objectives by providing accurate, relevant and timely advice plus innovative solutions to the full range of people management issues.*

3.3. Some key tasks are:

3.3.1. To provide professional advice on all employment relations issues, including liaison with the Trade Unions where necessary

3.3.2. To provide accurate, relevant and timely advice to managers on the full range of HR issues e.g. absence, disciplinary, grievance, performance, equalities, pay, contracts

3.3.3. To highlight and implement tangible ways SCC can continuously develop in relation to its people management to deliver the aims of the organisation based on current professional research findings.

3.4. The HRM is required to hold a CIPD¹ qualification and have significant breadth of HR operational experience to analyse complex situations and provide sound, effective and value added solutions, working as an HR professional with significant generalist experience.

¹ CIPD - [Chartered Institute of Personnel and Development](#)

4. SCC's HR Manager:

- 4.1. Holds Professional CIPD qualification
- 4.2. Level 5 Diploma in Human Resource Management
(<https://nmj.cipd.co.uk/qualification-finder/qualification/IDHRM2>)
- 4.3. Level 5 NVQ Diploma in Management and Leadership <https://www.i-l-m.com/Learning-and-Development/management/management-and-leadership-generic/8623-level-5-nvq-diploma-in-management-and-leadership>
- 4.4. Level 5 Diploma in Principles of Leadership & Management <https://www.i-l-m.com/Learning-and-Development/management/management-and-leadership-generic/8610-level-5-principles-of-leadership-and-management>
- 4.5. Has 25 years generic management and HR experience across employee life cycle (recruitment to exit)
- 4.6. Has access to a generic employment law helpline to discuss general principles. This is provided as part of the HRM's professional membership to CIPD. In addition general Employment Law policies and documentation is available through SCC subscription to [HR Inform](#), a database with template letters/policies and good practice guides.
- 4.7. Has access to specialist legal advice procured on a needs basis. In that last 3 years this has been one occasion.
- 4.8. The HRM's Continuous Professional Development (CPD) is supported by attendance at a local HR Practitioners Forum (discussing general practice) and CIPD organised events, this includes a yearly session on Employment Law cases.

5. Insurance cover

- 5.1. SCC's current insurance covers up to £250,000 cost of expenses of defending or bringing a claim, but there are exceptions under the policy.

6. Scope of Role:

- 6.1. HRM's role has continued to develop as SCC headcount has increased. In 2009, the HRM's role was 0.7 FTE (26 hours per week), this has now increased to full time (37 hours per week).
- 6.2. In 2010/2011 SCC headcount was 48 (excluding casual staff).
- 6.3. In 2020 SCC staff headcount is currently 67 (excluding casual staff).

7. The difference between HR Manager and the Employment Law Professional:

- 7.1. The table below show sets what SCC's HRM does and what an employment law professional could do

HR Manager		Employment Law Professional
<p>Role of HR Manager concentrates on supporting whole employee life cycle.</p> <p>Some of these duties include:</p>		<p>Does not provide whole employee life cycle support. Tends to be used for a particular situation that has deteriorated between an employee and employer.</p> <p>But can</p> <p>Provide advice may be underwritten with insurance against any claims (depends on company chosen)</p> <p>Can review of policies and procedures in line with emerging legislation</p> <p>Can provide Training which may be delivered to managers – this ranges from online webinar's to face to face training (depending on company chosen)</p>
Recruitment	Advice on job requirements	
	Support writing job descriptions	
	Attendance and support at interviews	
	Undertaking the pre-recruitment checks	
	Supporting induction process	
Job Evaluation	Supporting Managers and staff throughout process	
Employee engagement	<p>Leads on:</p> <p>HR Forum</p> <p>Mental Health Champion work</p> <p>Organising and actioning staff surveys</p> <p>Analyses and provides HR data to CC</p>	
Performance management	Supporting managers in what good practice looks like	
	Collating, analysing and supplying data in relation to	

	people management	
Inclusion and Diversity	Providing yearly workshops to all staff to ensure understanding around diversity to reduce risk of bullying/harassment claims and potential subsequent claims	
Training and development	Working with managers to ensure appropriate training and development is available as needed	
Policies and procedures	<p>Reviewing any employment law change impacts on internal policies</p> <p>Supporting managers in interpretation and implementation of SCC policies</p>	
Casework	Supporting managers in dealing with staffing difficulties throughout process	
Organisational development	<p>Reading and discussing implementation of findings based on current research.</p> <p>Working with SMT to develop improvements to current workforce issues</p>	
<p>They can also</p> <p>Provide advice on employment law issues based on the knowledge and experience</p>		

8. Current Situation:

- 8.1. The HRM speaks to a generic helpline for legal advice when required, so advice is not 'guaranteed' nor confirmed in writing. This will be used when situations are new or complex with risk attached. This is not used for routine HR management decisions. As the helplines are generic there is no continuity of advice for specific cases so time is spent giving a history of the case
- 8.2. When SCC are considering dismissal or changes to employment contract the HRM must discuss the case with insurance helpline, who will advise if this is in line with insurance protection.
- 8.3. SCC procures ad-hoc case specific advice when needed. This can be costly as it is done on a case by case basis.
- 8.4. The HRM is not an employment lawyer and although has significant experience of managing HR issues, employment law is complex. A judge has to interpret the law and regardless of experience and/or qualifications of the advisor, cases can go for and against an employer.
- 8.5. SCC's employment law processes can be complex because the Council has a Trade Union Recognition Agreement. This affects how the Council can manage its policies and SCC may need to take further specialist advice in the area in future.
- 8.6. Without specific case advice SCC may be more risk adverse, and therefore continue the employment of individuals longer than with more commercially backed (lawyer) advice.

9. Options For Consideration:

- 9.1. **Option One:** Carry on as per current situation
- 9.2. **Options Two:** Carry on as per current situation but enhance HRM's training programme to include specific Employment Law Diploma to ensure they have access to most up to date information and skills. If agreed this would be costed and a budget included in the 2020/2021 draft budget that will be considered by F&G and Full Council in January 2021. It is recommended that £750 be allocated towards the HRM training in 2020/2021.
- 9.3. **Option Three:** Commission professional employment law support for HR Manager, plus ensure HR manager has good access to continued CPD. If agreed this would be costed and a budget included in the 2020/2021 draft budget that will be considered by F&G and Full Council in January 2021. The professional employment law support could cost up to £7,000 and the HRM training up to £750 in 2020/2021.

10. Retaining Employment Law Support:

- 10.1. SCC has asked local and national companies to provide costs for the provision of this support on a contractual rather than case by case basis.

- 10.2. Costs have ranged from £6,798 per annum to £3,250 depending on level of service purchased (higher costs includes policy review and underwritten advice guarantee, the lower price does not)
- 10.3. If retained Employment Law advice is commissioned, SCC still require the HRM to identify in which situation support will be necessary. This relies on the HRM's skill and experience, plus an understanding of the Council's risk appetite.
- 10.4. Being able to have on-call bespoke legal advice may provide an efficiency saving as the HRM will have a named contact to discuss ongoing cases, and also provide reassurance that SCC has underwritten advice should a claim arise.
- 10.5. The work to review SCC policies would be particularly useful supported by specialist legal advice on implementation. If this approach is agreed, as part of the tender process, the HRM would ensure that cover includes a review of all Employment Policies in the context of our Trade Union Recognition Agreement.
- 10.6. Any professional support procured would be subject to regular review to ensure it provides the council with ongoing value for money and the Council will ensure it enters into a flexible contract with appropriate exit clauses.

11. Recommendation:

It is recommend that

- 11.1. The Committee approve the procurement of professional employment law support for HRM and ensure the HRM has good access to continued CPD from 1 Apr 2021 onwards
- 11.2. The Committee request that the Responsible Finance Officer includes a draft budget of up to £7,000 for these professional services, and £750 for HRM training, in the 2020/2021 budget to be approved by F&G Committee and Full Council in January 2021.

12. Wards Affected: All

13. Background papers: Nil

14. Implications:

- 14.1. **Financial:** As shown in this report
- 14.2. **Legal:** As shown in this report
- 14.3. **Personnel:** Nil
- 14.4. **Environmental Impact:** Nil

Annex A to report to Personnel dated 09 Nov 2020

SALISBURY CITY COUNCIL

JOB DESCRIPTION

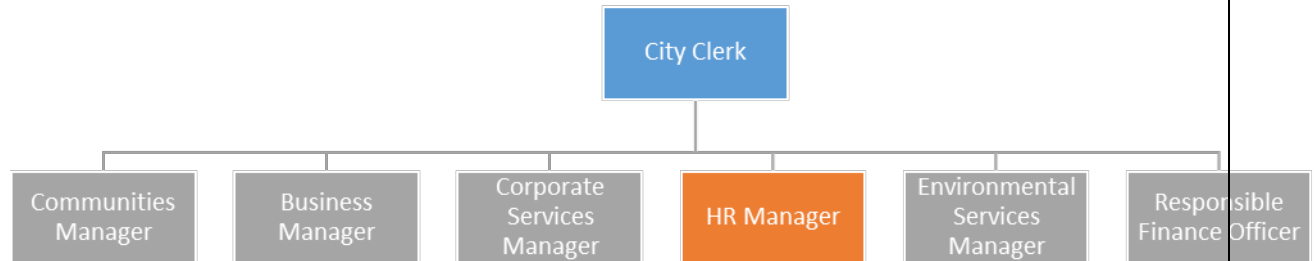
Date of Job Description:	July 2020 Doc 79691
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1. JOB DETAILS Post Title: HR Manager Post Number: SCC039 Location: The Guildhall, Salisbury Grade: K Hours: 37 hours Reports to: City Clerk	Politically restricted post? Yes If yes, what category: P2 Car user status: Casual Exempt from the Rehabilitation of Offenders Act 1974? No Is this post a Regulated or Controlled Activity under the terms of the Vetting & Barring Scheme? No Does this post require an Enhanced CRB DBS check? No
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2. JOB PURPOSE To be fully responsible for the Council's HR service, working to support the senior management team to achieve their objectives by providing accurate, relevant and timely advice plus innovative solutions to the full range of people management

issues.

3. ORGANISATION CHART



4. QUALIFICATIONS, EXPERIENCE, ETC

Experience	
Essential:	<ul style="list-style-type: none">• Significant breadth of HR operational experience to analyse complex situations and provide sound, effective and value added solutions, working as an HR professional with significant generalist experience.
Desirable:	<ul style="list-style-type: none">• Good understanding and experience of working in a local government organisation, including experience of providing information to committees, governance of a Parish Council and Green book regulations

Knowledge	
Essential	<ul style="list-style-type: none">• Demonstrable professional credibility to foster a culture of trust in HR recommendations with management team, including:• Current and detailed knowledge of employment law provisions• Thorough knowledge of various terms and conditions of employment• Understanding of issues facing Local Authorities.• Appreciation of trends and developments in HR and the ability to translate these into possible consequences for the Council when needed

Desirable	<ul style="list-style-type: none"> • Knowledge of National Joint Council Local Government
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Skills	
Essential	<ul style="list-style-type: none"> • Effective decision making skills • Ability to develop effective working relationships • Ability to identify, analyse and resolve or recommend effective solutions to a range of complex HR related problems • Well-developed written and oral communication skills • Willingness to participate in a team which values flexibility and sharing • Coaching & mentoring skills • Influencing and negotiating skills • Assertiveness skills • Mediation skills • Political awareness and sensitivity • Excellent and varied IT skills • High degree of integrity and confidentiality
Desirable	

Qualifications	
Essential	<ul style="list-style-type: none"> • CIPD qualification • Evidence of CPD in key operational areas
Desirable	<ul style="list-style-type: none"> • Other HR related qualifications e.g. recognised Employment Law qualification

Attributes	
Essential	<ul style="list-style-type: none"> • Self-motivated and happy to work under own initiative • Positively assertive and confident • Willingness to learn and act as part of a team • Excellent organisation and time management skills • Flexible approach to working hours and ability to attend evening meetings if required
Desirable	

5. KEY TASKS:

- To be responsible for the complete Human Resources management of Salisbury City Council and its employees
- To provide professional advice on all employment relations issues, including liaison with the Trade Unions where necessary
- To provide accurate, relevant and timely advice to managers on the full range of HR issues e.g. absence, disciplinary, grievance, performance, equalities, pay, contracts
- To develop HR strategy and accompanying risk analysis for the Council aligned to its own strategic goals
- To highlight and implement tangible ways SCC can continuously develop in relation to its people management to deliver the aims of the organisation based on current professional research findings.

Recruitment

- To undertake and support recruitment activity as directed by the management team
- To manage the recruitment budget and ensure best value returns from advertising
- To ensure smooth on-boarding of new starters, including all statutory checks and running inductions
- To produce all contracts of employment for staff, ensuring they are accurate and fit for purpose
- To ensure JDs and other HR paperwork is consistent, accurate and up to date
- To undertake DBS checks on relevant staff

Training

- To oversee and administer staff training requirements and requests, and to manage the training budget sourcing the best value resources for staff
- To ensure all coverage and mandatory training and qualifications are up to date e.g. First Aiders and Fire Marshalls
- To work with managers in identifying effective solutions in development of staff
- To produce a yearly staff development plan

Pay and conditions

- To ensure accurate and timely payroll liaison with SCC's payroll
- To calculate annually and update all employee's leave entitlements; accurately adjusting entitlements for leavers and starters

Employee Relations

- To review and monitor changes and developments in employment law and brief the management team if required
- To ensure that the Council's HR policies and practices reflect current legislation
- To oversee the staff appraisal and probation programme, and support managers to implement
- To manage the Council's Job Evaluation policy; to arrange and oversee JE Panels when needed, providing advice and all supporting information
- To run the Staff Forum, liaising between Management and Staff Reps
- To be the Equality & Diversity and equal opportunities Lead Officer for the Council

Management information

- To be the key Administrator for the council's Employee/HR system
- To maintain and utilise all HR records of key information such as absence, turnover, sick pay, leave entitlements etc
- To produce staffing reports every quarter and at the end of each year or at the direction of the City Clerk

Health & wellbeing

- To ensure that as an organisation health and wellbeing is considered and effectively supported

Other

- To attend HR Sub Committee meetings as required by the City Clerk
- To engage in continuous professional development to ensure familiarity with HR trends and use this information when supporting managers
- To consult and liaise as appropriate with the recognised Trade Unions, Professional Associations and associated bodies
- To comply with all decisions, policies and Standing Orders of the Council and any statutory requirements.
- The Council reserves the right to add, amend or otherwise alter the duties shown in this job description provided that these are commensurate with the status, experience and qualifications of the employee

6. COMMUNICATIONS AND WORKING RELATIONSHIPS:

<ul style="list-style-type: none"> • Internal 	<ul style="list-style-type: none"> • All Officers from within SCC at all levels • Elected Members of SCC
<ul style="list-style-type: none"> • External 	<ul style="list-style-type: none"> • Members of the public in respect of providing accurate and timely information in response to enquiries about employment opportunities • Trade Union reps • External contacts including agencies and local press and other advertising contacts • Advisory bodies such as SW Employers • Training providers

7. WORKING CONDITIONS AND EFFORT:

Frequency and duration of physical effort	<ul style="list-style-type: none"> • This post is based in an office environment, and will require the post holder to be sitting at a desk and using a computer for significant periods of time. • Concentration to complete required tasks is required, however, interruptions by phone or email form part of the job, and the post holder should be able to cope with volumes of these. • Pressure to produce in line with deadlines. • Unpredictable workload which could be subject to change at short notice due to a staff query, a change in circumstances or other unforeseen occurrence
Level of mental effort for concentration	<ul style="list-style-type: none"> • Sustained concentration required. Frequent interruptions by telephone, e-mail and/or staff

8. CONDITIONS OF SERVICE:

Probationary period - both temporary and permanent appointments subject to a probationary period of 25 weeks. At the end of this period, subject to service being satisfactory, permanent employment with the Council will be confirmed. Please refer to the Council's Probationary Policy.

Equal Opportunities – As an employee you have a responsibility to act in way that support equality and value diversity. There is an expectation that all employees will set an example of non-discriminatory behaviour and work practices to ensure as far as reasonably practicable, the successful implementation of the Council's Equality and Diversity Policy

Health and safety – to take reasonable care to promote a healthy working environment and safe working practices in accordance with the Council’s Health and Safety Policy. As an employee, there is a requirement under section 7 of the Health and Safety At Work Act 1974 to take reasonable care for your own health and safety and that of others who may be affected by your acts or omissions at work

9. JOB DESCRIPTION AGREEMENT	
	Date:
Post holder’s signature:	
Line Manager Signature:	