



Meeting: **Employment Committee**

Date/Time: **Thursday, 28 September 2023 at 10.00 am**

Location: **Guthlaxton Committee Room, County Hall, Glenfield**

Contact: **Damien Buckley (0116 305 0183)**

Email: **damien.buckley@leics.gov.uk**

Membership

Mr. L. Breckon JP CC (Chairman)

Mr. P. Bedford CC Mr. B. Harrison-Rushton CC
Mrs. L. Broadley CC Mr. T. J. Pendleton CC
Mr. B. Champion CC Mr. R. J. Shepherd CC

AGENDA

Webcast.

A webcast of the meeting can be viewed [here](#):

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 25 May 2023.	(Pages 3 - 8)
2. Question Time.	
3. Questions asked by members under Standing Order 7(3) and 7(5).	
4. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
5. Declarations of interest in respect of items on the agenda.	



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|-----|---|---|-----------------|
| 6. | Presentation of petitions under Standing Order 35. | | |
| 7. | Attendance Management. | Director of Corporate Resources | (Pages 9 - 14) |
| 8. | Pay Policy Statement 2024-25. | Director of Corporate Resources | (Pages 15 - 32) |
| 9. | Staff Survey 2023. | Chief Executive and Director of Corporate Resources | (Pages 33 - 42) |
| 10. | Trans and Non-Binary Policy. | | (Pages 43 - 58) |
| 11. | Organisational Change Policy and Procedure: Action Plans. | Chief Executive | (Pages 59 - 64) |
| 12. | Any other items which the Chairman has decided to take as urgent. | | |
| 13. | Date of Next Meeting. | | |

The next meeting of the Employment Committee is scheduled to be held on Thursday 7 December at 10:00.



Minutes of a meeting of the Employment Committee held at County Hall, Glenfield on Thursday, 25 May 2023.

PRESENT

Mr. P. Bedford CC
Mr. L. Breckon JP CC
Mr. B. Champion CC

Mr. B. Harrison-Rushton CC
Mrs. B. Seaton CC
Mr. R. J. Shepherd CC

1. Appointment of Chairman.

It was moved by Mr. R. Shepherd CC and seconded by Mr. P. Bedford CC that Mr. L. Breckon JP CC be elected Chairman of the Employment Committee for the period ending with the date of the Annual Meeting of the County Council in 2024.

RESOLVED:

That Mr. L. Breckon CC be elected Chairman of the Employment Committee for the period ending with the date of the Annual Meeting of the County Council in 2024.

Mr. L. Breckon JP CC - in the Chair

2. Election of Deputy Chairman.

Nominations for the position of Deputy Chairman were sought. Mr. P. Bedford CC was nominated by Mr. R. Shepherd CC and seconded by Mr. B. Harrison-Rushton CC.

RESOLVED:

That Mr. P. Bedford CC be elected Deputy Chairman of the Employment Committee for the period ending with the date of the Annual Meeting of the County Council in 2024.

3. Minutes of the meeting held on 2 February 2023.

The minutes of the meeting held on 2 February 2023 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

5. Questions asked by members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent Items.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. L. Breckon JP CC declared a non-registerable interest in respect of agenda item 14: Organisational Change Policy and Procedure: Action Plans, as the Chair of the East Midlands Shared Services (EMSS) Joint Committee.

Mr. R. Shepherd CC declared a non-registerable interest in respect of agenda item 14: Organisational Change Policy and Procedure: Action Plans, as a member of the East Midlands Shared Services (EMSS) Joint Committee.

8. Presentation of Petitions.

The Chief Executive reported that no petitions had been received under Standing Order 36.

9. Attendance Management.

The Committee considered a report of the Director of Corporate Resources which provided an update on the Council's overall position on sickness absence, as at the end of March 2023 (quarter 4, 2022/23). A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Arising from discussion, the following points were made:

- i. Members noted that they had been presented with a long term trend of the year end sickness absence position from 2012/13 to 2022/23 and raised concern that there had been little progress made to the number of Full Time Equivalent (FTE) days lost per year. Members were assured that although sickness absence had not reduced over the long term, various initiatives had been attempted to reduce this, and that managers, alongside Human Resources, had persevered in applying attendance management policies and in supporting staff who were experiencing ill health. Members noted that there could have been a number of reasons why FTE lost per year had gone up over the latest twelve-month period, including the impact of COVID-19, cost of living challenges, and delays experienced within the health sector.
- ii. In response to concern that there had been a progressive increase in sickness absence recorded in Environment and Transport since 2020/21, members were advised that there had been a number of long-term individual cases of absence which had skewed the data. A deep dive exercise had been conducted to identify those individuals and HR Business partners had contacted managers to discuss how these cases could be addressed. HR business partners had also discussed attendance management with the Director of Environment and Transport, who was keen to address the issue.
- iii. A peer review had been conducted in (date) and the outcome showed that the Council's approach to attendance management was appropriate and that there was nothing further that could be recommended. The Council followed correct

legislation and had robust processes in place to monitor and address sickness absence levels.

- iv. The COVID-19 category for absence had not been broken down to identify long-COVID as this often presented in different health issues and had been categorised accordingly. The Director explained that COVID-19 would not be formally monitored going forward as testing in the community had reduced. It was suggested that instances of COVID-19 could be included within the cough/cold/flu category.
- v. In terms of Stress, Depression and Mental Health, members noted that it was only where individual cases had been examined that specific causes for this type of absence had been identified. Members were assured that managers would continue to be provided with training and guidance for supporting their employees with stress, depression and mental health concerns. A piece of work had been undertaken within the Adults and Communities department and Children and Family Services around bereavement and the impact this had on personal and work life. The Council's Wellbeing Service had further developed support for this and introduced groups whereby individuals could go for peer support which was facilitated by a counsellor. Members noted that these interventions had been successful and that the ideas would be utilised in offering employees struggling with mental health practical support to help them to operate in their role.
- vi. Absences recorded within the non-disclosed category were often a result of managers having not captured the reason in the first five days of absence rather than a refusal by an employee to provide a reason for their absence. Members were assured that work would be carried out with managers to reduce this type of administration error.
- vii. Sickness absence data could be analysed in attempt to understand the proportion of staff who are frontline, based at County Hall or working in a hybrid way, although, it was suggested that there would be a variety of variables to consider when analysing this type of data and a wide variety of reasons for sickness absence to consider.
- viii. The Council's sickness absence data had been compared to comparator local authorities within a report presented to the Committee on 2 February 2023. In response to a question as to why Kent County Council had lower rates of sickness absence than Leicestershire County Council, the Director explained that the same sickness policy was applied in both authorities but that there may be differences in the types of services offered by them, as well as cultural and organisational differences to consider. The Director had not discussed attendance management in detail with Kent County Council but agreed to do so in order to understand the differences in data and to identify whether different approaches could be attempted to reduce the Council's sickness absence figures.

RESOLVED:

That the overall position on sickness absence, as at the end of March 2023 (quarter 4, 2022/23) be noted.

10. Update on Wellbeing.

The Committee received a report of the Director of Corporate Resources which provided an update on the approach being taken on wellbeing. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

RESOLVED:

That the work being undertaken in support of staff wellbeing be noted.

11. Health in All Policies.

The Committee received a report and presentation of the Director of Public Health which informed members of the approach being taken to embed Health in All Policies (HiAP) across Leicestershire County Council. A copy of the report, marked 'Agenda Item 11', is filed with these minutes.

Whilst introducing the report, the Director of Corporate Resources explained that the Health in All Policies approach would aim to link in with the Council's wider work on employee wellbeing and would present the opportunity for further understanding of health implications during decision making and policy development. In addition to the 2023 Staff Survey, a survey was being planned to cover aspects of lifestyle which would include wellbeing at work.

Members noted that rather than looking at policies which had already been implemented, this work would focus on new or revised policies. As the HiAP approach was developed, the Public Health Department would work with officers to assist them when determining how decisions and policy changes could affect the health of individuals. The Director of Public Health agreed to provide members with a copy of the HiAP e-form.

In response to a question around the link between the HiAP approach and staff attendance, it was acknowledged that there could be an impact in considering health implications within policies and the health of employees. It was suggested that a piece of work examining the baseline of employee wellbeing and how this had changed over time could be undertaken to understand the impact of the HiAP approach.

Members noted that the work had been commissioned as part of the Public Health grant.

RESOLVED:

That the approach being taken to embed Health in All Policies across Leicestershire County Council be noted

12. Performance and Productivity.

The Committee received a report of the Director of Corporate Resources which provided an update on update the progress made against the Performance and Productivity project within the Performance Management workstream of the People Strategy. A copy of the report, marked 'Agenda Item 12', is filed with these minutes.

The Cabinet Lead member for Recovery and Transformation advised members that the Annual Performance Report and Compendium would be presented to the Scrutiny Commission at its meeting on 8 November 2023. The Report would include information relating to a new framework which would look at balance scorecards across departments

to ensure that the Council was operating effectively against the Ways of Working programme.

Members noted that the productivity survey conducted with Environment and Transport had asked staff to quantify the impact the pilot workspace had on productivity. Where staff said they were less productive, managers had been supported in making changes to their team's working environment and in adjusting the frequency of working in the office space.

In response to a question regarding the development of other office spaces across the County Hall campus, the Director explained that there would be a phased approach to re-designing each area.

Members noted that as a result of increased flexible working, business mileage costs had reduced. The environmental impact of the Ways of Working programme would be monitored.

RESOLVED:

That the progress made against the Performance and Productivity project within the Performance Management workstream of the People Strategy be noted.

13. Chief Officer Pay Award 2023/24.

The Committee received a report of the Director of Corporate Resources to seek approval from the Employment Committee for the implementation of the 2023/24 Pay Award for all employees on grades 18 – 21 inclusive. A copy of the report, marked 'Agenda Item 13', is filed with these minutes.

The Director also provided members with an update on the negotiations for the 2023/24 pay award for National Joint Council (NJC) employees. The Director reported that:

- i. Unison had launched a ballot for strike action with its members which would run until 4 July and if the mandate was received strike action could occur between September 2023 and January 2024. A decision on strike action would likely be made at a local level rather than a national level, meaning that union members in different parts of the country and county could make the decision to strike independently of one another.
- ii. GMB and Unite had consulted their members who rejected the pay offer and both unions had begun a ballot for strike action also.
- iii. Although inflation had reduced slightly since the report was published, it was acknowledged that inflation was still high and that there were ongoing pressures on the cost of living.

RESOLVED:

That:

- a. the Joint Negotiating Committee (JNC) pay award for the period 2023/ 2024, for all employees on Grades 18 – 21 inclusive, be approved.

- b. The update provided on the 2023/24 National Joint Council (JNC) pay award be noted.

14. Organisational Change Policy and Procedure: Action Plans.

The Committee considered a report of the Chief Executive which presented the current Action Plans which contained provision for compulsory redundancy and details of progress made with their implementation. A copy of the report marked 'Agenda Item 14' is filed with these minutes.

RESOLVED:

That the update provided on the current Action Plans which contain provision for compulsory redundancy, and details of progress in their implementation, be noted.

15. Date of Future Meetings.

RESOLVED:

That Meetings of the Committee in 2024 would be held at 10:00 on the following dates:

1 February 2024

23 May 2024

26 September 2024

5 December 2024

10.00 - 11.29 am
25 May 2023

CHAIRMAN



EMPLOYMENT COMMITTEE – 28 SEPTEMBER 2023

ATTENDANCE MANAGEMENT

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of the Report

1. The purpose of this report is to update the Employment Committee on the Council's overall position on sickness absence, as at the end of June 2023 (Quarter 1, 2023/24).

Policy Framework and Previous Decisions

2. The Attendance Management Policy supports this report. No changes to this policy are proposed.

Background

3. On 25 May 2023, the Committee considered the Council's absence position as at the end of March 2023 (Quarter 4 2022/23).

Sickness absence – current position

4. The table below details the end of year sickness absence levels of the previous five years, and Quarter 1, 2023/24.

	18/19	19/20	20/21	21/22	22/23	23/24 Q1 Jun 23	Total FTE days lost 01/07/22– 30/06/23	Total cost of absence 01/07/22 – 30/06/23
Chief Executive's	7.60	5.38	4.41	3.13	4.14	4.41	1,071.78	£134k
Environment & Transport	9.16	8.88	7.04	8.34	11.44	11.31	9,211.17	£926k
Children & Family Services	10.55	11.12	7.94	10.44	10.14	10.01	11,892.09	£1,555k
Corporate Resources	7.39	9.39	5.54	9.92	8.84	8.64	10,412.59	£1,091k
Adults & Communities	10.02	11.74	10.18	8.24	8.84	8.61	10,071.24	£1,203k
Public Health	8.57	7.12	5.08	5.65	5.58	5.85	1,020.8	£118k
LCC total	9.18	10.08	7.51	8.87	9.27	9.11	43,679.67	£5,029k

ESPO	9.55	7.20	6.80	8.64	8.28	7.5	2,345.11	£222k
EMSS	7.54	9.69	9.26	9.10	6.26	6.08	733.99	£78k

5. At the end of Quarter 1 2023/24, the Chief Executive's and Public Health departments are below the corporate target of 7.5 days per FTE. Environment and Transport, Corporate Resources, Children and Family Services, and Adults and Communities departments have all made improvements since year end 2022/23.
6. The Leicestershire County Council total is at 9.11 FTE days lost.
7. Attendance management activity is still required across departments to achieve and maintain the corporate target of 7.5 days per FTE.

Reasons for sickness absence

8. Displayed in order of highest percentage of time lost, the table below details the top ten reasons for absence, plus the 'not disclosed' category.

Percentage of FTE days lost 12 months cumulative	2021/22 Dec 2021 Q3	2021/22 Mar 2022 Q4	2022/23 Jun 2022 Q1	2022/23 Sept 2022 Q2	2022/23 Dec 2022 Q3	2022/23 Mar 2023 Q4	2023/24 Jun 2023 Q1
Stress/depression, mental health	30.3%	28.4%	26.7%	27.3%	25.7%	26.2%	25.9%
Combined COVID-19 & cough/cold. flu	32%	27.4%	39.7%	21.5%	20.8%	17.3%	15.5%
Other musculo-skeletal	9.2%	8.8%	8.5%	8.5%	11.5%	12.4%	12.9%
Gastro-stomach, digestion	5.5%	6.1%	5.8%	5.9%	5.5%	6.1%	6.7%
Chest & respiratory	4.2%	3.8%	3.9%	4.1%	4.7%	6.0%	5.3%
Cancer	4.8%	4.7%	4.2%	4.1%	4.7%	4.3%	5.2%
Neurological	5.1%	4.6%	4.2%	4.2%	4.3%	4.4%	4.4%
Back and neck	4.2%	4.1%	3.9%	3.9%	3.8%	3.8%	3.8%
Heart, blood pressure & circulation	1.1%	1.0%	1.1%	1.3%	2.2%	2.4%	3.3%
Eye, ear, nose & mouth/dental & throat	3.8%	4.3%	4.0%	4.0%	3.0%	2.8%	2.9%
<i>Not disclosed</i>	5.8%	5.7%	6.8%	6.2%	6.1%	5.8%	5.0%

9. The table shows that the levels of mental health/stress/depression sickness absence has decreased from Quarter 1 2022/23 to Quarter 4 2023/24, although this remains the highest reason for lost time due to sickness absence.
10. As agreed at Employee Committee on 25 May 2023, the cough/cold/flu and COVID-19 categories have been combined. Also, to note is that viral illness which is at 2.6% at Quarter 1 2023/24 has not been reported in the top ten reasons for absence.

11. Cancer, and the Heart, Blood Pressure and Circulation categories for absence have had more significant increases in sickness absence from Quarter 1 2022/23 to Quarter 4 2023/24; this will be monitored going forward.
12. At the Employment Committee on 25 May 2023, it was agreed that focus should be given on reducing the amount of non-disclosed absence. This activity continues and an improvement is shown in the trend within the table.

Long and Short-term absence split

13. The table below details the number of FTE days lost due to absence and the percentage split of FTE days lost as at the end of June 2023.

2022/23 as at end of June 2023						
12 months cumulative						
Department	Long term			Short term		
	FTE days lost	% FTE days lost	Individual occurrences	FTE days lost	% FTE days lost	Individual occurrences
Chief Executive's	505.34	47.15%	13	566.44	52.85%	174
Environment and Transport	6227.64	67.61%	110	2983.44	32.39%	844
Children and Family Services	8293.86	69.74%	153	3598.23	30.26%	925
Public Health	693.50	67.94%	14	327.30	32.06%	92
Corporate Resources	6489.87	62.33%	139	3922.72	37.67%	1478
Adults and Communities	5677.79	56.38%	125	4393.45	43.62%	1045

Note: Long term is categorised as over 4 weeks of continuous absence.

Service level data

14. The table below provides details of the days lost per FTE at the end of the last five years and at the end of Quarter 1 2023/24, for service areas by department.

Department	2018/19	2019/20	2020/21	2021/22	2022/23	2022/23
Days per FTE	Year end	Year end	Year end	Year end	Year end	Q1
12 months cumulative	(Mar 19)	(Mar 20)	(Mar 21)	(Mar 22)	(Mar 23)	(Jun 24)
Chief Executive's	7.6	5.38	4.41	3.13	4.14	4.41
Planning and Historic and Natural Environment	14.92	9.57	0.79	0.71	3.52	4.19

Department	2018/19	2019/20	2020/21	2021/22	2022/23	2022/23
Days per FTE	Year end	Year end	Year end	Year end	Year end	Q1
12 months cumulative	(Mar 19)	(Mar 20)	(Mar 21)	(Mar 22)	(Mar 23)	(Jun 24)
Regulatory Services	6.2	7.24	6.30	6.74	9.40	8.43
Strategy and Business Intelligence	6.93	4.26	3.86	1.87	3.47	3.95
Democratic Services	14.81	6.70	1.07	2.67	1.43	4.24
Legal Services	5.48	3.63	5.82	3.05	1.34	1.49
Environment and Transport	9.16	8.88	7.04	8.34	11.44	11.31
Highways and Transport	8.96	9.30	3.99	9.40	15.01	14.93
Environment and Waste Management	10.07	12.65	7.68	7.54	9.26	9.11
Children and Family Services	10.55	11.12	7.95	10.44	10.14	10.01
Education and SEND	8.42	11.55	7.57	12.24	8.40	7.71
Children's Social Care & Targeted Early Help	14.18	10.54	9.15	10.11	10.52	10.31
Corporate Resources	7.41	9.39	5.45	9.92	8.84	8.64
Finance, Strategic Property & Commissioning	6.63	9.67	2.88	3.99	3.37	3.16
Corporate Services	4.18	4.84	4.07	7.83	5.07	5.55
IT, Comms & Digital, Commercial and Customer Services	8.91	11.14	6.77	11.69	11.31	11.02
Adults and Communities	10.02	11.74	10.18	8.24	8.84	8.61
Operational commissioning	n/a	n/a	n/a	n/a	9.74	11.31
Integration, access & prevention	n/a	n/a	n/a	n/a	10.27	8.11
Commissioning and Quality	8.02	7.46	4.66	11.90	10.83	6.11
Promoting Independence	13.26	11.88	11.91	6.11	7.98	9.88

Department	2018/19	2019/20	2020/21	2021/22	2022/23	2022/23
Days per FTE	Year end	Year end	Year end	Year end	Year end	Q1
12 months cumulative	(Mar 19)	(Mar 20)	(Mar 21)	(Mar 22)	(Mar 23)	(Jun 24)
Personal Care and Support	13.86	18.10	21.15	7.07	6.28	4.99
Communities and Wellbeing	6.97	8.73	4.65	5.38	5.41	5.16
Public Health	8.57	7.12	5.80	5.65	5.58	5.85

*Due to changes in the Oracle team structure following structural changes in Adults and Communities, the 12-month FTE figure will appear low until the new structure has been reported on for 12 months.

Recommendations

15. The Committee is asked to note the update provided on the council's overall position on sickness absence as at the end of June 2023.

Background Papers

16. Report to the Employment Committee 25 May 2023 – Attendance Management:
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=212&MId=7262&Ver=4>

Circulation under the Local Issues Alert Procedure

17. None

Equality Implications/Other Impact Assessments

18. There are no equality implications arising from the recommendations in this report.

Human Right Implications

19. There are no human rights implications arising from the recommendations in this report.

Officer to Contact

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EMPLOYMENT COMMITTEE – 28 SEPTEMBER 2023

PAY POLICY STATEMENT 2024/25

REPORT OF THE DIRECTOR OF CORPORATE RESOURCES

Purpose of the Report

1. The purpose of this report is to seek approval for the submission of the Council's Pay Policy Statement for 2024/25, appended to this report, to the County Council for approval on 6 December 2023.

Policy Framework and Previous Decisions

2. On 15 November 2011, the Localism Act received Royal Assent. Under Section 38 of the Act, local authorities in England and Wales are required to produce a Pay Policy Statement for each financial year which must be approved by the Full County Council.
3. This statement must set out the Council's policies in relation to:
 - i. The remuneration of its chief officers;
 - ii. The remuneration of its lowest-paid employees; and
 - iii. The relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
4. For the purposes of this statement, remuneration includes basic salary, bonuses and other allowances or entitlements related to employment.
5. The Council is required to publish the Pay Policy Statement for 2024/25 on or before 1 April 2024.
6. At the time of writing, the 2022/23 pay structure remains in place for employees on National Joint Council (NJC) terms and conditions and Chief Executive's terms and conditions, as the respective pay awards have not yet been agreed. A pay award for those on Joint Negotiating Committee for Chief Officer (JNC) terms and conditions was agreed in May 2023 and has been implemented.
7. The Employment Committee will be advised of the 2023/24 pay structure, incorporating the NJC pay award once agreement between the national employers and trade unions has been reached.

Background

7. The proposed Pay Policy Statement attached sets out:
 - i. The Council's approach to job evaluation and grading of posts;
 - ii. Additional payments that employees are eligible to receive, such as night enhancement, overtime;
 - iii. The Council's pay multiple (the ratio between the highest paid employee and the median average salary of the Council's workforce, excluding schools but including ESPO) which is 1:7.26;
 - iv. That there is no distinction between chief officers and other employees in relation to pension entitlements and severance payments;
 - v. The Council's approach to the re-engagement of former employees.

8. The most recently revised pay structure took effect from 1 April 2022, which ensured that the provisions set out by the National Joint Council (NJC) pay award for 2022/23 were met. Future revisions to the 2023/24 pay structure will incorporate retrospective payments once implemented.

9. The current pay structure for all employees up to and including Grade 17, and for the Chief Executive, covers the period from 1 April 2022 to 31 March 2023. These conditions remain in place until further notice. A pay award covering 1 April 2023 to 31 March 2024 has been agreed for Chief Officers on JNC terms and conditions.

The 2023/24 Pay Award

10. The National Employers made an offer to the trade union side on 23 February 2023. The offer made was full and final. The offer was as follows:
 - With effect from 1 April 2023, an increase of £1,925 (pro rata for part-time employees) to be paid as a consolidated, permanent addition on all NJC pay points 2 to 43 inclusive. With effect from 1 April 2023, an increase of 3.88 per cent on all pay points above the maximum of the pay spine but graded below deputy chief officer (in accordance with Green Book Part 2 Paragraph 5.42);
 - With effect from 1 April 2023, an increase of 3.88 per cent on all allowances (as listed in the 2022 NJC pay agreement circular dated 1 November 2022).

11. When considering the local Leicestershire County Council Pay spine, this would necessitate the removal of the bottom point of the current pay spine to keep ahead of the National Living Wage (NLW). This would mean the pay spine would start at point 3 with an hourly rate of £11.42 (the NLW is predicted to be in the region of £11.25 as at 1 April 2024).

12. The three unions, which constitute the NJC, rejected the pay offer and have or will be balloting for industrial action. The results of the Unison ballot for Leicestershire were received on 6 July. The ballot did not reach the required 50% threshold for industrial action but of those who did vote the majority 71% were in favour of taking action.
13. The result of the Unite ballot for Leicestershire is yet to be disclosed. However, it should be noted that the Council is not on the list of those named for industrial action on Unite's website.
14. The GMB ballot opened on 12 September 2023 and closes on 24 October 2023.
15. Unison has made a statement to say that it will not be holding industrial action as it would not be effective but that it wishes to work with GMB and Unite to resolve the dispute.
16. An offer of 3.5% was accepted by the trade unions representing chief officers on 5 May 2023. This has been implemented for those employees on Chief Officer terms and conditions.
17. Similarly, an offer 3.5% has been made to chief executives, who have indicated they will accept on the proviso that the offer to those on NJC terms and conditions remains the same.

Resource Implications

18. Should the pay awards be agreed as outlined above, it is estimated that this will increase the pay bill by £1.35m as well as oncosts.

Recommendations

19. The Employment Committee is asked to:
 - a. Approve the Pay Policy Statement 2024/25 for submission to the County Council for approval at its meeting on 6 December 2023; and
 - b. Note that, following agreement of the 2023/24 pay offer at national level, the 2023/24 pay structure incorporating the NJC 2023/24 pay award will be circulated to the Committee.

Background Papers

None.

Circulation under Local Issues Alert

None.

Equality Implications

20. The grading of all posts in the Council, except Centrally Employed Teachers, is determined using the nationally recognised Hay Job Evaluation Scheme. This is to ensure that all posts are graded and therefore rewarded financially through a fair and non-discriminatory process, that there is consistency in treatment between posts and that the Council complies with equal pay legislation.

Human Rights Implications

21. There are no human rights implications arising from the recommendations in this report.

Appendix

Pay Policy Statement 2024/25

Officer to Contact

Gordon McFarlane, Assistant Director - Corporate Services
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Appendix A

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Pay Policy Statement - 2024/2025

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Purpose

As a responsible employer Leicestershire County Council is committed to delivering a fair, equitable and transparent policy covering pay and other employee benefits which improves flexibility in delivering services and provides value for money.

Within the framework of its terms and conditions of employment, the Council aims to develop and maintain appropriate pay systems and benefit packages to attract and retain motivated, flexible people who take responsibility, work as a team, improve performance and acquire new skills.

This Pay Policy Statement sets out the Council's policies relating to the pay of its workforce for the period from 1st April 2024 to 31st March 2025, in particular the:

- Remuneration of chief officers;
- Remuneration of the lowest-paid employees;
- Relationship between the remuneration of chief officers and employees who are not chief officers.

The statement meets the Council's obligations under the Localism Act 2011 and will enable the elected members of the Council to make decisions on pay.

The Council's Pay Policy Statement will be agreed by Full Council before the beginning of each financial year and will then be published on the County Council's website ([Click here](#)). The statement may also be amended by Full Council during the course of the year if necessary.

Scope

This statement applies to all employees of Leicestershire County Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services;
- Joint Negotiating Committee for Chief Officers of Local Authorities;
- Joint Negotiating Committee for Local Authority Chief Executives;
- School Teachers' Pay and Conditions (for Centrally Employed Teachers);
- Soulbury Committee.

It is not applicable to employees based in schools and colleges with delegated budgets.

Definitions

For the purposes of this Pay Policy Statement the following definitions will apply:

Remuneration

This includes three elements:

- Basic salary;
- Pension;
- Any other allowances arising from employment.

Chief Officers

Under the Localism Act 2011 a Chief Officer is defined as:

- The head of the Council's paid service designated under section 4(1) of the Local Government and Housing Act 1989;
- Its monitoring officer designated under section 5(1) of that Act;
- A statutory chief officer mentioned in section 2(6) of that Act;
- A non-statutory chief officer mentioned in section 2(7) of that Act;
- A deputy chief officer mentioned in section 2(8) of that Act.

In Leicestershire County Council this definition would apply to the posts set out in [Appendix A](#).

Definition of a Day's Pay

The definition of a day's pay is the hours worked on the day multiplied by the employee's hourly rate of pay.

Lowest Paid Employees

This refers to employees on Grade 2, Pay Point 2. This definition has been adopted as it is the lowest level of remuneration attached to a post within the Council. The lowest pay point value with effect from 1 April 2023 is £10.50, which exceeds the projected National Living Wage rate at that date.

Pay and Grading Structure

The grading of all posts in the Council, except Centrally Employed Teachers, is determined using the nationally recognised Hay Job Evaluation Scheme. This is in order to ensure that all posts are graded and therefore rewarded financially through a fair and non-discriminatory process, that there is consistency in treatment between posts and that the Council complies with equal pay legislation. The scheme is an analytical one that takes into consideration three key elements of a post:

- Know How - the levels of knowledge, skill and experience (gained through work experience, education and training) which are required to perform the job successfully;
- Problem Solving - the complexity of thinking required to perform the job when applying Know How;
- Accountability - the impact the job has on the organisation and the constraints that the job holder has on acting independently.

Part of the guidance from Hay when introducing the scheme was that there should be a minimum of a 33.3% differential between the Chief Executive and the highest paid Chief Officer.

Basic pay is paid in accordance with the evaluated grade of the post. Each grade comprises a range of pay points. A copy of the Council's pay and grading structure is attached at [Appendix B](#).

The introduction of the National Living Wage with effect from 1 April 2016 had a substantial impact upon the Council's pay structure, in particular the lowest pay grades. This was further compounded by the implementation of subsequent pay awards which followed the national pay awards made by the NJC. From 1st April 2019, a revised pay structure was established which ensured that the provisions set out by the NJC pay award for 2019/20 were met.

Annual pay awards for all employees except Centrally Employed Teachers and those employed on Soulbury Committee conditions will be agreed by Employment Committee having regard to any agreement reached by the relevant national negotiating bodies. The current pay award for all employees up to and including Grade 17 follows the national award made by the National Joint Council for Local Government Employees and covers the period up to 31 March 2023.

A pay award covering the same period was agreed for employees on Joint Negotiating Committee (JNC) terms and conditions for Chief Executives.

For employees on JNC terms and conditions for Chief Officers, a pay award of 3.5% was agreed for the period up to 31 March 2024.

Annual pay awards for centrally employed teachers and those on Soulbury Committee conditions will be in accordance with those agreed by the respective national bodies.

Details of the national pay scales for Centrally Employed Teachers are available on the [Department for Education's website](#).

Employees in post when a pay award is due but who subsequently leave the Council before it is implemented are entitled to receive the difference in pay. To claim backdating from their date of leaving they must contact the Employee Service Centre.

Details of senior management remuneration are published annually on the Council's website as part of this Pay Policy Statement and in the [Council's Statement of Accounts](#). A copy of the information for 2022/2023 contained in the Pay Policy Statement is attached at [Appendix A](#).

The 'pay multiple' - the ratio between the highest paid full-time equivalent (FTE) salary (Grade 22) and the median average salary of the Council's workforce - is 1:7.26 (excluding schools).

Remuneration on Appointment

All employees are usually appointed to the minimum pay point applicable to the grade of the post. If the employee is already being paid above the minimum pay point, managers have discretion in some circumstances to appoint to a higher pay point, subject to the maximum of the grade.

Where it is necessary for a newly appointed employee to relocate in order to take up a post, the Council may make a contribution towards the reimbursement of relocation expenses in line with the Relocation Policy and Recruitment and Retention Incentives Policy.

Employment Committee is given the opportunity to consider salary packages over £100,000 before new posts are established and advertised.

Incremental Progression

Centrally Employed Teachers

A locally agreed Pay Policy for Centrally Employed Teachers has been in place since April 2014.

Soulbury Employees

Employees covered by the Soulbury Agreement are eligible to receive annual increments on 1st September each year until they reach the maximum for the grade of their job.

Other Employees

Subject to one year's satisfactory service in the grade, employees are eligible to receive annual increments on 1st April each year until they reach the maximum pay point for the grade of their job. Where circumstances warrant, accelerated increments may be granted by a Chief Officer.

Career Graded Posts

Employees subject to career grade schemes will progress in line with the arrangements for that post.

Additional Payments

Employees are eligible to receive a flat-rate enhancement for working at night.

Employees are eligible to receive enhancements for working on public holidays.

Employees in posts graded 1-9 who work additional hours are eligible to receive payment at plain time rate for hours worked; employees in Grades 10-14 who work additional hours are not eligible to be paid, but may receive time off in lieu (other than in exceptional circumstances, as set out in the Council's Smarter Working Policy); and for employees in Grades 15 and above, there is no entitlement to pay or time off in lieu for working additional hours. Details of these provisions are set out in the Council's Pay Arrangements Policy.

Employees required to "sleep in" on the premises receive an allowance as agreed by the National Joint Council for Local Government Services.

Employees required to participate in a standby rota due to the nature of their job will receive an allowance based on that agreed by the National Joint Council for Local Government Services as part of the annual pay award.

Other Allowances

All senior officers on grade 18 and above receive allowances as detailed in the Conditions of Service of the Joint Negotiating Committee for Chief Officers of Local Authorities and the Joint Negotiating Committee for Local Authority Chief Executives.

However, where these conditions are silent, or do not cover an allowance or process, the Chief Executive and senior officers receive the same as those employees covered by the National Joint Council for Local Government Services.

A copy of the School Teachers' Pay and Conditions document can be found on the [Department for Education's website](#). Copies of the conditions of service for all other employees covered by this statement can be requested from the [Local Government Association](#).

Professional Fees

The Council reimburses annual registration or comparable fees to employees who are unable to practise their professions unless such fees are paid. Professional fees are also paid to employees who are being sponsored to undertake training leading to a professional qualification. However, once the qualification has been gained, the individual will become responsible for paying their own professional fees.

The Council pays the annual subscription for Chief Officers to Societies of Chief Officers and similar organisations.

Car Allowances

All posts, including Chief Officers, within Leicestershire County Council may claim mileage paid at HRMC rates for business travel. The Council operates a car benefit salary sacrifice scheme, open to all eligible employees.

First Aid Allowances

Employees who are classified as a 'designated first-aider' are eligible to receive an allowance.

All designated first-aiders (but not appointed persons) will receive an allowance of 1% of the salary for pay point 5, pro rata to hours worked. The allowance will not be used in calculating any enhancements.

Recruitment and Retention Incentives

In exceptional circumstances, where it is demonstrated that recruitment and retention issues are impacting on service delivery, providing all non-pay related options have been explored and discounted, the Council may apply a temporary additional element of pay or pay incentive, paid in addition to basic salary. Details of the below schemes can be found in the Council's Recruitment and Retention Incentives Policy.

Market Supplements

There is provision for the award of market supplements where a job has been evaluated under the Hay Job Evaluation Scheme and the resulting salary is proven to be out of step with the market rate for the job. The award of market supplement is subject to the agreement of the Chief Executive in consultation with the Chairman or Vice Chairman of the Employment Committee. If approved, market supplements are awarded for a period of up to three years.

Golden Hello Payments

A 'golden hello' is a one-off lump sum paid to a new starter on their appointment with the Council. The maximum amount payable is 10% of the employee's salary. Existing employees or those who have returned to the Council within 12 months of their leaving date are not eligible to receive a golden hello payment. The employee will be required to remain in the Council's employment for a period of 2 years otherwise they will be required to repay either all or a proportion of the amount. The award of a golden hello payment is subject to the agreement of the Chief Executive in consultation with the Chairman or Vice Chairman of the Employment Committee.

Retention Payments

A retention payment is a lump sum paid to an employee on completion of a specified period of time in a post or, at set points over a period of time in a post with a requirement to stay in post or, repay all or a proportion of the amount. The maximum amount payable per year is 10% of the employee's salary. The award of retention payments is subject to the agreement of the Chief Executive in consultation with the Chairman or Vice Chairman of the Employment Committee.

Professional Fees

The payment of professional fees may be awarded as a recruitment and retention incentive.

Relocation Expenses

Relocation expenses may be awarded as a recruitment and retention incentive. Further information regarding the scheme is available in the Council's Relocation Expenses Policy

Bonus Payments

The Council does not pay any group of employees a bonus.

Pension Benefits

Centrally Employed Teachers

All Centrally Employed Teachers are eligible to join the Teachers' Pension Scheme. Employees within Leicestershire Youth Service and Leicestershire Adult Learning Service may also join if their role gives eligibility to join the scheme. The scheme is a statutory scheme with contributions from employees and employers. Details of the scheme can be found on the [Teachers' Pension Scheme website](#).

Other Employees

All employees under the age of 75 are eligible to join the Local Government Pension Scheme. The scheme is a statutory scheme with contributions from employees and employers. Details of the scheme can be found on the [Leicestershire County Council Pension Fund](#) site.

The scheme allows for the exercise of discretion on the enhancement of retirement benefits. The Council will consider each case on its merits but has determined that its usual policy is not to enhance benefits for any of its employees.

The scheme provides for flexible retirement. To be eligible to request flexible retirement, the Council requires that an employee must either reduce their working hours by a minimum of 40% and/or be appointed to a post on a lower grade. In applying this provision no distinction is made between employees.

Under the Local Government Pension Scheme, employees who return to work after drawing their pension will not have their pension abated (i.e. reduced or suspended) except where they have been previously awarded “added years”.

The Council does not award “added years” to employees and has not done so since 2006.

Honoraria

Subject to certain conditions, employees (excluding Centrally Employed Teachers) who are temporarily required to undertake some or all of the duties of a higher graded post are eligible to be paid an honorarium. Details of the scheme can be found in the Council’s Honorarium and Acting-Up Policy and Procedure.

Salary Protection

Details of the Council’s salary protection provisions that apply to employees who are redeployed into a new post as a result of organisational change can be found in the Council’s Organisational Change Policy and Procedure.

Details of the Council’s salary protection provisions that apply to employees whose post is downgraded as a result of a grading review can be found in the Council’s Job Evaluation Guidance.

The provisions relating to safeguarding (pay protection) set out in the School Teachers Pay and Conditions Document apply to centrally employed teachers. Other Council employees are eligible to receive salary protection for a period of up to one year if they are redeployed into a lower-graded post, with the amount of protection depending on the difference between the grades of their former job and new job.

Severance Payments

Early Retirement (Efficiency of Service)

The Local Government Pension Scheme allows employers certain discretionary powers but the Council’s usual policy is not to enhance pension benefits for any employee. Therefore, there are no provisions for employees to seek early retirement on the grounds of efficiency of the service.

Redundancy

The Council has a single redundancy scheme which applies to all employees. Redundancy payments are calculated in accordance with the Employment Rights Act 1996 and the 2006 Discretionary Compensation Regulations and are based on the employee’s age, length of continuous local government service and salary. Details of the redundancy scheme can be found in the Council’s Organisational Change Policy and Procedure.

The Council does not provide any further payment to employees leaving the Council's employment other than in respect of accrued annual leave.

Employees who have TUPE transferred into the Council on redundancy terms which are more favourable than those detailed above will retain these provisions as per TUPE legislation.

Full Council will be given the opportunity to vote on severance packages over £100,000 before they are approved.

Special Severance Payments

Special severance payments (additional, discretionary sums paid on top of statutory and contractual redundancy or severance terms including, any payments reached under a settlement agreement and certain PILON payments) of £100,000 and above must be approved by a vote of full council.

Special severance payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment.

Special severance payments below £20,000 must be approved according to the Council's scheme of delegation.

Re-Engagement of Employees

Where employees have left the Council's employment due to voluntary redundancy (with or without release of pension benefits) or settlement agreement within the last 12 months, re-engagement will only be considered in exceptional circumstances where there is a business critical reason. Details can be found in the Council's Policy on the Re-Engagement of Former Employees¹.

The above restriction does not apply where an employee was dismissed on the grounds of voluntary redundancy but without an entitlement to a redundancy payment and/or pension benefits, or where an employee was made compulsorily redundant.

Where it is agreed that a former employee should be offered re-employment with the Council during the 12 month non re-engagement period, the individual will be required to repay either all or a proportion of the severance payment received from the Council. The amount to be recovered will depend on the time that has elapsed since they received the payment. The individual must be advised of this requirement when they are provisionally offered the post.

Any necessary adjustments to pension would be made in accordance with the scheme regulations.

¹ Please note that the term voluntary redundancy does not apply to those employees who have volunteered to be made compulsorily redundant.

Employees who are offered another post with any organisation covered by the Modification Order Act prior to their redundancy leaving date and commence this post within 4 weeks of that date are not eligible to receive their redundancy payment.

Publication and Access to Information

This Pay Policy Statement will be published on the Council's website, together with the Council's pay and grading structure and information relating to senior management remuneration.

Appendix A - Senior Management Remuneration 2022/2023

The information below shows the total pay received by Senior Officers (as defined in the Localism Act) within the County Council for the financial year 2022/23. It does not include Head Teachers. The figures include taxable benefits i.e. lease car payments made for these positions during the year 2022/23.

All the jobs listed below have been ranked in terms of level of responsibility within a job evaluation framework applied to all County Council employees (excluding teaching staff). Rates of pay have then been determined with reference to market rates within similar local government authorities.

Post title	Total Pay £'000
Chief Executive's Department	
Chief Executive	213
Director of Law and Governance	138
Assistant Chief Executive	101
Public Health	
Director of Public Health	143
Corporate Resources	
Director of Corporate Resources – S151 Officer	143
Assistant Director - Corporate Services	126
Assistant Director – IT, Comms, Commercial & Customer Services	120
Assistant Director – Finance, Strategic Property & Commissioning	115
Children and Family Services	
Director of Children & Family Services	143
Assistant Director - Targeted Early Help and Children's Social Care	126
Assistant Director – Education and SEND	101
Adults and Communities	
Director of Adults and Communities	143
Assistant Director - East	101
Assistant Director – Strategic Commissioning	90
Assistant Director - Access Integration and Prevention	90
Environment and Transportation	
Director of Environment and Transportation	143
Assistant Director - Development and Growth	112
Assistant Director - Highways and Transport Operations	101
Assistant Director - Environment and Waste Management	101
Eastern Shires Purchasing Organisation (ESPO)	
Director of ESPO	143
Assistant Director - Procurement & Compliance	101
Assistant Director - Operations	101

Appendix B - Pay and Grading Structure

Leicestershire County Council Grade Structure

April 2022 - March 2023

Grade	Pay Point	Salary from	Hourly Rate
		1 April 2022	1 April 2022
2	1	£20,268	£10.50
	2	£20,268	£10.50
3	3	£20,448	£10.59
	4	£20,604	£10.67
4	5	£20,817	£10.78
	6	£21,006	£10.88
5	7	£21,192	£10.98
	8	£21,579	£11.18
6	9	£21,972	£11.38
	10	£22,374	£11.59
7	11	£22,782	£11.80
	12	£23,199	£12.02
	13	£23,625	£12.24
	14	£24,057	£12.46
8	15	£24,501	£12.69
	16	£25,413	£13.16
	17	£25,881	£13.41
	18	£26,850	£13.91
9	19	£27,858	£14.43
	20	£28,374	£14.70
	21	£29,445	£15.25
	22	£30,078	£15.58
10	23	£31,134	£16.13
	24	£32,259	£16.71
	25	£33,447	£17.32
	26	£34,734	£17.99
11	27	£35,484	£18.38
	28	£36,309	£18.81
	29	£37,197	£19.27
	30	£38,157	£19.76

12	31	£39,282	£20.35
	32	£40,470	£20.96
	33	£41,745	£21.62
	34	£43,128	£22.34
13	35	£44,478	£23.04
	36	£45,882	£23.77
	37	£47,358	£24.53
	38	£48,939	£25.35
14	39	£50,454	£26.13
	40	£52,062	£26.97
	41	£53,769	£27.85
	42	£55,614	£28.81
15	43	£57,354	£29.71
	44	£59,187	£30.66
	45	£61,104	£31.65
	46	£63,102	£32.68
16	47	£65,541	£33.95
	48	£68,136	£35.29
	49	£70,911	£36.73
	50	£73,983	£38.32
17	51	£77,178	£39.98
	52	£80,526	£41.71
	53	£84,042	£43.53
	54	£87,729	£45.44

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EMPLOYMENT COMMITTEE – 28 SEPTEMBER 2023

STAFF SURVEY 2023

REPORT OF THE CHIEF EXECUTIVE AND DIRECTOR OF CORPORATE RESOURCES

Purpose of the Report

1. The purpose of this report is to provide the Committee with a summary of the outcomes and actions identified from the 2023 staff survey.

Policy Framework and Previous Decisions

2. The People Strategy was approved by the Employment Committee at its meeting in December 2020. The results from the 2023 staff survey will be incorporated into departmental action plans and these will be used to further support the key aims of the People Strategy.

Background

3. A full staff survey is carried out every two years across the Council. The 2023 Staff Survey, which ran for 7 weeks from 23 May, was the tenth staff survey and had a response rate of 46%, with 2,804 staff completing the survey. This is an increase from 38% (2,323 staff) in the 2021 survey.
4. The questionnaire has remained broadly the same although with the addition of two questions on the wellbeing offer to staff and an expanded question about sources of bullying and harassment at work.
5. There was an increased response rate for all departments. Public Health and Chief Executive's Department had the highest response rates overall (at 66% and 64% respectively).
6. As was the case in 2021, the detailed results are being made available to all staff and managers. Line managers will be asked to review the results for their areas and develop appropriate local actions. The headline summary shows:
 - i. Improvement in the overall result since the last survey in 2021, although not statistically significant. The average for questions 1 to 21 is 82.8% (+0.6% points since 2021). There are a number of significant changes for individual questions.

- ii. Respondents of grade 13 or above and those aged 16-34 are significantly more positive than average.
 - iii. Colleagues with disabilities are still significantly less positive than average.
 - iv. Respondents from the Public Health Department are significantly more positive than average.
7. The survey was divided into three sub-sections over 21 questions, exploring views on My Council, My Manager and My Job. Appendix A shows the results overall. In summary:
 - i. Under 'My Council' the highest scoring areas identified were:
 - 93.3% said the Council is a good employer;
 - 92.7% said they know how to access wellbeing services for staff;
 - 92.5% said they believe the Council is committed to equality and diversity.
 - ii. For 'My Manager' the areas scoring highest were:
 - 91.5% believed their manager supports flexible working;
 - 88.9% believed their manager values their opinions and ideas;
 - iii. Under 'My Job' staff said:
 - 92.4% felt trusted to carry out their job effectively;
 - 90.6% said they felt they were treated with fairness and respect.
8. The areas identified with the lowest ratings across the Council remained fairly consistent with the lowest rated responses in 2021. In summary:
 - i. 60.8% said stress at work does not affect their job performance, a significant increase (improvement) of 2.3 % points since 2021;
 - ii. 62.4% said they felt that change is well managed in the Council, a significant decrease of 2.5 % points since 2021;
 - iii. 67.0% said they felt safe to speak up and challenge the way things were done, similar to 2021; and
 - iv. 70.6% said they thought the reasons for change were well communicated, a significant decrease of 3.7 % points since 2021.

9. A number of areas saw statistically significant increases since 2021. Appendix B shows the percentage point change for questions 1-21. In summary:
- i. A 4.9 % point increase in those that said they have got their work/life balance about right, the highest ever result (80.0%);
 - ii. A 2.4 % point increase in those that said they have a say in deciding how they can work most effectively, also the highest ever result (86.4%);
 - iii. A 2.3 % point increase (improvement) in those that said stress at work does not affect their job performance (60.8%).
10. A number of areas saw statistically significant decreases since 2021, however, these results all remain higher than in 2019. In summary:
- i. A 3.7 % point decrease in those that feel the reasons for change are well communicated (70.6%)
 - ii. A 2.8 % point decrease in those that believe the Council values its staff (78.4%)
 - iii. A 2.5 % point decrease in those that feel that change is well managed in the Council (62.4%)

Bullying & Harassment, Discrimination and Job Factors

11. In summary:
- i. 9.7% experienced bullying or harassment at work in the previous 12 months (no significant change from 8.3% in 2021).
 - ii. 27.4% experienced some form of discrimination in the workplace in the previous 12 months (no significant change from 28.0% in 2021).
 - iii. Job factors that 'matter a great deal' were:
 - Job satisfaction (78.7%) a significant decrease of -2.4% points since 2021;
 - Pay and benefits (64.5%) a significant increase of 6.2% points since 2021, possibly reflecting cost of living pressures;
 - Career development (40.4%);
 - Work/life balance (82.1%).

Employees with Disabilities

12. Employees with disabilities are still significantly less positive on almost all questions. The largest gaps to the average results are:
- i. 'Stress at work does not affect my job performance' (47.7% for disabled staff compared to 60.8% for all staff, -13.1 % points);
 - ii. 'I think it's safe to speak up and challenge' (57.7% for disabled staff compared to 67.0% for all staff, -9.3 % points);
 - iii. 'I feel I have got my work/life balance about right' (71.1% for disabled staff compared to 80.0% for all staff, -8.3 % points);
 - iv. Colleagues with disabilities are significantly more likely to have experienced bullying and harassment (17.0%, +7.4 % points) and discrimination (44.3%, +16.8% points) than the workforce averages of 9.7% and 27.4% respectively.
13. The results for employees with disabilities have, however, improved significantly since 2021, with this demographic group being the only one to show a statistically significant improvement in the overall average score for all questions (+4.4 % points to 77.3%). In summary:
- a) There have been significant improvements for employees with disabilities in 10 of the 21 core questions. The largest increases were:
 - i. A 10.2% point increase (to 84.7%) in those satisfied with the opportunities for flexible working (compared to -0.5 % point decrease to 90.3% for non-disabled staff);
 - ii. A 9.1% point increase (to 71.7%) in those that felt they have got their work/life balance about right (compared to a 5.2% point increase to 82.2% for non-disabled staff);
 - iii. A 8.3% point increase (to 89.3%) in those who feel their manager supports flexible working practices (compared to a -1.3% point decrease to 92.0% for non-disabled staff).
 - b) There has also been a 4.0% point decrease (to 17.0%) in the percentage of disabled employees reporting they have experienced bullying & harassment at work and a 13.9 % point decrease (to 44.3%) in the % of disabled employees experiencing discrimination.

Timetable for Decisions

14. An Action Plan will be developed in response to the survey findings, and this will be presented to the Employment Committee in Spring 2024.

Summary

15. The survey highlights a number of positive areas and the direction of travel since the 2021 survey is generally positive. Work to build on these results and to address specific areas of concern is underway with HR Business Partners identifying the top issues for consideration with each of their departments and actions required. The survey results will be made available to all staff and Members via interactive dashboards.

Recommendations

16. The Committee is asked to note the summary of the outcomes and actions identified from the 2023 staff survey and to support the approach being taken to address the findings of the survey.

Background Papers

17. None.

Circulation under the Local Issues Alert Procedure

18. None.

Equality Implications/Other Impact Assessments

19. The People Strategy and subsequent actions arising from the Staff Survey are subject to Equality Impact Assessments. Any actions that recommend changes to existing practice, processes or procedures as a result of the staff survey action plans will be subject to a full Equality and Impact Assessment as required.

Human Rights Implications

20. Any actions that recommend changes to existing practice, processes or procedures as a result of the Staff Survey Action Plans will be subject to a full Equality and Human Rights Impact Assessment as required.

Appendices

- Appendix A – All questions summary
- Appendix B – Percentage point change

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Appendix A - All questions summary

All questions by year and department

Results for LCC



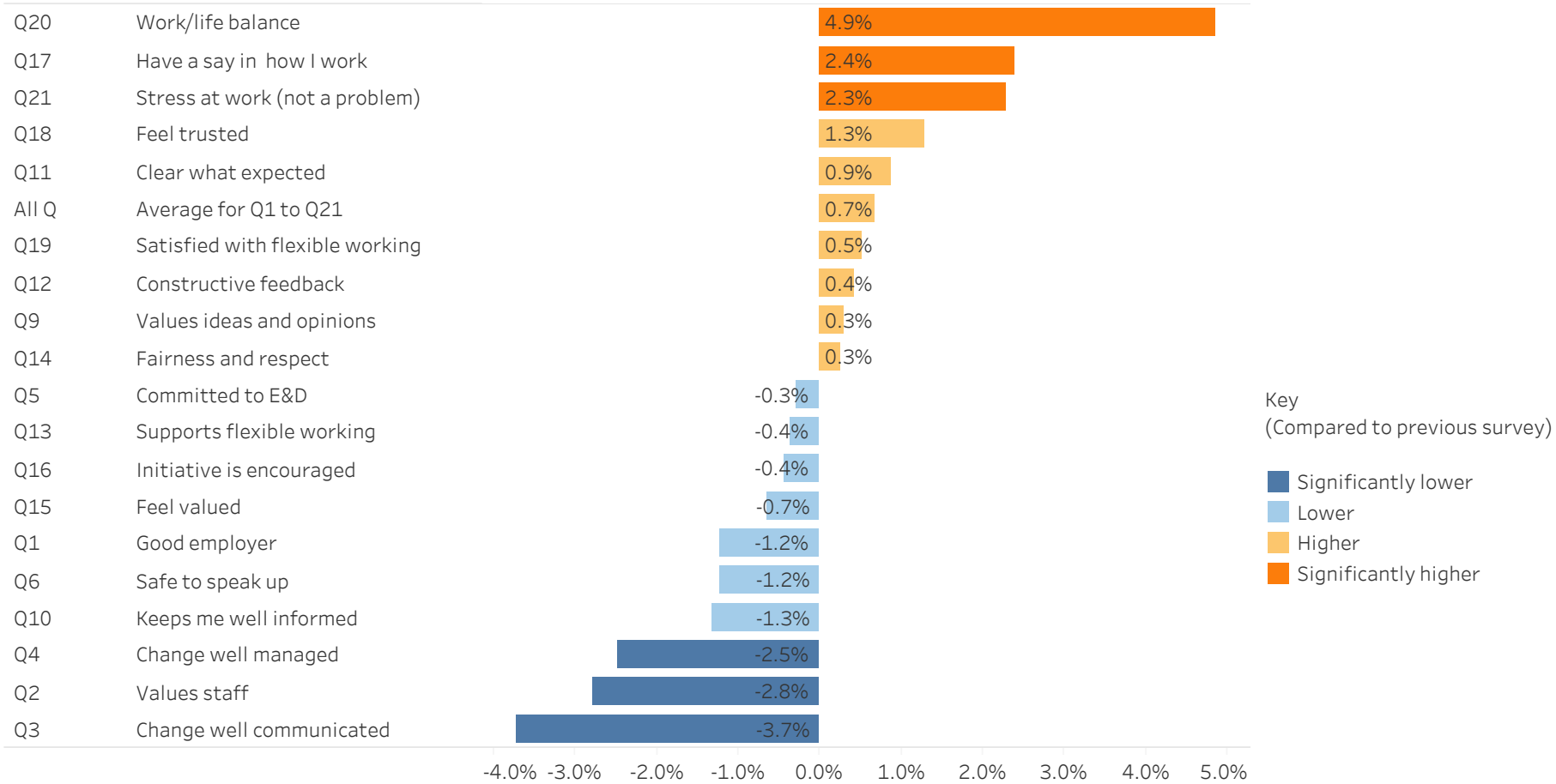
Vertical grey line is the average for Q1 to Q21 for the department selected.

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Appendix B - Percentage Point Change Summary

Percentage point change over time (Q1 to Q21)

LCC, Total change over time 2023 (percentage point difference compared to previous survey)



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EMPLOYMENT COMMITTEE – 28 SEPTEMBER 2023

TRANS AND NON-BINARY POLICY FOR PEOPLE USING COUNCIL SERVICES

REPORT OF THE CHIEF EXECUTIVE

Purpose of the Report

1. The purpose of this report is to provide the Employment Committee with an overview of the Council's recently adopted policy and staff guidance on working with trans and non-binary people who use Council services. The policy is appended to this report for information.

Policy Framework and Previous Decisions

2. The Council's Equality Strategy 2020-24 sets out the commitment and strategic approach to embedding equality, diversity, and inclusion in all Council services. The strategy is supported by annual Action Plans. The Plan for 2022-23 identified the need to produce updated policy and guidance on working with people who are trans or non-binary. The Policy compliments the existing Trans Equality Policy on staffing and employment.
3. Leicestershire County Council is currently in the top 100 of the Stonewall Workforce Equalities Index and is rated, by them, as the top local authority in England for 2023. The Council has also been shortlisted for the Local Government Chronicle 'Employer of the Year' award in the category of Equality, Diversity and Inclusion. Within the Council, there is an enduring commitment and leadership on these issues. The Trans and Non-Binary Policy was adopted on 27 April 2023 and is an integral part of the work on these issues.

Background

4. There is growing national interest and awareness of issues relating to people who are trans (those that identify with a gender which is different from that assigned at birth) and non-binary (those that do not identify with one fixed gender). A staff "Big Conversation" event heard directly from people with lived experience. It highlighted the value of adopting clear policy and guidance on the issues relating to the provision of services to people who trans and non-binary. The topic was also raised by the LGBTQ+ Staff Network and discussed by the Corporate

Equalities Board. The decision was made to produce specific policy and guidance for Leicestershire County Council, based on national guidance and current practice.

5. The aims of the Policy are to protect and support people, comply with the legal framework, and to inform and advise staff on issues that might be encountered. It includes important sections on understanding that gender identity is different from sexual orientation, and that both Trans and Non-Binary people may encounter preconceived ideas and stereotyping from others. It also discusses the range of ways that trans and non-binary people may experience discrimination or harassment and sets out a code of conduct for staff, covering issues such as record keeping, use of pronouns and working with carers.

Consultation

6. The Policy was subject to a full Equalities Impact Assessment and public consultation. There were constructive comments on the Policy during the consultation with the view that it was concise, easy to follow, respected the rights of people, and was timely in view of the national political discourse. There were some comments on the accuracy of a glossary of terms, and this was subsequently omitted from the definitive version.
7. The Policy is being implemented through a series of staff workshops and dissemination through departments. It will be incorporated into the mandatory training programme for all staff on equality and diversity. It will be kept under review by the Corporate Equalities Board.

Resource Implications

8. There are no resource implications related directly to the Policy.

Recommendations

9. Members are asked to note the Council's recently adopted Policy and staff guidance on working with trans and non-binary people who use Council services.

Background Papers

Equality Strategy 2020- 2024:

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2022/4/11/equality-strategy-2020-2024.pdf>

Circulation under the Local Issues Alert Procedure

10. None.

Equality Implications

11. The Policy was subject to a full Equalities Impact Assessment Process. This showed that it should have a positive impact on supporting trans and non-binary people in the community. There may be challenges for people whose religion or belief does not support the acceptance of argument that gender is fluid. However, the overarching Equality Strategy and this Policy can be used as a framework to resolve particular cases and situations as they arise.

Human Rights Implications

12. The policy considered aspects of the Human Rights Act 1998. These are:
 - Article 3 Freedom from torture and degrading treatment
 - Article 8 Respect for private and family life
 - Article 9 Freedom of thought, belief and religion.

The policy is compatible with these rights and aims to protect the human rights of people who are trans and non-binary.

Health Impact Assessment

13. If trans and non-binary people are accepted and supported by Leicestershire County Council, this is likely to have a positive impact on their health and wellbeing.

Appendix

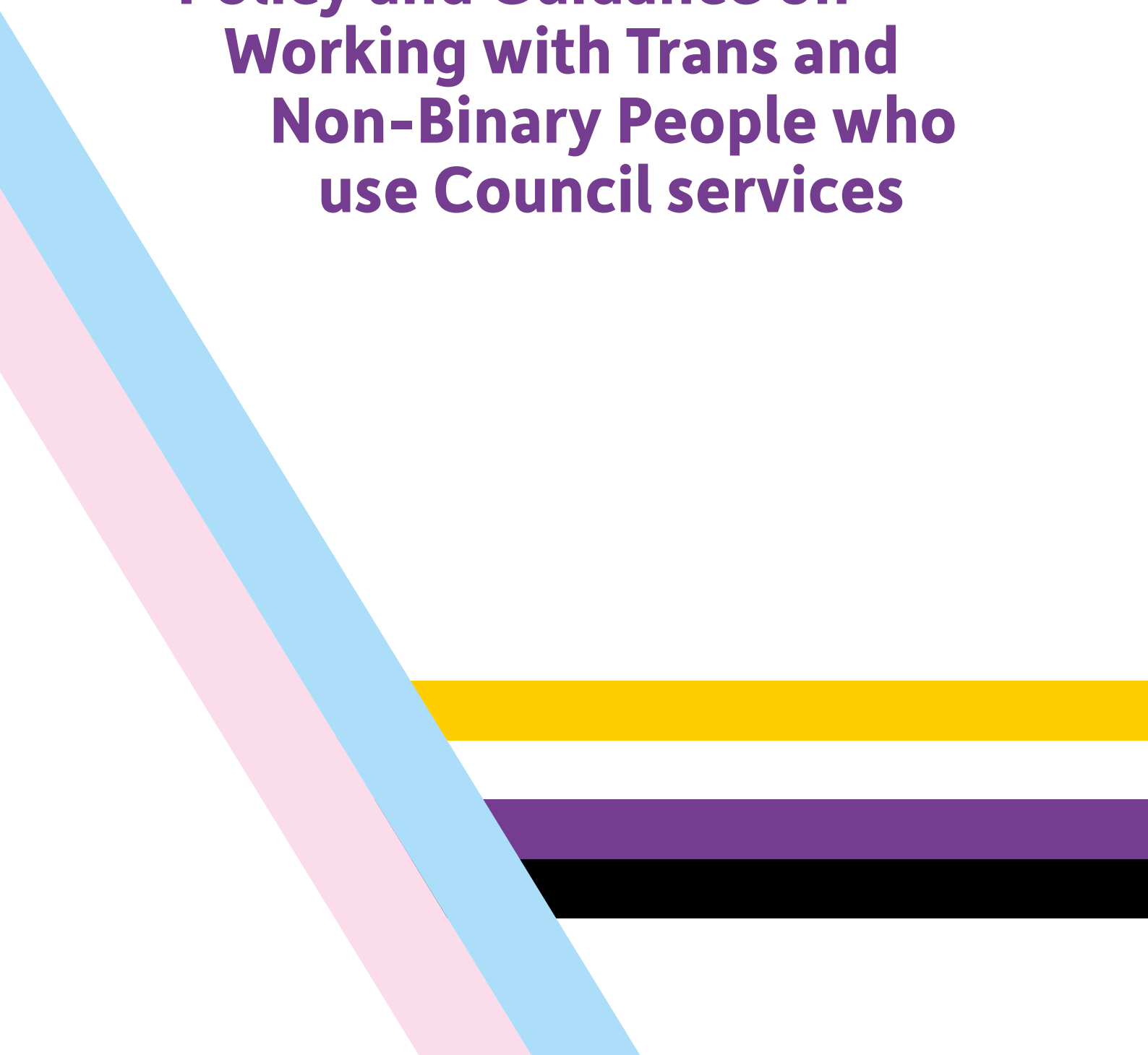
Policy and Guidance on Working with Trans and Non-Binary People who use Council Services.

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Policy and Guidance on Working with Trans and Non-Binary People who use Council services



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Introduction

Leicestershire County Council has a strong commitment to equality, diversity, and inclusion in the services it delivers and the support it provides to the people of Leicestershire. This commitment is embodied within our core values, strategic plan, and equality strategy. The Council's strategic plan reflects the Council's four core values and behaviours:

- Positivity
- Trust and Respect
- Openness and Transparency
- Flexibility

The Strategic Plan 2022-26 commits the Council to work towards key outcomes. These include creating "Great Communities" where "diversity is celebrated, and people feel safe and included". This reflects the Council's view that everyone deserves to be treated fairly and that people are happier when they can be themselves without fear of discrimination or inequality. The plan also contains the commitment to keep people "Safe and Well": that people can be safe in their daily lives and those at risk are protected from harm.

The Equality Strategy 2020-2024 and Action Plan show how the Council is putting these aspirations into practice. This includes the development of specific policies relating to those who are more likely to experience discrimination or harassment. This policy and guidance relate to those who identify as trans or non-binary. This policy applies to all services delivered by or commissioned by Leicestershire County Council.

Purpose of this policy

This policy aims to:

- protect trans and non-binary people who use our services from discriminatory treatment or practices
- support trans and non-binary people and enable them to be always treated with dignity and respect
- enable a person's personal data and records (such as change of title, name, gender) to be treated with due confidentiality
- comply with the broader legal requirements in relation to the protected characteristic of gender reassignment
- raise awareness and promote understanding of trans and non-binary identities among employees

Governance

The Corporate Management Team has responsibility for approving this policy as part of the Council's equalities strategy. The Corporate Equalities Board will co-ordinate implementation of the policy and monitor impact. The policy and guidance will be reviewed every four years. Relevant stakeholders, including the Leicestershire Equalities Challenge Group and the staff LGBT+ network will be engaged as part of this review.

Legal framework

The Equality Act 2010

The Equality Act 2010 protects people based on gender reassignment from direct and indirect discrimination and harassment. This includes discrimination by association and discrimination against people perceived to have the protected characteristic of gender reassignment¹

The Act provides an explanation of who is covered under the gender reassignment protected characteristic. It says a person who “is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex.

This means anyone who has, is in the process or, or intends to transition. Transitioning is the steps a trans person may take to live in the gender with which they identify. Each person’s transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently, and changing official documents.

Discrimination means treating a person less favourably because of their protected characteristic. In the case of trans people, this means treating them less favourably than someone who is not undergoing, or who has not undergone, gender reassignment. This protection applies from the moment at which the person indicates they intend to start the process of gender reassignment.

Indirect discrimination would apply where a workplace provisions, criterion or practice that applies equally to everyone puts a trans or non-binary employee at a disproportionate disadvantage when compared to others. One possible example of indirect discrimination might be requiring all staff to wear an ID badge showing the staff member’s face as it appeared on the day the staff member joined the Council.

There are certain exceptions under the Equality Act where organisations and services are allowed to treat trans or non-binary individuals differently in terms of access to services for them – including separate and single sex services and the provision of communal accommodation. – only where this is proportionate and can be objectively justified. The exceptions are likely to apply only in exceptional situations and should not be used in any other way.

¹ Gender reassignment is the legal term used in the Equality Act. While we use it when referring to legislation, ‘gender identity’ is a more appropriate, inclusive, and well-understood term. It is normal to use everyday words to describe the law, as everyday language tends to develop along with societal progress, and legal language often remains static.

Harassment

For the purposes of the Equalities Act, harassment refers to unwanted conduct related to a relevant protected characteristic, and which has the effect of violating a protected person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the protected person.

Harassment has a separate definition under criminal legislation (i.e., a course of conduct which amounts to harassment and which a person knows or ought to know amounts to harassment).

More simply however, when the Council refers to harassment in the context of trans or non-binary people, it is referring to situations where a person engages in unwanted conduct such as physical contact, verbal abuse, inappropriate remarks, humour, or innuendo, against another person in relation to their protected characteristic.

The Gender Recognition Act 2004

The Gender Recognition Act 2004 provides trans people with legal recognition of their affirmed gender “for all purposes” including marriage, civil partnership, and registration of death, by enabling them to apply for a Gender Recognition Certificate (GRC). Holders of a GRC also have specific protection in law.

Any disclosure of information by a person who has acquired information in an official capacity about a person's gender history without their consent is a criminal offence. Revealing information about a person's gender reassignment status is commonly known as “outing.” Trans people should not be made to obtain, or feel that they should obtain, a GRC, other than where there is a formal requirement to have one.

UK General Data Protection Regulation (UK GDPR) and The Data Protection Act 2018

Under the UK GDPR and Data Protection Act 2018, personal data can only be legally processed provided it falls under one or more of the six lawful bases. Processing special category data requires an additional lawful basis under Article 9 of the UK GDPR.

Trans and non-binary personal data on its own are not considered special category personal data. However, in some cases gender identity data may constitute special category data, such as where it relates to health data. For this reason, gender reassignment and any information relating to a person's gender history is generally regarded as ‘special category data’ which can only be lawfully processed under the lawful bases of Article 6 and 9 of the UK GDPR.

Any information processed, asked for and provided must only be used for a clear and specific purpose. It must be accurate and kept up to date, kept for no longer than the purpose to which it relates, and stored securely.

Context and key definitions

Understanding Trans

Although there is no precise definition, “Trans” or transgender is a widely accepted umbrella term to describe anyone whose gender identity does not match the gender they were assigned at birth. It includes people at any stage of changing their gender on a permanent basis.

Trans is not a lifestyle choice or imply any specific form of sexual orientation. There is a recognised condition known as ‘gender dysphoria.’ This is where someone’s emotional and psychological identity does not match with their biological sex, causing them anxiety, discomfort, and distress. It can also be described as gender variance. This variance may be manifested in the feeling of being trapped in an uncomfortable or wrong biological body, or experience social expectations or assumptions about how someone should behave based on perceived gender.

Under the current law, where a person over 18 years of age, has been diagnosed with gender dysphoria and has lived in the acquired gender for an appropriate period, they have grounds for making an application for a gender recognition certificate.

Understanding non-binary

At its simplest, non-binary in gender terms means not identifying with biological or socially based categories of male or female. It can also be regarded as a form of trans identity – although not all non-binary people identify as trans – as well as being used as an umbrella term itself covering other, more individual, or self-defined identities such as genderqueer, gender-fluid, pangender, neutrois or agender.

Understanding gender reassignment

To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Some people choose to take hormone replacement therapy (which has both physical and emotional effects) or, less commonly, gender confirmation surgery as part of their individual transition but neither of these treatments are essential for a person to identify or be defined as trans.

What trans is not

Being trans or non-binary should not be confused with a person's sexual orientation (who they are attracted to), nor is it something that is 'easy' to do or be. An individual's trans journey can take years before, with or without any specific interventions, they feel comfortable with who they are and how others see them. Nor is being trans or non-binary something new – LGBT identities have existed, mostly out of sight, for many years in societies and settings around the world.

Some of the barriers faced by trans and non-binary people

Trans and non-binary people report a range of experiences which may be considered discrimination, prejudice, or harassment. These include:

- Being ridiculed or mocked for their physical appearance, mannerisms, or attire
- Being isolated or ignored by an organisation
- Being considered a sexual risk to others simply because they are trans
- Being refused a service because other service users might feel uncomfortable
- Being consistently misgendered or referred to with the wrong pronouns
- Being told that they are not serious about their transition – that it is “just a phase” or they are “dressing up” or “seeking attention”
- Having trans status and journey disclosed and discussed by others without consent or compelling cause.

Code of conduct

Staff behaviour

Leicestershire County Council has zero tolerance to any form of discrimination, bullying, harassment, violence or hate crime, and has policies in these areas which are inclusive of trans and non-binary people.

Trans and non-binary people have equal rights to protection from harassment, discrimination, and victimisation as any other people. Staff should treat trans and non-binary people using our services with dignity and respect and act in accordance with the Council's policies and their professional or occupational standards. Providing person-centred and compassionate care is one of the most powerful ways of supporting individuals. It is unacceptable for staff to treat trans or non-binary people using our services less favourably due to personal, cultural, or religious attitudes or beliefs.

Confidentiality

Details relating to an individual's trans status are confidential and may be classified as one of the special classes of personal data under the UK GDPR. This should only be shared with others with the consent of the individual involved, if the information is relevant to the care provided to the person.

Inappropriate disclosure of information about the gender history of a person using the Council's service with a gender recognition certificate is a criminal offence for which staff members can be subject to a criminal investigation by the Information Commissioner's Office and they can be personally prosecuted. This information can only be disclosed by certain staff in strict circumstances when consent has been sought and the transmission of data is required for the care of the trans person.

Expert advice can be provided by the Council's Information Governance Team.

The Council's guidance for staff includes the following:

- Use gender neutral language unless you know the person's preferred gender. (For example: start a letter "Dear resident" rather than "Dear Sir/ Madam")
- If you do make a mistake, apologise, correct yourself and move on. Think about what you can learn from the experience afterwards but do not over-apologise in the moment.
- Keep things open – there are a vast range of experiences within the LGBTQ+ community. If something comes up it is okay to say, "I have an understanding of non-binary, but could you tell me a little more about what that means for you?"

Record keeping

Most documentation and records can easily be changed on request without specific proof being required of a trans person's gender identity. Services that do require a formal document will explain this clearly and sympathetically to service users.

Any records that hold personal details should be changed when service users share their new identity. Records will include systems that may contain names, titles, and other personal identifiers such as photographs.

Facilities

Trans people have equal rights to access single gender toilets or showers as any other person. Consequently, trans people should be able to use the facility appropriate to their identified gender. There may be some circumstances where it is lawful to exclude a trans person from single gender toilets or showers of their identified gender but only if this proportionate means of achieving another legitimate aim. Any decision to do this must be made on a case-by-case basis following an objective and evidence-based assessment of the circumstances and relevant information.

Working well with trans people's carer and relatives

Some trans people may not have informed family members of their intention to transition. It is therefore important that staff ask people how they would like staff members to work with their family. Staff should not intentionally or unintentionally "out" someone to their family. It may be helpful to refer to the person using our service by their preferred name, as opposed to using pronouns, when speaking with the family and to ensure that all correspondence uses gender neutral pronouns. If the family member or carer of the person using our service does not support the intention to transition, the person using our service's preference should be accepted. It is important for staff, supported by their manager, to explain the Council's position on supporting trans people to family or carers, stating that the Council has legal obligations, whilst remaining sensitive to the way this is explained to the family, showing respect for their perspective and view.

People using our services that have difficulties accepting trans or non-binary people

This may put the trans or non-binary person at risk, so it is important to spend time with the person who has this difficulty so that you can support them to understand the benefits of good inclusive practices and why the Council embraces this. A trans or non-binary person should not be moved solely in response to this enhanced risk, and if it is deemed necessary to move someone, the focus should be on the person exhibiting prejudicial behaviours not the person affected by them. It may also be prudent to begin to help improve awareness and attitudes of people towards trans and non-binary people.

Titles and pronouns

The Council has produced guidelines on the use of gender-inclusive language. This is helpful when addressing all service users – not only trans and non-binary people. The Council will not assume a person's gender identity and will ask for people's titles and pronouns.

Support for staff

Support is available for staff who wish to know about this policy and its application from the following resources:

- Your line manager
- Your Departmental Human Resources Advisor
- The Corporate Policy Team in Chief Executive's Department
- The LGBT+ Staff Network

Support groups for service users

Support for service users is available from the following organisations

- **Leicester LGBT Centre**,
15 Wellington Street, Leicester LE1 6HH Email: info@leicesterlgbtcentre.org Tel: 0116 254 7412
- **Stonewall**
- **Equality and Human Rights Commission**
- **Mermaids**

List of Terms

Stonewall has produced a list of terms related to LGBTQ+ issues.



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EMPLOYMENT COMMITTEE – 28 SEPTEMBER 2023

ORGANISATIONAL CHANGE POLICY AND PROCEDURE

SUMMARY OF ACTION PLANS

REPORT OF THE CHIEF EXECUTIVE

Purpose of the Report

1. The purpose of this report is to present the Employment Committee with an update of the current Action Plans which contain provision for compulsory redundancy and details of progress on their implementation.

Policy Framework and Previous Decisions

2. At its meeting on 11 February 2010, the Committee approved a new Organisational Change Policy and Procedure (replacing the 'Policy in the Event of Redeployment and Redundancy') together with revised arrangements through which the Committee would exercise its oversight of the implementation of that procedure. In accordance with that decision, summaries of current Action Plans are attached to this report.

Background

3. Following the decisions made on 11 February 2010, the arrangements also involve presenting a summary of any outstanding comments/concerns raised by members of the Committee.
4. There are no outstanding comments/concerns on this occasion.
5. Members are asked to indicate where they wish a representative of the department concerned to be present to answer any questions in relation to any particular Action Plan, if they have not already done so.

Recommendations

6. That the update provided on the current Action Plans which contain provision for compulsory redundancy, and details of progress in their implementation, be noted.

Background Papers

7. None

Circulation under the Local Issues Alert Procedure

8. None.

Equality Implications/Other Impact Assessments

9. The Organisational Change Policy and Procedure is designed to ensure that changes which impact on employees are implemented in a fair and non-discriminatory manner.

Human Right Implications

10. There are no human rights implications arising from the recommendations in this report

List of Appendices

Appendix A – Summary of Current Action Plans - Implementation Completed.

Appendix B – Summary of Current Action Plans - Implementation Underway.

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EMPLOYMENT COMMITTEE – 28 September 2023

SUMMARY OF CURRENT ACTION PLANS - IMPLEMENTATION COMPLETED

Action Plan	Date Approved	Actual Completion Date	Outcome Number of compulsory redundancies
Adults & Communities - Green Plaque Scheme	30/03/2023	04/08/2023	1
Corporate Resources - Operational Property - Print and Post Service		30/06/2023	2
Chief Executives - Democratic Services HOS	01/02/2023	31/05/2023	0
Corporate Resources - Digital Services Management		31/05/2023	0
Public Health - Active Together	01/07/2023	02/08/2023	0

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EMPLOYMENT COMMITTEE – 28 September 2023
SUMMARY OF CURRENT ACTION PLANS - IMPLEMENTATION UNDERWAY

Action Plan	Date Approved	Current Position	Next Steps	Predicted Compulsory Redundancies
Corporate Resources - EMSS	23/01/2023	Planning stage, EHRIA and HR1 to be completed. Unions have been advised. Action plan needs completing.	Supporting those in CR positions with finding redeployment opportunities.	4
Children & Families - Edge of Care	07/07/2023	Consultation started 12/7/2023		
Adults & Communities - Charnwood Community Life Choices Services	10/05/2023	Consultation launched 18/05/2023.	Mid consultation meeting 01/06/2023	11
Adults & Communities - Roman Way Community Life Choices Services	23/05/2023	Launched 09/06/2023.	"Mid consultation 23/06/2023	

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