



Northumberland County Council

STAFF & APPOINTMENTS COMMITTEE

25 October 2023

Change to Terms and Conditions of Directors and Executive Directors

Report of the Director of Workforce and Organisational Development

1. Purpose of the Report

- 1.1 The purpose of this report is to seek agreement to start consultation to change the terms and conditions of service that cover those staff occupying the roles of Director and Executive Director in the Council, all of whom are classed as Chief or Deputy Chief Officers. The change would also apply to any appointments in the future.
- 1.2 Currently, all Chief and Deputy Chief Officers, with the exception of the Head of Paid Services, are covered by the Council's Senior Manager Terms and Conditions. No employees are covered by the JNC National Chief Officer terms and conditions.
- 1.3 The purpose of this report is to identify the posts that should be subject to the JNC Chief Officer terms and conditions, as set out in the Chief Officer Handbook (appendix 1) and outline the rationale and process to move the affected staff onto Chief Officer terms.

2. Recommendations

- 2.1 To agree the following recommendations:
- 2.1.1 To note the proposal from Executive Management Team that the identified group of Chief Officers and Deputy Chief Officers at Director level and above, be accordingly assigned to JNC Chief Officer terms and conditions.
- 2.1.2 To approve formal consultation of the affected staff to propose to change their terms and conditions.
- 2.1.3 To agree that, subject to there being no significant issues raised during consultation, once consultation has concluded, those staff will be assigned to JNC Chief Officer terms and conditions with an effective date of 1 April 2024. Updated statements of particulars will be issued accordingly.

3. Links to Corporate Plan

3.1 This report is relevant to all areas of the Corporate Plan as it relates to the senior management appointments in the organisation. Whilst appointment to Chief and Deputy Chief Officer roles have been approved by this committee the relevant terms and conditions have yet to be applied.

4. Background and Key Issues

4.1 The terms and conditions of Council employees are applied in accordance with nationally negotiated collective agreements. The collective agreement that applies to the majority of the Council's staff is the 'National Joint Council (NJC) for Local Government Services National Agreement on Pay and Conditions of Service', commonly referred to as 'The Green Book'.

4.2 Currently, all senior managers of the Council at Band 14 to Band 18 are subject to NJC (Green Book) terms and conditions with some locally agreed variations. The Council refers to these as 'Senior Manager Terms and Conditions'.

4.3 When changes to the NJC Green Book terms and conditions are nationally negotiated, including determination of annual pay awards, these are currently applied universally to all those on NJC terms and conditions and those on Senior Manager terms and conditions.

4.4 Previously, the negotiated value of pay awards has been equal across Green Book, JNC Chief Officer and JNC Chief Executive collective agreements eg £1925 on all spinal points negotiated in 2022. However, an additional day's leave was negotiated for Green Book employees only in 2022, to take effect from 1 April 2023. It was locally agreed that despite this additional leave not being negotiated for JNC Chief Officers and JNC Chief Executives specifically, in order to achieve parity, no distinction would be made and the additional day of leave would be universally applied to the leave entitlement of all Council employees.

4.5 This year, the pay award for JNC Chief Officers is likely to be different to the pay awards for Green Book and JNC Chief Executives. Independent pay negotiations for the current year (2023/2024) are still ongoing for Green Book and JNC Chief Executives respectively. The JNC Chief Officers pay award was agreed in May 2023 at 3.5% however, due to the current contractual position, for 2023/24, Chief Officers will receive a pay award in line with their existing senior manager terms and conditions which are determined by green book pay negotiations

4.6 As a result of the recent senior management review, the council has been able to properly determine assignment of Chief Officer and Deputy Chief Officer status.

4.7 In order to apply the agreed pay award for 2024/2025, and any other future nationally negotiated terms and conditions for Chief Officers, it is proposed that the Council make contractual distinction of this group.

4.8 Fundamentally, there is very little difference between current senior manager terms and conditions and proposed Chief Officer terms and conditions. A full comparative

table is presented at Appendix 2. The main differences include:

- 4.8.1 Annual leave for Chief Officers with less than 5 years' service will be 30 days (as opposed to 26 days under current senior manager terms and conditions). Annual leave for those on Chief Officer terms and conditions with more than 5 years' service, will rise to 31 days (the same as current senior manager terms and conditions).
- 4.8.2 There are some restrictions for those on Chief Officer terms and conditions on where they are able to work after leaving the employment of the Council.
- 4.9 The Executive Management Team have agreed that a proposal be put before this committee that, alternative to currently applied Senior Manager terms and conditions, JNC Chief Officer's terms and conditions should be applied to Directors (Band 16 / Band 17) and Executive Directors (Band 18) of the council. The roles to which this change will apply are detailed in appendix 3.
- 4.10 It is not proposed to change the terms and conditions of the Chief Fire Officer other than to apply pay awards in line with JNC CO pay negotiations rather than green book pay negotiations, as is currently the case. This is due to the Chief Fire Officer's current terms and conditions being more favourable than Chief Officer terms.

5. Process and Next Steps

- 5.1 As moving the affected staff to different terms and conditions represents a contractual change, consultation should be undertaken with all affected employees and Trade Unions.
- 5.2 If the committee approves the approach outlined above, consultation can commence with the affected group with a view to consultation closing by the end of November 2023.
- 5.3 Affected staff and their Trade Unions will be contacted directly with the opportunity for group or individual consultation meetings with Executive Directors (or in the case of an Executive Director, the Chief Executive) and HR.
- 5.4 Once consultation has closed, if no significant issues are raised, staff will be asked to agree the new terms with effect from 1 April 2024.
- 5.5 Thereafter, revised contracts will be issued, clearly stating the new terms and conditions applying to Directors and Executive Directors.

Implications

Policy	Oversight of HR policies and procedures
Finance and value for money	Changes to the terms and conditions is deemed to be appropriate. Pay awards will be factored into the Council's budget process in the usual way.
Legal	<p>The functions of the Staff and Appointments Committee:</p> <ul style="list-style-type: none"> a. To discharge the Council's functions of the employer in relation to the Chief and Deputy Chief Officers. b. To consider, approve, or make recommendations to the County Council, in relation to any changes to the overall structure of the Council's workforce, and the number and designation of Chief Officer and Deputy Chief Officer posts. c. To determine the terms and conditions relating to employees of the County Council to include the remuneration and terms and conditions of employment for the Head of Paid Service and Chief and Deputy Chief Officers. <p>Definition of Chief Officer Chief Officer is defined in s43 of the Localism Act 2011 as follows:</p> <ul style="list-style-type: none"> • The head of the authority's paid service • The monitoring officer • Any statutory chief officer: <ol style="list-style-type: none"> 1. The person having responsibility for all statutory purposes (inc. s151 of the Local Government Act 1972), for the administration of the authority's financial affairs. 2. The Director of Children's Services appointed under s18 of the Children Act 2004. 3. The Director of Adult Social Services appointed under section 6 (A1) of the Local Authority Social Services Act 1970 (as amended by the Children Act 2004). 4. The Director of Public Health appointed under s73A (1) of the National Health Service Act 2006. 5. The Director of Education appointed under s532 of the Education Act. 6. The Chief Fire Officer of a fire brigade maintained under the Fire Services Act 1947 and appointed under regulations made under section 18(1)(a) of that Act. • Any non-statutory officer: <ol style="list-style-type: none"> 1. A person for whom the head of the authority's paid service is directly responsible. 2. A person who in relation to most of their duties is required to report direct or is directly accountable to the head of paid service and any person who similarly is required to report direct or is directly accountable to the authority or its committees.

	A Deputy Chief Officer is a person who, as respects all or most of the duties of their post, is required to report directly to one or more of the Chief Officers.
Procurement	N/A
Human Resources	All processes referenced in this report will be made in line with appropriate employment policies and relevant legal advice has been sought as required.
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A X	This process will be conducted in line with best practice in relation to promoting equality and diversity within the Council's employment processes.
Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Health and Wellbeing	The recommendations will support the health and wellbeing of employees
Wards	Not related to any ward but cover the whole of Northumberland

Appendices

Appendix 1 - JNC Chief Officer Handbook

Appendix 2 - Comparison between Senior Manager's terms and Chief Officer's Handbook

Appendix 3 - Roles impacted by change to JNC CO T&Cs

Background papers:

N/A

Linked Reports

N/A

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

Role	Full Name of Officer
Director of Law and Corporate Governance (Monitoring Officer)	Neil Masson on behalf of Stephen Gerrard
Executive Director of Transformation & Resources (s151 Officer)	Alison Elsdon on behalf of Jan Willis
Chief Executive	Dr Helen Paterson

Authors and Contact Details

This report has been prepared by:

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