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Guildford Borough Council

Report to: Executive
Date: 3 October 2024
Ward(s) affected: All
Report of Assistant Director of: Strategy & Corporate Services
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Status: Open
Key decision: No

Officer Resource: Interim Approach to creating Joint Posts

1. Executive Summary

1.1 Guildford Borough Council (GBC) and Waverley Borough Council (WBC) recently approved a restructure in Legal and Democratic Services. This restructure included the introduction of Joint Posts and noted that there was a dependency on a salary benchmarking exercise to confirm what salary uplift should be applied to these new joint posts.

1.2 This restructure took place alongside an ongoing review of the Transformation and Collaboration Programme. A key component of that programmes is a review of the harmonisation of working practices. The restructure in Legal and Democratic Services is not the only restructure that provides an opportunity for the implementation of joint posts.

- 1.3 Whilst the creation of joint posts presents a further enhancement in the collaborative working across both councils, it does present some risks. Officers are actively working on scoping a programme of work around the harmonisation of working practices and a separate report will come to the Executives of both Councils later in the year.
- 1.4 To assist this related work, CLB agreed a number of key principles in July 2024 as follows:
- That all future joint posts should be created using Waverley terms and conditions of employment. This updates previous papers and decisions and aligns with the structure of JLT posts.
 - That there should be updated interim policies and processes that will underpin the creation of new joint posts and they will remain valid only until the conclusion of the broader terms and conditions of employment programme (further information is included in Appendices 1 and 2 of the Salary Benchmarking report).
 - That the additional payment made be called a 'Special Responsibility Payment'. This definition will only be used in the context of new joint posts as under normal circumstances an honorarium payment is made for special responsibilities for an agreed period of time.
- 1.5 This paper sets out at a high level those interim policies and processes, the range of options considered, and sets out relevant financial and HR considerations. A small number are included as Appendices for information.

2.0 Recommendations

Each Council's Executive is recommended to resolve:

- 2.1 To note the findings of the benchmarking report and agree the Head of Paid Service's recommendation that Joint Posts will be appointed to Waverley Terms and Conditions of employment with a 10% uplift on salary as set out in para 6.3 of this report and in Appendix 1.

- 2.2 To support the Head of Paid Service's proposal to introduce a new interim Policy for creating Joint Posts as set out in para 6.4 of this report.
- 2.3 To support the Head of Paid Service's proposal to introduce a Joint Posts job evaluation competency framework as set out in para 6.5 of this report.
- 2.4 To support the Head of Paid Service's recommendation to implement an Interim Joint Post Salary Grades and Scales Structure as set out in para 6.6 of this report and in Appendix 2.
- 2.5 To support the Head of Paid Service's proposal to introduce an Interim Restructure Policy for joint posts as set out in out in para 6.7 of this report.
- 2.6 To note that updates will be made to the statutory Pay Policy documentation for GBC and WBC and that these documents be presented to their respective Full Council meetings for approval as set out in this report and in Appendices 3 and 4.
- 2.7 To note that work is underway to update the inter-authority s113 agreement and that the details of new joint posts will be included in that document as set out in para 6.4.5 of this report.

3.0 Reasons for Recommendations

- 3.1 The salary benchmarking exercise undertaken concludes the outstanding action from the Officer Resource: Legal & Democratic Services paper presented to GBC Executive on 16 May 2024 and WBC Executive on 7 May 2024.
- 3.2 The salary benchmarking paper sets out findings which reduces the costs of the new Legal and Democratic Services structure. This is set out in Appendix 1.
- 3.3 Corporate Leadership Board (CLB) has recognised that we need to make long-term decisions relating to how we best harmonise working practices across GBC and WBC. However, we also need to be able to respond to short term pressures from across the councils to implement joint roles across both councils, where CLB agrees that it is appropriate and that there is an urgent and evidence-based need for joint posts to be implemented.

3.4 Therefore, we need to ensure that for a temporary period of time we have appropriate policy, process, and systems in place to ensure that any joint post arrangements are applied consistently, are underpinned by sound governance, are affordable and in line with both councils' statutory duties relating to best value. Additionally, we need to mitigate against any possible risks associated with collaborating across two councils with different job evaluation and salary structures (e.g. equal pay).

4.0 Status

4.1 There is no exempt information contained in this report.

5.0 Strategic Priorities

5.1 This work supports both Council's 'A Resilient and Well-Run Council' strategic priority.

6.0 Background

6.1 The work set out in the paper is an additional suite of work that has been undertaken to ensure that the organisation is able to both focus on the delivery of its current Council strategic priorities and operational requirements; but also ensure it has the infrastructure in place to enable CLB and officers to develop longer terms approaches to working practices and terms and conditions that will deliver further on our Collaboration Partnership Principles.

6.2 It will ensure we are able to recruit to the Legal and Democratic Services restructure approved by Executive in May and consulted on with staff in July 2024. It will also ensure that we are able to continue with a planned restructure of Strategy and Corporate Services and a consideration of other requests from services to create joint posts.

6.3 Salary Benchmarking Report

6.3.1 In preparing for the Legal and Democratic Services restructure, we recognised that it was imperative that we undertook a benchmarking exercise to assess whether the proposed 20% uplift was supported by evidence. Any proposal we make on salaries needs to demonstrate value for money, deliver fairness and provide

a mechanism where we are confident, we can recruit in a challenging market and reduce our dependency on high-cost interim resource (recognising that there will always be a need for limited use of specialist, external resources).

6.3.2 Although the primary focus at the time of the benchmarking was the timely implementation of the Legal and Democratic Services restructure in line with recommendations in the Solace Independent Review of Governance at GBC, the reality is that the findings of the review were expected to be relevant to other proposed restructures/creation of new joint posts that may be agreed by CLB and requested by services across GBC and WBC.

6.3.3 The benchmarking exercise was designed to address 6 questions that were agreed up front. The full benchmarking report is included in Appendix 1 (the questions are included on page 3 of the report). The methodology used was tested with two external public service organisations (Local Government Association and South East Employers) and entailed the following:

- Assess the extent to which the WBC salary structure is comparable to other Councils
- Identify the extent to which benchmarking software provided evidence that would allow us to draw a conclusion about an appropriate salary factor for joint posts
- Compare any dataset that may exist nationally for Joint posts with our proposals (we used the Infinistat software to support this element of the exercise).

6.3.4 The dataset that we were able to test against was limited by virtue of the fact that the use of joint posts in local authorities is limited. On this basis, we could not recommend to CLB that there was sufficient evidence to justify applying a 20% uplift to the WBC salary for new joint posts.

6.3.5 However, there is current practice which is based on the Interim Process for Staff to Work at Alternate Councils (Interim Process) which was implemented in April 2023. This process provides for a 5 – 10% uplift on salary. CLB agreed that it was appropriate to agree to a 10% uplift on salary for new joint posts given this precedent.

6.3.6 CLB also agreed that, given these new joint posts are being created below the level of the current JLT, we should follow the existing approach to salary structure – i.e., new joint posts will follow the WBC grading structure which has 4 pay points within each grade. A 10% uplift for new joint posts would therefore be applied to all pay points.

6.3.7 The findings of the salary benchmarking exercise have reduced the ongoing increase in Legal and Democratic Services staffing budget by a total of £36,297 which represents a reduction of £18,149 to GBC and WBC.

6.4 Interim Policy for creating joint posts

6.4.1 In response to CLB's request that a suite of supporting policy and process is created, we considered the following options relating to the creation of new joint posts:

- Option 1 – Do nothing
- Option 2 – Retain existing policy
- Option 3 – Create a new interim policy for creating joint posts.

6.4.2 By virtue of the CLB request, option 1 was rejected. Option 2 reviewed whether the current Interim Process for Staff to Work at Alternate Councils (Interim Process, April 2023) was adapted. However, given the decision CLB had made with respect of WBC becoming the employer for all new joint post created from October 2024, it was determined that implementing a new policy was the most sensible approach and likely to provide most clarity for managers and staff alike.

6.4.3 Option 3 is therefore the most appropriate option to pursue. It has resulted in the creation of a new policy (which has had input from Trade Union colleagues) which clearly sets out that the policy is only intended to operate until a longer-term solution to working practice is developed and approved.

6.4.4 This Policy will only be applied to any Joint Posts considered to be urgent and necessary and approved by the Head of Paid Service in consultation with the Corporate Leadership Board (CLB), having taken into consideration the Collaboration Partnership Principles,

Transformation and Collaboration Programme objectives and each Council's Corporate Strategy, priorities and plans.

6.4.5 This policy will apply to new posts created from October 2024 onwards. It does not change current arrangements for individuals who are included in existing inter authority s113 agreement. However, these existing arrangements will be reviewed once long-term shared staffing arrangements are developed. It supersedes the Interim Process for Staff to Work at Alternate Councils (Interim Process) April 2023 process.

6.4.6 The new Joint Posts will be included in the inter-authority agreement between the two Councils made under s113 Local Government Act 1972, relating to the placing of staff at the disposal of another authority. The inter-authority agreement sets out the appropriate governance, reporting and other arrangements relating to the sharing of staff to ensure and assure that the posts are working effectively, and each Council is able to fulfil their best value obligations.

6.4.7 Based on the salary benchmarking exercise, all new Joint Posts will have a 10% additional payment applied to the salary to reflect the fact that these posts will cover both GBC and WBC.

6.5 Interim joint posts job evaluation competency framework

6.5.1 To support the creation of new joint posts, it was necessary to consider how we should use competency frameworks to support job evaluation. Job evaluation is based on a systematic approach to the sizing of any job, and competencies contribute to that activity. Both GBC and WBC use separate competency frameworks and different job evaluation schemes.

6.5.2 A number of options were considered as follows:

- Option 1 – Do nothing
- Option 2 – Develop a combined GBC and WBC competency framework
- Option 3 – Use the existing WBC competency framework.

6.5.3 Option 1 would entail not providing any additional clarity to members of WBC staff who are involved in job evaluation panels,

which is the process used for evaluating jobs. Providing clarity is critical to ensure we are able to make consistent, transparent evaluation decisions which will withstand scrutiny.

6.5.4 Option 2 considered whether in spite of the decision to appoint new joint posts on WBC terms and conditions of employment, it would be helpful to incorporate elements of the GBC competency framework given that joint posts will work across both councils. Because of a planned piece of work to develop a joint competency framework, allowing that work to continue was deemed to be the most sensible option.

6.5.5 Option 3 was therefore deemed to be the most appropriate option and entails using the existing WBC competency framework. This presents minimal impact given that job evaluation panel members are already familiar with this framework. For clarity a copy of the current framework has been prepared and is titled for use with joint posts.

6.5.6 An additional consideration was the format of a job description template that could be used for new joint posts. Currently both councils use different formats, although HR colleagues in GBC and WBC are working on aligning formats as an initial approach to the future harmonisation of templates (in line with collaboration aims). A format for joint post job descriptions exists for JLT but this needed to be extended to include posts below the JLT level.

6.5.7 A template is already in use and will continue to be used until such times as a longer-term decision is made on the structure and format of job descriptions.

6.6 Interim Joint Post Salary Grades and Payscale Structure

6.6.1 A detailed explanation of the proposed interim Joint Post Salary Grades and Payscale structure is included in Appendix 2. In essence this structure sits alongside the current WBC salary structure and the separate pay structure for planning roles.

6.6.2 A number of options were considered in creating that structure as follows:

- Option 1 – Do nothing

- Option 2 – Introduce a spot salary for new joint posts
- Option 3 – Create a joint team covering both Councils

6.6.3 Doing nothing about reflecting the additional responsibilities involved in joint posts in terms of salary was clearly ruled out as an option in the Salary Benchmarking paper. However, there were two other considerations to take into account as described in 6.6.4 and 6.6.5 below.

6.6.4 Option 2 was already covered in the salary benchmarking report and considered whether it was appropriate to put all salaries for new joint posts on a spot salary. This is consistent with the approach taken to the Joint Leadership Team pay structure. However, it was not deemed appropriate to follow this approach for new Joint Posts created below the JLT structure.

6.6.5 Option 3 therefore considered applying a 10% uplift to all the pay points within a grade. This was deemed to be the most appropriate option and is in line with the current WBC approach to salaries.

6.7 Interim Restructure Policy for Joint Posts

6.7.1 A key consideration in the creation of new joint posts is how we address restructures. In the case of the Legal and Democratic Services structure, all the proposed new posts are growth related. However for other new joint posts, they may entail staff across both councils potentially being impacted by the creation of those posts.

6.7.2 In reality, we could not consider a ‘do nothing’ option. We have employment law and policy obligations to consider in any restructure that is undertaken within each council and that also applies across councils.

6.7.3 There was only one option which was to assess the current restructure policies for GBC and WBC and develop a joint restructure process that will support a range of restructures. This would support restructures that involve growth, those that may result in limited changes (e.g. to reporting lines), to those that would potentially see posts in GBC and WBC replaced with a joint post.

6.7.4 As a reminder, we anticipate the number of new joint posts created as being very small. However, it is critical that we have a mechanism

for undertaking restructures across both councils. We have discussed a new restructure policy with Trade Union colleagues and are close to finalising the policy based on the comments we have received. Once this work is completed, we will be able to proceed with a number of restructures that are currently pending.

6.8 Proposed changes to Pay Policy

6.8.1 Sections 38 to 42 of the Localism Act 2011 require that local authorities produce an Annual Pay Policy Statement that covers a number of matters concerning the pay of the authority's staff, including our approach to the pay of our senior management and our lowest paid employees, and the relationship between the two.

6.8.2 The aim behind GBC and WBC Pay Policy Statements is to ensure that our approach to pay is transparent. The policy statements included in Appendices 3 and 4 meet the requirements of the Localism Act in this regard and also meet the requirements of guidance issued by the Secretary of State for Housing, Communities and Local Government to which the authority is required to have regard under Section 40 of the Act.

6.8.3 For ease of reading, the GBC and WBC Pay Policy statements are updated to include Joint Post terms and conditions of employment.

7.0 Financial Implications

7.1 We do not know precisely how many new joint posts will be created under these new policies. However we have already set out that we only expect a small number of joint posts to be created and they will need to have been approved by CLB as a minimum.

7.2 We expect there to be a range of financial considerations that need to be addressed. The Legal and Democratic Services restructure was approved as a growth bid. Other restructures, including the pending Strategy and Corporate Services restructure has been developed on the basis that it be cost neutral.

7.3 It is not possible to quantify the total possible number or cost of new joint posts. This will be dependent on the needs of the service. However, any and all proposed new joint posts will be subject to rigorous CLB discussion, and will require the approval of Finance colleagues as demonstrating best value for money for both Councils.

8.0 HR Implications

- 8.1 In the preparation of the materials set out in this report we have taken an evidence based, risk assessed approach to ensure that our recommendations comply with current employment legislation, but as far as possible we are able to take into account known planned changes in legislation and Central Government policy.
- 8.2 We do not yet know the full details of the Government's approach to the New Deal, but we would of course need to take into account any future changes in legislation.
- 8.3 We have considered whether the creation of joint posts automatically means that TUPE legislation applies. We accept the advice received that new joint posts are not TUPE posts. However we are aware that as we look at whether GBC could deliver services to WBC and vice versa (e.g. car parking), we recognise that TUPE would apply in those circumstances. All of these considerations will be taken into account in the longer-term design of working practices.
- 8.4 Although this work enables us to create joint posts for an interim period of time, we anticipate the longer-term work referenced earlier in the document will give us a more sustainable approach to further collaboration across both councils. Where we have staff working on arrangements created using these new policies, we will of course seek to transition to more permanent arrangements once they are developed. Regular reviews will be undertaken to ensure that we are proactively managing any risk to both councils as a result of the use of joint posts.
- 8.5 Whilst these new policies give us the necessary infrastructure to move forward on the development of longer-term solutions, it is critical to note that we do not envisage creating a large number of joint posts. Decision making about the use of joint posts will be subject to CLB scrutiny and decision and will take into account financial considerations, any equal pay risks and also any possibility that we inadvertently create TUPE obligations.
- 8.6 CLB recognises that changes in working practices may cause concern to staff. A comprehensive engagement and communication exercise is being developed to support the longer-term work and

the rollout of this interim work. Officers have prioritised regular communication and engagement with Trade Union colleagues to ensure that they have had the opportunity to understand our proposals and have been able to challenge and offer comments and other ideas. We are committed to proactive and ongoing engagement and communication as longer-term proposals are developed. And we anticipate that any changes to working practices that may arise out of longer-term proposals will, in any event, be subject to formal consultation.

- 8.7 We recognise that some staff may need some training on these new policies – for example, managers may need to write job descriptions for new joint posts. We will address this as we roll out these documents. We intend that all joint post materials will be hosted on GBC and WBC intranet pages so that they are accessible to all staff. And we will signpost staff to any learning materials that we develop.

9. Background Papers

None

10. Appendices

Appendix 1 – Salary Benchmarking Report

Appendix 2 – Interim Joint Post Salary Grades and Scales Structure

Appendix 3 - Pay Policy Statement GBC

Appendix 4 – Pay Policy Statement WBC