

A meeting of the **EMPLOYMENT COMMITTEE** will be held in **THE CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 24TH NOVEMBER 2021** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

AGENDA

APOLOGIES

1. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meeting of the Committee held on 15th September 2021.

Contact Officer: A Roberts - 388015

2. MEMBERS' INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda Item.

Contact Officer: Democratic Services - 388169

3. WORKFORCE INFORMATION REPORT QUARTER TWO 2021-22 (Pages 7 - 26)

To consider an update on HR matters impacting on the performance of the organisation.

Contact Officer: A Whatmore - 388005.

4. IR35 STATUS DETERMINATION DISAGREEMENT PROCESS (Pages 27 - 34)

To consider a report by the Strategic HR Manager on a new workforce procedure.

Contact Officer: A Whatmore - 388005.

5. EMPLOYMENT REFERENCES POLICY (Pages 35 - 42)

To consider a report by the Strategic HR Manager on a new employment policy.

Contact Officer: A Whatmore - 388005.

6. EMPLOYEE REPRESENTATIVES GROUP

At the request of Employee Representatives to consider a range of issues.

16th day of November 2021



Head of Paid Service

Disclosable Pecuniary Interests and Non-Statutory Disclosable Interests

Further information on [Disclosable Pecuniary Interests and Non - Statutory Disclosable Interests is available in the Council's Constitution](#)

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Arrangements for these activities should operate in accordance with [guidelines](#) agreed by the Council.

Please contact Anthony Roberts ,Democratic Services, Tel: 01223 935946 / email Anthony.Roberts@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the [District Council's website](#).

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the EMPLOYMENT COMMITTEE held in the Meeting Room 0.1A and 0.1B, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 15 September 2021

PRESENT: Councillor R J West – Chairman.

Councillors Mrs P A Jordan, D N Keane and D M Tysoe.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors C J Maslen, J M Palmer, D Terry and D J Wells.

4 MINUTES

The Minutes of the Committee's meetings held on 10th February and 19th May were approved as correct records and signed by the Chairman.

5 MEMBERS' INTERESTS

No declarations of interests were received.

6 WORKFORCE REPORT QUARTER ONE 2021-22

The Committee received and noted a report on Human Resources matters impacting on the performance of the Council during the period 1st April to 30 June 2021. The report included the latest position and trends relating to employee numbers, salary costs and sickness absence. A copy of the report is appended in the Minute Book.

The Committee was informed that the total number of employees at the end of the last quarter was lower than at the end of the previous quarter and that the total spend on pay costs for employees in 2021/22 was forecast to be £189k higher than the year's budget.

In response to a question by the Chairman, it was confirmed that while the figures for those leaving the Council's employment had been affected by the review of the Leisure service, the Council experienced significant challenges in recruiting and retaining staff and that these often reflected national circumstances. While financial incentives were available, the Council also had a range of other initiatives designed to ensure sufficient employee resources were available.

Members discussed sickness trends in the Quarter. The figures revealed that sickness absence remained low and had, in fact, decreased since the end of the previous quarter. The rate of short-term sickness was now higher than that for long-term sickness and, importantly, stress did not appear as the most frequent reason for absence. Regarding the latter, the work of the Strategic HR Manager and the HR Team on mental health was recognised as a significant factor.

The report indicated that five employees had retired in the quarter. Members recognised the employees' achievements and conveyed their congratulations to them. Whereupon, it was

RESOLVED

- a) that the contents of the report be noted, and
- b) that the Council place on record its recognition of and gratitude for the excellent contributions made by the five employees who have recently retired from their employment in the local government service and convey its best wishes to them for long and happy retirements.

7 USE OF CONSULTANTS, HIRED STAFF AND TEMPORARY STAFF

The Committee placed on record their gratitude for the contribution made to the Council by Claire Edwards in her capacity as Chief Finance Officer.

Consideration was then given to the report by the Chief Finance Officer (a copy of which is appended in the Minute Book) containing the annual monitoring information on the use of interim staff. Members were informed that compared with the previous year there had been a net decrease of £437k in the cost of interim staff and that all expenditure was within budget.

In response to a question by Councillor Jordan, the Committee was informed that the Resource Implications of the report included repairs to assets purchased under the Capital Investment Strategy. Whereupon, it was

RESOLVED

that the contents of the report be noted.

8 EQUALITY POSITION

The Committee gave consideration to a report by the Managing Director (a copy of which is appended in the Minute Book) on the Council's position relating to the Public Sector Equality Duty (PSED). In introducing the report, the Managing Director outlined the legal framework surrounding the PSED. She then drew Members' attention to an action, which had been identified to update the corporate policy/strategy and the options through which this action might be completed. Having discussed the options, support was expressed for Option 2 on the grounds that it was a proportionate and Huntingdonshire focussed way of fulfilling the Council's statutory obligations around Equality. Having noted that all Managers would be responsible for delivering the Action Plan 2021/25, it was

RESOLVED

that Option 2 – to link the Council's equality objectives to the Corporate Plan – be endorsed.

9 EMPLOYEE REPRESENTATIVES

No matters had been identified for consideration.

Chairman

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Workforce Report

Quarter Two 2021-22

This report looks at the workforce profile of Huntingdonshire District Council during the first Quarter of the financial year, **01 July 2021 to 30 September 2021**.

The key findings from the workforce profile report are:

- The permanent/fixed term employed workforce had a headcount of **645** and an FTE (full-time equivalent) total of **592.2** as of 30 September 2021. The total number of employees is lower than at the end of the previous Quarter and there has also been a corresponding decrease in the FTE total from 594.1 as of 30 June 2021. These figures do not include our Variable or contingent workforce.
- Forecasted spend on all pay costs for employees is currently estimated to be around £174,000 higher than budget.
- The annual average sickness figure has increased to **5.4 days lost** per FTE from 4.9 days per FTE reported for the previous Quarter Q1 but remains lower than the same Quarter last year (Q2 2020/21 6.9 days lost). Note: in line with all other relevant quarters previously reported the absences linked to Covid-19 – which includes staff unable to work from home, who isolated or shielded – are not counted. However, any sickness related to Covid-19 is counted.
- The total number of sickness absence days lost in Quarter two is higher than in the previous Quarter, with increase in both short term and long-term absences compared to the previous Quarter.
- **19.3%** of the workforce (125 employees) had any sickness absence during Quarter Two.
- Q2 absences related to Stress remains the 2nd highest reason for absences. HDC continue to invest in supporting staff with mental health and wellbeing, external trend data suggests Mental Health/Stress continue to be an issue for most organisations and continued absences are predicted.
- 10 employees had long-term sickness (absences of 28 days or longer) in Quarter Two, this is up from the last quarter (6 employees) but lower than reported for Q2 last year (15 employees).

- The HR caseload decreased in Q2 compared to Q1 by around 10%. **52%** of the active cases managed in Q2 relate to either long-term or short-term sickness absences. 56% of all cases were managed informally, while 44% were dealt with under formal procedures and policies.
- We have included some Equalities data in this workforce report. Percentages are used where numbers are low, and individuals may be identifiable. There are some categories of data with significant gaps (unknown responses) which mean this has not been captured or individuals did not feel comfortable sharing. The HR team will take actions to address the gaps in the next Quarter, through communications; so we can look to provide more accurate data in future reports.

Authors: HR Advisor and Strategic HR Manager
Date: 14 November 2021

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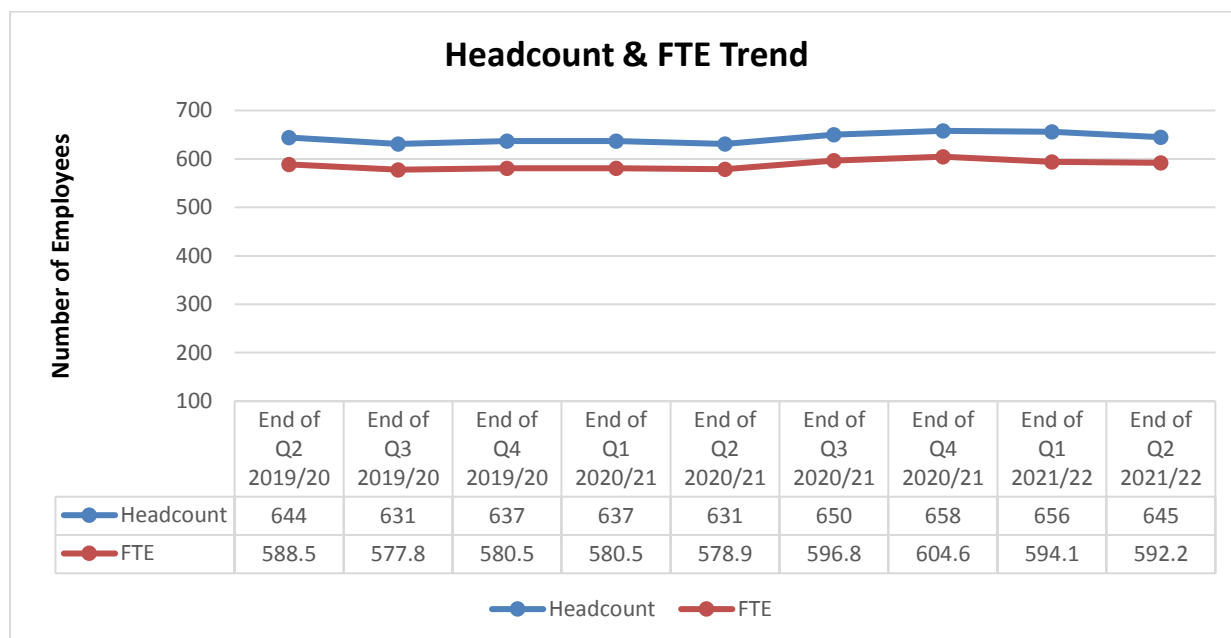
1.0 EMPLOYEE PROFILE

Definition: Headcount is the number of employees working within the Council, counting primary roles only.

A **full time equivalent** (referred to as FTE) is a measure of an employee's workload to make the position comparable across the workforce based on a 37-hour full-time working week. For example, an FTE of 0.5 indicates that the employee works half of a full-time working week (18.5 hours).

1.1 HEADCOUNT AND FTE

At the end of Quarter two (30 September 2021), the total number of permanent and Fixed term employees employed by Huntingdonshire District Council was 645 (excluding those employed on a variable or casual hour basis) with the number of full-time equivalent posts at 592.2. Below table numbers vary as includes employees with multiple contracts/positions.



1.2 WORKFORCE BY CONTRACT TYPE

Data on Variable employees (zero hours basis contracts) is included in the below table. However, data on Variables are not included in the other areas of the workforce reporting. Variables are typically employed in multiple positions across Leisure services; at the end of Q2 we employed 350 individuals in 865 posts. Variables who have not worked in 6-month period are removed from our books.

Employment Type	Count of Type
Fixed Term	75
Permanent	565
Secondment	14
Grand Total	654
Variable employees	350

1.3 PAYBILL

The following table shows the Council's budget, forecasted spend on pay costs (including National Insurance and pension contributions) for all employees but excludes hired staff (contractors and agency staff). Forecasted spend on pay costs for employees by end of financial year, is estimated to be £174,000 higher than budget, which is a small reduction from the forecast last quarter.

Year	Budget (£)	Actual (£)	Forecast (£)
2015/16	22,555,973	20,779,737	
2016/17	22,526,917	21,903,947	
2017/18	24,591,631	23,536,053	
2018/19	25,230,515	23,192,646	
2019/20	24,871,268	23,941,696	
2020/21	25,679,601	24,240,402	
2021/22	25,377,310		25,551,217

1.4 HIGH EARNERS

Definition: High earners are classified as employees who are paid at £50,000 or above. This information is already published annually in line with the Government's commitment to improve transparency across the public sector and the target hasn't changed since it was introduced. The Councils pay policy distinguishes authorisation of salaries over £75,000 per annum.

At the end of Quarter Two 31 employees were paid at FTE salaries of £50,000 or above, representing 4.8% of the total workforce. Just over 1% of the workforce are paid salaries over £75,000. The total number of employees classed as high earners has decreased from 32 at the end of the previous Quarter.

1.5 LEAVERS

During Quarter Two, **51** full-time/part-time employees on permanent or fixed-term contracts left the organisation, which is **higher** than the total leaving in the previous Quarter (45) but includes some of the leavers from the Leisure Restructure.

There were 22 voluntary resignations by employees on permanent contracts from July to September, compared to 13 in the previous Quarter. This maps the trend across other employers - there is lot of press reports on 'The Great Resignation' #resignation, which is the ongoing trend of employees voluntarily leaving their jobs, from spring 2021 to the present. The resignations have been characterised as in response to the COVID-19 pandemic. The 5 leavers who retired had a combined Service with local government, of 119 years.

Leaving Reason	Permanent	Fixed Term	Total
Leaver - Dismissal	1	1	2
Leaver - End of Contract	1	5	6
Leaver - Redundancy - Compulsory	2		2
Leaver - Redundancy - Voluntary	3	1	4
Leaver - Retirement	5		5
Leaver - Settlement Agreement	2		2
Leaver - Voluntary Resignation	22	8	30
Total	36	15	51

The tables below show the above leavers by age band and then service and whether they left voluntarily or not. Turnover was highest in age band up to 40 years.

Age Band	Voluntary	Involuntary	Total	Turnover
<40	18	4	22	3.4%
40-44	6	3	9	1.4%
45-49	5	1	6	0.9%
50-54	3	1	4	0.6%
55-59	5	1	6	0.9%
60-64	2		2	0.3%
65-69	2		2	0.3%
Total	41	10	51	

Service	Involuntary	Voluntary	Total	Turnover by service*
3CICT	2	5	7	9.2%
Chief Operating Officer	2	4	6	3.6%
CLT/Exec Support/Transformation	1	1	2	12.5%
Corporate Resources		10	10	21.1%

Growth Services	1		1	4.3%
Leisure & Health	2	9	11	9.6%
Operations	2	12	14	8.5%
Grand Total	10	41	51	

* Turnover calculated by leavers against service size.

Though Corporate Resources looks high this quarter, 3 of the leavers were Kickstart placements ending.

In the last quarter, 18 completed leavers questionnaires were received, representing 43% of voluntary leavers. The main reason for voluntary leavers leaving the organisation can be grouped as follows: Job Change (22%); Salary/Benefits (10%); Working Relationships (8%); Family Reasons (8%). In terms of the feedback - the top-rated response for leavers questionnaires about what they most liked about working for HDC continues to be the people, with flexibility and the opportunities to do new things coming up consistently. In response to the question what they least liked about working for HDC the answers which came up more than once were Manager Behaviours (3/10); Workload (2/10); Tools/Equipment (2/10).

1.6 TURNOVER

In the 12 months to 30 September 2021, 130 employees left the Council. As a proportion of the average number of permanent employees over this period, the overall annual turnover rate for employees is 20%, which is higher than previous quarter. Though note a fifth of the leavers this quarter were involuntary.

EELGA (East of England Local Government Association) has shared local benchmark data from other Local authorities across the region. Across the 19 Authorities (that participated) the average benchmark was 14.68%, however, when comparing the definition of Turnover and reducing the benchmark pool to those 8 authorities that take the same approach as HDC to calculating employee Turnover, the average across those 8 authorities is 15.02%.

Turnover rate includes fixed-term employees and all leavers (voluntary and involuntary).

1.7 RECRUITMENT METRICS

Recruitment activity continues to grow since last quarter, matching the external picture with vacancy levels still on the rise the market is very competitive (across both the public and private sector). For HDC several roles are having to be readvertised as there is little to no interest. As an employer we need to work harder to respond and

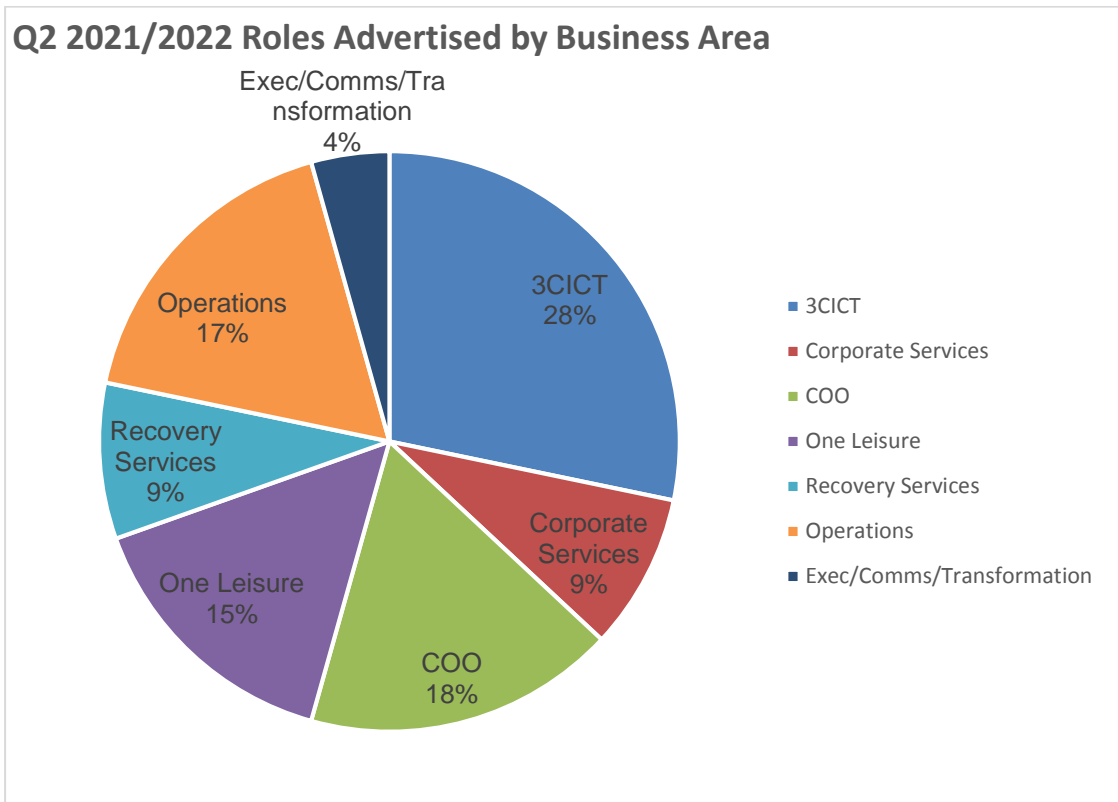
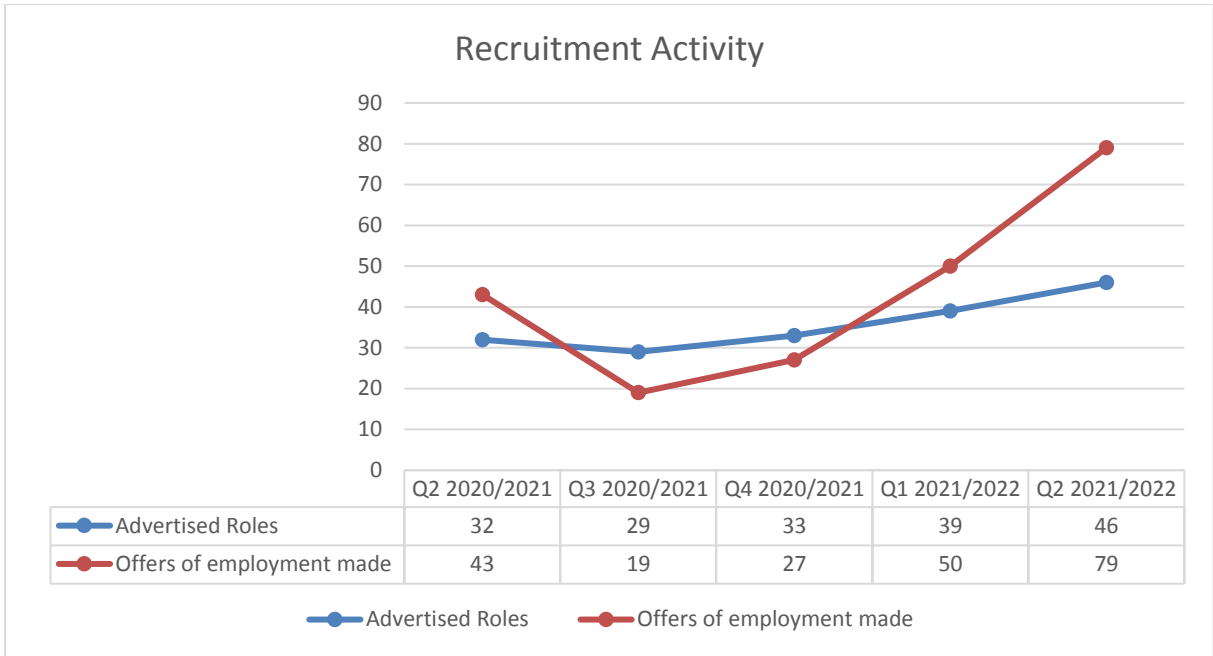
find candidates in some key business areas to ensure that we do not lose out on candidates, who are often in receipt of multiple offers.

Across the UK there are fewer candidates. Managers should not expect multiple applicants for one vacancy and should seek to interview and appoint good quality candidates without wanting to wait to benchmark. A robust interview process should suffice. ICT and Planning are key areas of risk and reliant on contractors or employees “acting up” into positions.

One Leisure recruitment also remains high as their new structure settles in and the facilities start to open up more fully following lockdowns. We are working with Leisure to look at more fixed hours on establishment and reduce reliance on variable (zero hours) staff in some areas, which will in turn make rota management easier and reduce recruitment activity.

Recruitment Metrics		Q2 20/21	Q3 20/21	Q4 20/21	Q1 21/22	Q2 21/22
Advertised Roles	Advertised Roles	32	29	33	39	46
Offers of employment made	Total Offers made:	43	19	27	50	79
	Permanent offers			20	27	26
	FTC/Temporary offers			7	9	16
	Variable offers			0	12	37
	Offers made and candidates Withdrawn			1	2	5
Advertised Roles per business area	ICT	11	7	6	7	13
	Corporate Services (HR, Finance, Facilities, Dem Services)	3	5	4	9	4
	COO (Development/Planning, Community, Revs & Bens)	3	10	6	4	8
	Strategic Housing & Growth	0	0	3	1	0
	One Leisure	5	1	3	21	7
	Recovery Services (Car parking; Countryside, Parks & Open Spaces)	0	0	2	4	4
	Operations (Waste, CCTV, Grounds Maintenance, Street Cleaning)	9	5	8	8	8
	Executive/Transformation/ Communications	1	1	1	0	2
Grade of roles advertised	A	0	0	0	0	1
	B	2	4	0	0	5
	C	9	6	11	21	14

	D	3	2	3	9	5
	E	3	3	3	3	2
	F	3	5	3	8	7
	G	10	4	6	7	8
	H	0	3	3	4	1
	I	2	2	3	2	1
	SM	0	0	0	0	0
	AD	0	0	1	0	1
	Director	0	0	0	0	0
Most popular source of recruitment - candidate shortlisted for interview	First	Indeed	Indeed	HDC Website	HDC Website	HDC Website
	Second	Agency	Agency	Indeed	Indeed	Internal
	Third	HDC Website	HDC Website	Agency	Agency	Agency
Most Popular source of recruitment - candidate offered	First	Indeed		Internal	Internal	HDC Website
	Second	Internal		HDC Website	HDC Website	Internal
	Third	HDC Website		Agency	Agency	Agency
Average time from Date Job Advertised to closing date		16	19	14.5	18	14
Average time from Date Job Advertised to shortlisting completed	Calendar Days. Note this may not be the full days vacant on establishment but is the date when hiring manager starts recruitment activity.	20	22	15	20	15
Average time from Date Job Advertised to offer		32	32	26	36	28
Average time from Date Job Advertised to employment start date		55	55	52.5	62	52



2.0 SICKNESS ABSENCE

Definition: Long term sickness is classified as a continuous period of absence of 28 or more calendar days. All other periods of absence are defined as **short term**.

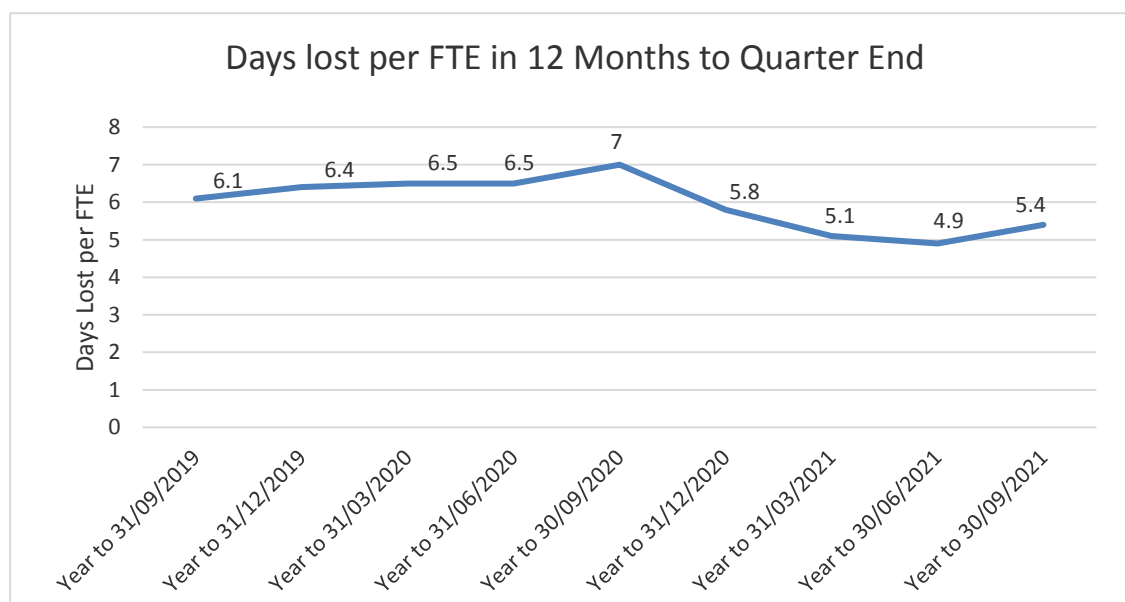
The absence data is calculated per full-time equivalent (FTE) as per the guidelines set out in the previous Best Value Performance Indicators (former statutory dataset) for sickness to account for adjustments in working hours.

Trigger points for management action under HDC policy are as follows:

- 3 or more periods of absence in a rolling 3-month period
- 6 or more periods of absence in a rolling 12-month period
- 8 working days or more in a rolling 12-month period
- Long term absence of 28 calendar days or more
- Pattern of absence (e.g. regular Friday and/or Monday; repeated absences linked to holidays)

2.1 TREND OF WORKING DAYS LOST ACROSS HDC OVER ROLLING 12 MONTH PERIODS

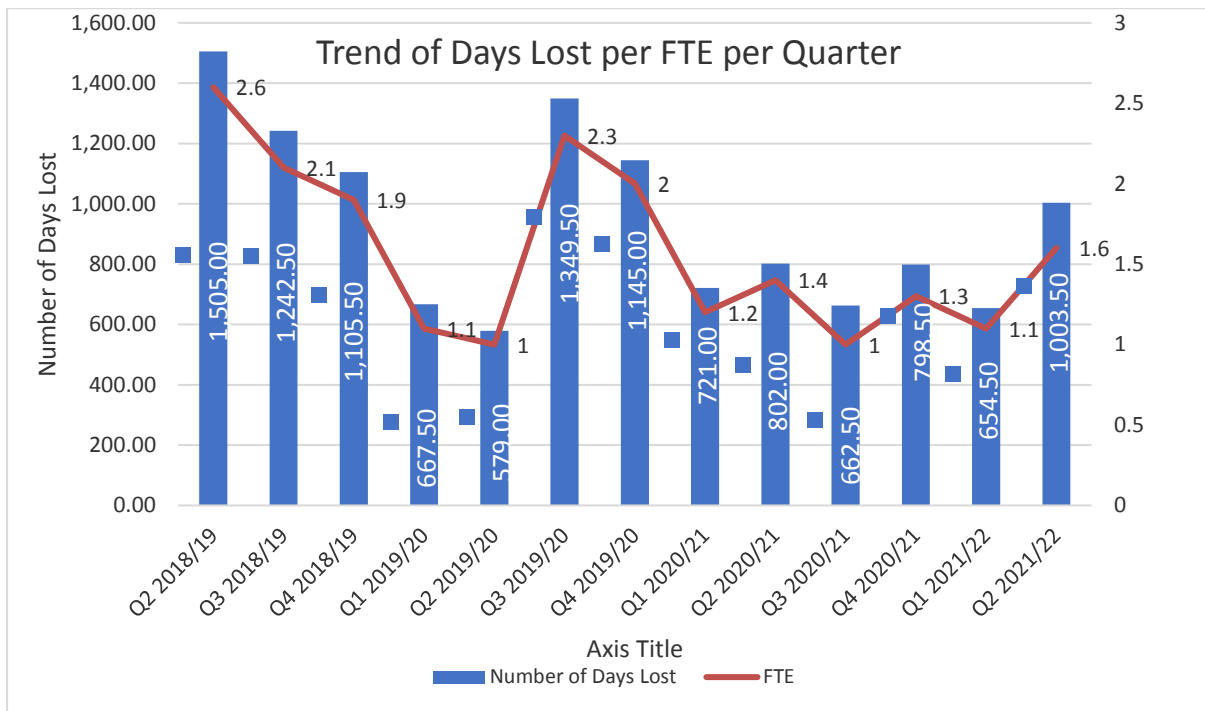
The graph shows the trend in sickness absence per FTE employee over a rolling 12-month period to the end of each Quarter since September 2019. It shows that sickness absence to the end of Quarter Two has increased, to 5.4 days per FTE, but remains lower compared to results over recent years.



2.2 TREND OF WORKING DAYS LOST ACROSS HDC BY QUARTER

The total number of working days lost in Quarter Two (1003.5) is higher than in the previous Quarter; as is the days lost per FTE (1.6) for sickness absence. Covid sickness absences are included within sickness absences (however, those Isolating

unable to work from home or shielding and unable to work from home are not included).



2.3 REASONS FOR SICKNESS ABSENCE

Please see sickness reporting by category below: -

Absence Reason	Quarter 2 2021/2022		
	Days Lost	Employees	Percentage
3rd party accidents	69	2	6.9%
Asthma chest respiratory heart cardiac circulatory	55	7	5.5%
Cough cold flu influenza eye ear nose and throat problems	87.5	30	8.7%
Covid-19 Sickness	28	13	2.8%
Gastrointestinal - abdominal pain vomiting diarrhoea gastroenteritis	99	20	9.9%
Genito urinary and gynaecological	50	8	5.0%
Headache migraine dental oral	55	23	5.5%
Injury fracture	129	10	12.9%
Musculoskeletal problems inc back and neck	226	11	22.5%
Pregnancy related	33	3	3.3%
Stress Anxiety Depression	172	11	17%

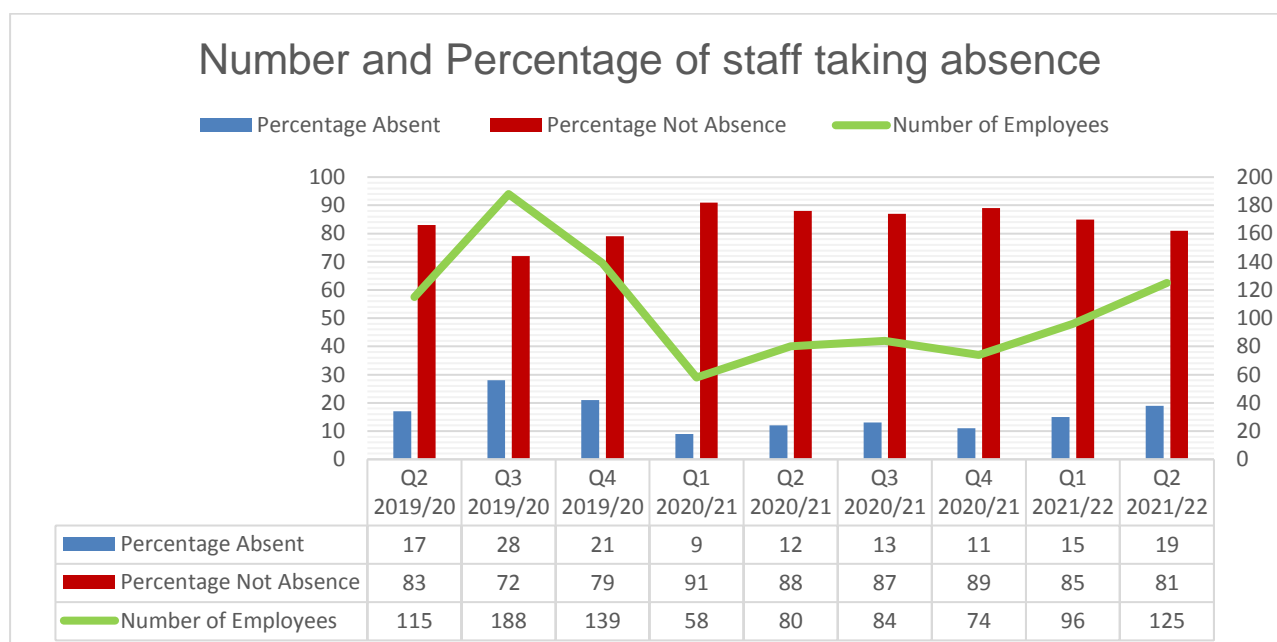
Absences have increased since the last quarter in all categories of absence reasons.

The highest two reporting absence trends over Q2, continue to be consistent with last few quarters - Stress, Anxiety, Depression and Musculoskeletal. 80% of the Musculoskeletal absences are from our Operations area.

Reason for Stress related Absence	Days Lost	No of People	Percentage of days absent
Stress Anxiety Depression (Personal)	76	3	44.2%
Stress Anxiety Depression (Work and Personal)	79	6	45.9%
Stress Anxiety Depression (Work)	17	2	9.9%
Total	172	11	

2.4 NUMBER OF EMPLOYEES WITH ANY DAYS OF SICKNESS ABSENCE IN QUARTER

125 employees were absent due to sickness in Quarter Two which is 19.3% of all those employed during the period (excluding those with variable/casual posts only).



2.5 LONG-TERM SICKNESS ABSENCE BREAKDOWN

Quarter	Employees taking long-term sick leave	Total days of long-term sickness	% of total absence long-term
Q4 2018/19	17 (10% of those sick)	503	45%
Q1 2019/20	13 (12%)	391.5	55%
Q2 2019/20	12 (10%)	310	50%
Q3 2019/20	26 (14%)	833	59%

Quarter	Employees taking long-term sick leave	Total days of long-term sickness	% of total absence long-term
Q4 2019/20	28 (20%)	724.1	63%
Q1 2020/21	18 (31%)	551.4	76%
Q2 2020/21	15 (19%)	517.3	65%
Q3 2020/21	15 (18%)	412	62%
Q4 2020/21	15 (18%)	541	68%
Q1 2021/22	6 (6%)	259	40%
Q2 2021/22	10 (8%)	471	46.9%

Days lost due to long-term sickness has increased in Q2, from the previous Quarter and like Q1 is around half of all working days lost.

2.6 SICKNESS ABSENCE REPORTING BY SERVICE

The table below shows that sickness (overall) has increased in all the services, except for Corporate Resources, compared to the previous Quarter. The number of days recorded for the previous Quarter are listed in brackets in the second column. Recovery is a new service area, so no comparison data to use.

Service	Total days sick	Employees absent in Quarter
Chief Operating Officer	229.5 (222.5) ↑	37
CLT/Exec Support/Transformation	7 (0) ↑	3
Corporate Resources	11 (52) ↓	5
Digital & ICT Services	127 (75) ↑	19
Growth	26 (1) ↑	1
Leisure and Health	44 (40) ↑	12
Operations	519 (264) ↑	44
Recovery	40	4
OVERALL	1003.5 (645.5) ↑	125 (19.3% of all HDC employees)

Service	Total days sick – short-term	Employees absent in Quarter – short-term sickness
Chief Operating Officer	169.5 (190.5) ↓	35
CLT/Exec Support/Transformation	7 (0) ↑	3
Corporate Resources	11 (9) ↑	7
Digital & ICT Services	73 (41) ↑	20
Growth	26 (1) ↑	1
Leisure and Health	44 (40) ↑	12

Operations	162 (114) ↑	38
Recovery	40	4
OVERALL	532.5 (395.5) ↑	120 (18.6% of all HDC employees)

Service	Total days sick – long-term	Employees absent in Quarter – long-term sickness
Chief Operating Officer	60 (32) ↑	2
CLT/Exec Support/ Transformation	0 (0) →	0
Corporate Resources	0 (43) ↓	0
Digital & ICT Services	54 (34) ↑	1
Growth	0 (0) →	0
Leisure and Health	0 (0) →	0
Operations	357 (150) ↑	7
Recovery	0	0
OVERALL	471 (259) ↑	10 (1.5% of all HDC employees)

Note: Numbers of employees shown as absent in the short-term and long-term tables do not necessarily add up to totals shown in the first table because some individuals had both long-term and short-term absences.

2.7 LONG TERM/SHORT TERM ABSENCE TRENDS

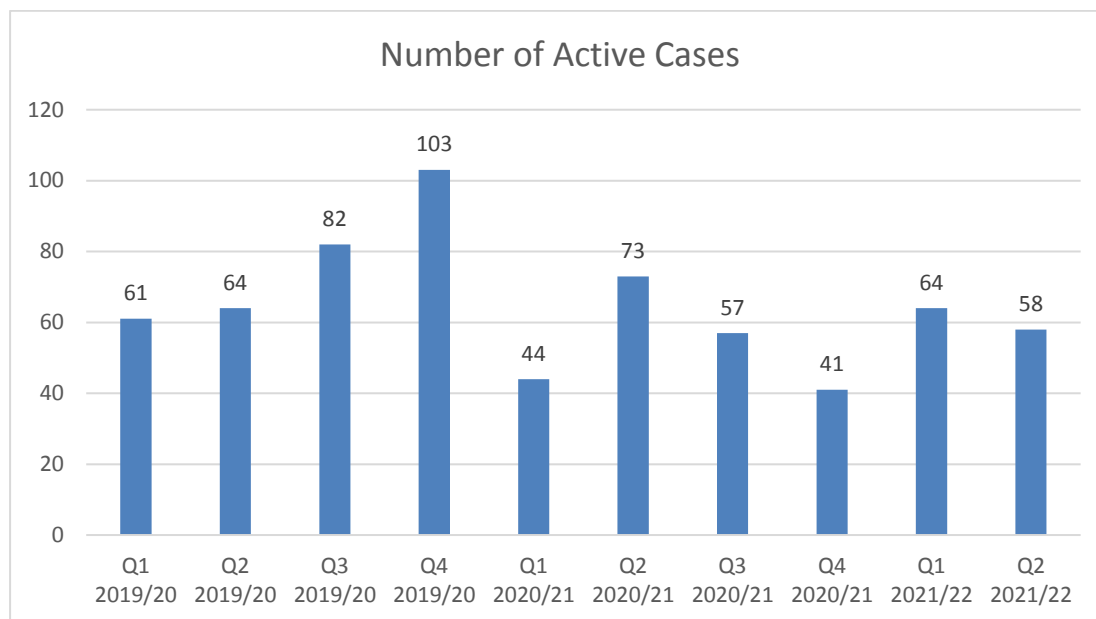
This Table shows an increase in both Short Term and Long-Term sickness compared to Q1, and with more working days lost due to short term sickness in Q2. We have now gone live with new HR system, and the rollout included training and reminder on recording sickness absences; as well as more accurate reporting tool. HR and managers continue to monitor absences and short-term absences are more likely to hit triggers through absence management process.

Quarter	Total Working days lost (Short term sickness)	Total working days lost (Long term sickness)
Q1 2020/21	170	551
Q2 2020/21	285	517
Q3 2020/21	250.5	412
Q4 2020/21	257.5	541
Q1 2021/22	395.5	259
Q2 2021/22	532.5	471

3.0 HR CASELOAD

The HR Team's caseload is recorded to provide an indicator of the type of HR issues that the organisation has been dealing with over time.

3.1 BREAKDOWN OF HR CASES BY TYPE FOR THE QUARTER



During Quarter Two, there were 58 cases in progress, of which 26 (44.8%) were dealt with under formal procedures. The total was lower than in the previous Quarter, with cases for the previous Quarter also shown below for comparison purposes. Some more complex case work will continue across quarters to manage.

Type of Case	Informal Cases	Formal Cases	Total	Previous Quarter
Appeals	0	2	2	1
Capability – Long Term Sickness	7	2	9	7
Capability – Short Term Sickness	14	7	21	28
Capability – Performance	2	0	2	3
Consultations (including TUPE)	3	0	3	1
Bullying and Harassment (Dignity at Work)	3	3	6	6
Disciplinary	1	6	7	9
Employment Tribunals	0	2	2	2
Grievance	1	1	2	3
Probation	1	1	2	2
Subject Access Request	0	2	2	2
Other	0	0	0	0
Total	32	26	58	64

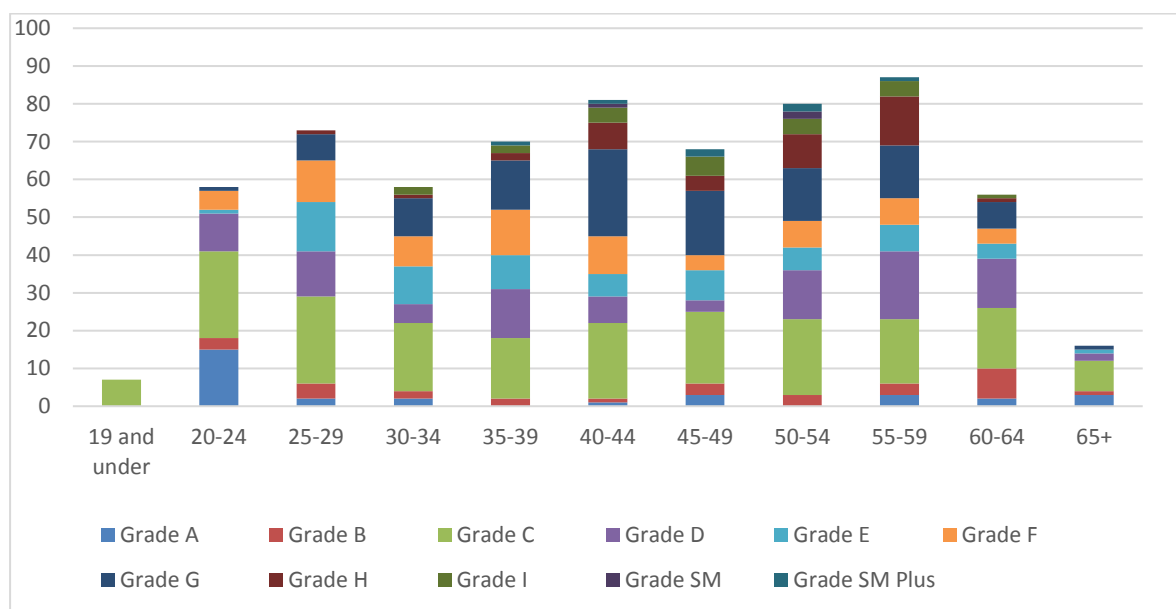
4.0 EQUALITIES DATA

As part of our commitment to promoting Equality and Diversity in employment, we have added more Equalities data through our workforce reporting, trend data (where applicable will be captured over time).

Equality Data may be presented using percentages and not specific numbers as in some cases the sharing of specific numbers would mean that a small group of people could be easily identified.

4.1 WORKFORCE BY AGE AND PAY GRADE

The number of employees by 5-year age band is depicted below by pay grade. Please note that where an employee has two jobs on different grades, they have been counted within their age band against both grades.



For the purposes of simplifying this graph, employees who have transferred into the Council on existing terms and conditions have been linked to Huntingdonshire District Council pay grades based on their current salary levels.

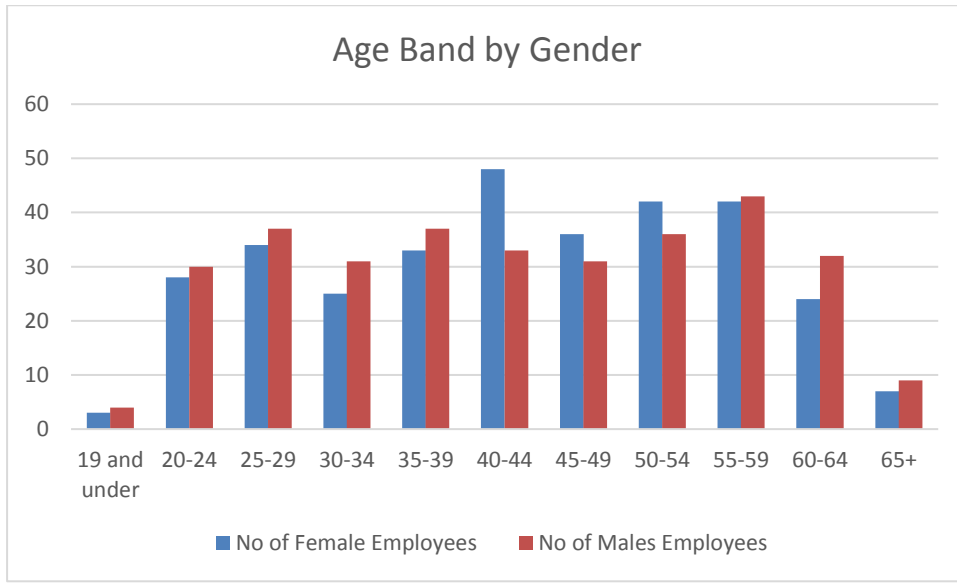
4.2 GENDER PAY GAP

Employers with 250 or more employees must publish figures comparing average pay by gender across the organisation. This data is produced and published annually, in line with regulations and the most recent report was included in the Q4 workforce reporting (June 2021). An update will be provided when new data is available Q4 2021/22.

4.3 WORKFORCE BY GENDER



4.4 AGE BY GENDER



4.5 EMPLOYEES BY GRADE BY GENDER

Represented as percentage totals by grade

Grade	Female	Male
Grade A	54.84	45.16
Grade B	33.33	66.67
Grade C	49.20	50.80
Grade D	45.83	54.17
Grade E	58.46	41.54
Grade F	54.41	45.59
Grade G	58.88	41.12
Grade H	52.63	47.37
Grade I	36.36	63.64
Grade SM	33.33	66.67
Grade SM Plus	14.29	85.71

4.6 WORKFORCE BY ETHNICITY

Ethnicity	% of workforce
Asian	1.86
Black	0.47
Mixed	0.62
Other	0.31
White	63.72
Workforce stated	67.00
Not Declared*	33.02

4.7 DISABILITY DATA

Disability Status	% of workforce
No	12.71
Yes	2.17
Not Declared*	85.12

***Not Declared**

Like most similar employers, the Council does not have data that is 100% up to date – with some of the workforce either preferring not to state or simply not responding. We recognize this can make it difficult to draw conclusions that are statistically robust. The HR team will be encouraging by sending out communications to encourage the workforce through the new HR system self-service facility to update their Sensitive Information including ethnicity and to support any staff reluctant to share this information, by addressing any concerns.

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: IR35 Status Determination Disagreement Process

Meeting/Date: Employment Committee – 24 November 2021

Executive Portfolio: Cllr David Keane (DK)

Report by: Strategic HR Manager (AW)

Wards affected: N/A

Executive Summary:

The IR35 Status Determination Disagreement Process is a new workforce procedure, the purpose is to meet regulatory requirements that came into effect April 2021; under the updated IR35 rules.

IR35 Rules are designed to assess whether a contractor is a genuine contractor rather than a 'disguised' employee, for the purposes of paying tax.

These 'off-payroll' working rules have applied to public sector for several years; and were updated in April 2021 to apply to Medium and Large private sector organisations. As part of the update, a new requirement was introduced to provide a disputes process when determining 'inside/outside' IR35.

The responsibility to determine is on the hirer 'HDC'; and to share with the contractor/and agency and they have a right to disagree with the 'hirers determination'. This process formalises that obligation; and sets out how any disputes will be handled to ensure that we're legally compliant.

The Employee Reps Group and Senior Leadership Team have reviewed and endorsed the Process.

Recommendation(s):

The Committee is asked to comment on and endorse the IR35 Status Determination Disagreement Process.

1. PURPOSE OF THE REPORT

- 1.1 The report draws Committee attention to IR35 Status Determination Disagreement process, that we are seeking endorsement from Committee to introduce.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 When hiring contractors, we are required to determine the status for on/off payroll working, to ensure that we are complying with tax regulations. We utilise the HMRC status determination tool 'CEST' (Check Employment Status for Tax).

Contractors may disagree with our determination and under the updated regulations (April 2021) have the right to disagree with that determination.

The process ensures that managers responsible for hiring understand this obligation and provides a consistent organisational approach to responding to any disagreements; in line with the regulations.

3. KEY IMPACTS / RISKS

- 3.1 This process minimises the risks, by introducing a process which complies with the regulatory requirements.

4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 4.1 Following employment Committee the HR team can implement immediately, the following actions will be taken to implement fully:
- 4.1.1 Update the flowchart and guidance for managers on hiring contractors;
 - 4.1.2 briefing to HR team and procurement;
 - 4.1.3 Upload to Intranet.
 - 4.1.4 Email managers with current contractors to share this new process.

5. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

Engaged and Motivated Workforce, as part of Being a More Efficient & Effective council – through updated, clear employment policies.

6. CONSULTATION

Senior Leadership team and Employee Reps Group have been briefed and been given the opportunity to review the process and support the implementation.

7. LIST OF APPENDICES INCLUDED

Appendix 1 – IR35 Status Determination Disagreement Process

CONTACT OFFICER

Name/Job Title: Aileen Whatmore / Strategic HR Manager
Tel No: 07596 333940
Email: aileen.whatmore@huntingdonshire.gov.uk

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IR35 'Off Payroll' working - Status Determination Disagreement Process

The off payroll working regulations (commonly known as IR35 rules) require hirers to have a status determination disagreement process; and whenever contractors are assessed both a copy of their Status Determination along with confirmation that they have a right to dispute should they disagree; is provided to the contractor and agency (where applicable).

1.0 Statement

- 1.1 This disputes process intends to deal with complaints from individuals, and/or their agency, who disagree with the decision that their engagement falls within IR35. The handling of the disputes will be managed in line with the appropriate regulations.
- 1.2 HMRC consider the accurate outputs from the enhanced version of its CEST (Check Employment Status for Tax) tool for checking employment status decisions, meet the legislative requirements to be a valid Status Determination Statement (SDS). HDC will use the HMRC CEST tool as part of its consideration of SDS disputes.
- 1.2 Contractors or the agency have a right to make representations if they believe the status determination was incorrect, or if they believe the contractual terms and/or working practices have changed over time. Complaints can be received verbally or in writing, but these complaints should be addressed to Humanresources@huntingdonshire.gov.uk and should contain the reasons why they disagree, to fully consider the representations.
- 1.3 Representations can be made at any time. However, HDC will only consider and respond to representations made before the final chain payment is made in relation to that engagement.
- 1.4 The dispute will be reviewed by the HR team or appropriate representative and a response in writing will be sent within 45 days of receipt of status determination (SD) disagreement, informing the contractor or the agency of the outcome of its considerations.
 - 1.4.1 If it is concluded that the original determination was correct, reasons why it believes the original determination was correct will be provided.
 - 1.4.2 If on review it is concluded that the original determination was incorrect, a revised status determination statement will be issued, with the date this new SD became applicable and state that the previous SD is withdrawn.
- 1.6 The outcome of the status determination process is final.

Date Reviewed	September 2021
Owner	Human Resources

Template Letter: Outcome to Status Determination Disagreement Upheld Disagreement

Dear []

Your appeal against status determination for IR35 purposes

I refer to your appeal against our determination of your status for the purposes of [your ongoing role as [details of individual's role] / the project you are working on for us from [date] until [date]].

In our original status determination of [date], we assessed that, for tax purposes, your engagement with us falls "inside IR35". In other words, we decided that you would have employee status if engaged directly by Huntingdonshire District Council, meaning that we would be responsible for deducting tax and national insurance contributions (NICs) from payments we make to you and paying these deductions to HM Revenue & Customs (HMRC).

Decision to uphold your appeal

We have considered your representations and reached an alternative determination using HMRC's online CEST tool at www.gov.uk/guidance/check-employment-status-for-tax.

We have now reassessed that, for tax purposes, your engagement with us falls "outside IR35". In other words, we have decided that you are in fact an independent, self-employed contractor and we will pay your fees in full, without deducting tax and national insurance contributions (NICs) from payments made to you.

In particular, please note the following results from this alternative determination:

- [Set out here any particular outcomes that you would like to highlight or that would help to explain the new results to the individual. See [Notes](#) for examples of some of the issues that CEST may have identified.]

A copy of the report that we generated on [date] via the CEST tool is attached for your records. HMRC has said that it "will stand by this result as long as it reflects the actual or expected working practices".

Queries or concerns

If you have any queries or concerns, please do not hesitate to contact [me/name of individual/the HR department].

Yours sincerely

[]

Template Letter: Outcome to Status Determination Disagreement NOT Upheld Disagreement

Dear []

Your appeal against status determination for IR35 purposes

I refer to your appeal against our determination of your status for the purposes of [your ongoing role as [details of individual's role] / the project you are working on for us from [date] until [date]].

In our original status determination of [date], we assessed that, for tax purposes, your engagement with us falls "inside IR35".

Decision to reject your appeal

We have considered your representations and can confirm that due care has informed our decision alongside a completion of the CEST determination, and we have reached the same determination using HM Revenue & Customs' (HMRC's) online CEST tool at www.gov.uk/guidance/check-employment-status-for-tax.

We maintain our assessment that, for tax purposes, your engagement with us falls "inside IR35". In other words, we maintain that you would have employee status if engaged directly by us, meaning that we are responsible for deducting tax and national insurance contributions (NICs) from payments we make to you and paying these deductions to HM Revenue & Customs (HMRC).

In particular, please note the following results from this redetermination:

- [Set out here any particular outcomes that you would like to highlight or that would help to explain the results to the individual. See [Notes](#) for examples of some of the issues that CEST may have identified.]

A copy of the report that we generated on [date] via the CEST tool is attached for your records. HMRC has said that it "will stand by this result as long as it reflects the actual or expected working practices".

Queries or concerns

If you have any queries or concerns, please do not hesitate to contact [me/name of individual/the HR department].

Yours sincerely

[]

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Employment References Policy
Meeting/Date: Employment Committee – 24 November 2021
Executive Portfolio: Cllr David Keane (DK)
Report by: Strategic HR Manager (AW)
Wards affected: N/A

Executive Summary:

The References Policy is a new employment policy, the purpose is to formalise the existing current practice and provide clarity to former and existing employees; new employees and the organisation on our approach to giving and receiving employment references (including financial references such as mortgage references). The factual approach to references (standard practice amongst employers) removes potential litigation and by formalising in a policy we avoid any challenges/concerns about provision of 'simple factual references'.

The Employee Reps Group and Senior Leadership Team have reviewed and endorsed the policy.

Recommendation(s):

The Committee is asked to comment on and endorse the References Policy.

1. PURPOSE OF THE REPORT

- 1.1 To formalise the current practice of providing standard factual employment references and to set this out to former, existing and future employees.

The report draws Committee attention to References Policy, that we are seeking endorsement from Committee to introduce.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 We currently provide factual employment references, using a standard template providing information on only employment dates, position title and if requested details on sickness absence levels.

- 2.2 By introducing a policy we avoid any concerns about our approach to providing only factual references; employees can see this is a consistent approach and managers are provided with clarity that this is the organisational preference.

3. KEY IMPACTS / RISKS

- 3.1 This approach minimises the risks, as consistent factual references avoid any potential litigation, by removing any subjective decisions other employers may take about employing individuals, that may arise from provision of non-factual information in references.

4. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION

- 4.1 Shared with workforce and uploaded to Intranet.

5. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES

Engaged and Motivated Workforce, as part of Being a More Efficient & Effective council – through updated, clear employment policies.

6. CONSULTATION

Senior Leadership team and Employee Reps Group have been briefed and been given opportunity to review the policy and support the implementation.

7. LIST OF APPENDICES INCLUDED

Appendix 1 – References Policy

CONTACT OFFICER

Name/Job Title: Aileen Whatmore / Strategic HR Manager
Tel No: 07596 333940
Email: aileen.whatmore@huntingdonshire.gov.uk

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Reference Policy

Scope

- 1.0 This policy explains Huntingdonshire District Council's position on the giving and requesting of employment and personal (character) references.
- 1.1 The policy applies to all staff whether approached to give a job or other type of reference or seeking references.

Principles

- 2.1 A reference request is a request for information on or about a person.
- 2.2 References may be verbal, or written in an email, letter or any other document.
- 2.3 Typically the employer is approached to provide references for employees for employment purposes. However, references may also be provided in support of academic study or further study; financial information for mortgage or rental purposes.

Giving References

3.0 Employment references:

- 3.1 All employment reference requests for current or former employees will be handled by the HR Department and should be sent to humanresources@huntingdonshire.gov.uk
- 3.2 It is HDC's practice to provide a standard reference in writing, directly to the requestor. The reference will contain factual historic information only, including:
 - Confirmation of employment dates.
 - Confirmation of post employed in.
 - Reason for leaving.
- 3.3 All references provided should be in response to a specific request. General 'To whom it may concern' references will not normally be given.
- 3.4 HDC will not provide telephone references to prospective employers.
- 3.5 Copies of references will be kept on the individual's HR file where possible. The only exception to this is if the reference has been submitted via an online form.

4.0 Personal (Character) References

- 4.1 What you put in a personal (character) reference is a matter for you as you give it in your personal capacity and not on behalf of the Council or in your capacity as an employee of the council. If you do not wish to provide a reference, you should notify the individual to whom it relates. This will give them the opportunity to ask someone else to provide a reference for them.
- 4.2 Personal character references should not be provided using the Council's official letterhead/stationary or email addresses. If you choose to give someone a personal character reference you should use your own personal stationary and state clearly in the reference that it is provided by you in your personal capacity, rather than on behalf of the Council.

References for Academic Courses or Training

- 5.1 The same principles as for employment references will be followed when providing a reference for an individual who has applied to study a course or enrolled at an institution providing training. Requests should be sent to humanresources@huntingdonshire.gov.uk

Financial (Mortgage and Rental) References

- 6.1 All requests for confirmation of earnings and continuity of employment from mortgage companies or rental agencies; will be handled by the payroll team, please send requests to Transactions@huntingdonshire.gov.uk
- 6.2 This information will only be given where Transactions are certain of the identity of the company requesting the reference, and where the individual who is the subject of the reference has given their express consent by signing an authority slip. This information will be provided in writing only, no references will be provided by telephone.
- 6.3 Copies of references will be kept on the individual's HR file where possible. The only exception to this is if the reference has been submitted via an online form.

8.0 References for Contracted Work

- 8.1 Any manager who has used a contractor to undertake a piece of work may find themselves approached by either the contractor directly or by one of the contractor's customers or potential customers for a reference. It is usual that they will ask for information regarding what type of work was undertaken and whether it was undertaken satisfactorily. The same principles as for employment references should be followed only factual/objective information should be provided. The reference will be provided by the individual who was/ is responsible for managing the contract.

Requesting References

- 9.1 It is important that two references are taken up as part of the recruitment and selection process. Along with other mandatory pre-employment checks any offer of employment will be subject to satisfactory references.
- 9.2 The HR recruitment team will seek and collate references for prospective employees and forward them onto the recruiting manager for their approval, only if there are any concerns with the reference, or in obtaining references.
- 9.3 Copies of all references received will be stored on the individual's HR file.
- 9.4 If a reference has not been requested but is received, it should be promptly sent to HR marked "private and confidential".
- 9.5 References may be returned which only contain factual information. Such references can be accepted, even though they do not discuss the applicant's performance within the role the reference is confirming.

Confidentiality

- 10.1 References and requests for them should be kept confidential because they relate to personal and sensitive personal data about an individual. The fact that a request has been received should not be disclosed to other staff or colleagues of the individual.
- 10.2 Requests for references should be kept confidential between the individual concerned and only those individuals who need to know about the request in order to provide the reference.

- 10.3 Copies of references provided should be kept on the HR file and not left where other staff may have access to them.
- 10.4 Under the General Data Protection Regulations (GDPR), individuals have the right to access personal data. However, the Data Protection Act 2018 includes an exclusion in relation to references given in confidence for the purposes of education, training or employment of the subject of the reference. Organisations no longer have to release copies of references received when candidates request it. In the first instance the candidate should approach the author of the reference if they require a copy. However, on occasion it may be beneficial for the candidate to receive a copy of the reference and if they are unable to obtain a copy from the author then we may consider supplying the reference to them.

Queries

- 14.1 If you have any queries about providing references these should be addressed to HR in the first instance.

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