



Corporate Services Committee

- Date:** WEDNESDAY, 6 SEPTEMBER 2023
- Time:** 11.00 am; or
on the rising of the Senior Remuneration Sub Committee, whichever is earlier
- Venue:** COMMITTEE ROOM - 2ND FLOOR WEST WING, GUILDHALL
- Members:**
- | | |
|---|-------------------------------|
| Deputy Alastair Moss (Chairman) | Alderwoman Dame Susan Langley |
| Florence Keelson-Anfu (Deputy Chairman) | Gregory Lawrence |
| Deputy Randall Anderson | Deputy Charles Edward Lord |
| Deputy Keith Bottomley | Catherine McGuinness |
| Alderman Sir Charles Bowman | Timothy James McNally |
| Deputy Henry Colthurst | Tom Sleigh |
| Anthony David Fitzpatrick | Mandeep Thandi |
| Steve Goodman | James Tumbridge |
| Deputy Christopher Hayward | Deputy Philip Woodhouse |
- Enquiries:** **Matthew Stickley, Governance and Member Services Manager**
matthew.stickley@cityoflondon.gov.uk

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Ian Thomas CBE
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

For Formal Decision

3. **MINUTES**

To agree the minutes of the meeting held on 12 July 2023.

For Decision
(Pages 5 - 10)

4. **CORONERS 2023/24 PAY SETTLEMENT**

Report of the Chief Operating Officer.

For Decision
(Pages 11 - 14)

For Information

5. **MINUTES OF THE JOINT CONSULTATIVE COMMITTEE**

To note the minutes of the meeting held on 6 June 2023.

For Information
(Pages 15 - 18)

6. **CORPORATE SERVICES COMMITTEE FORWARD PLAN**

Joint report of the Town Clerk and Chief Operating Officer.

For Information
(Pages 19 - 20)

7. **REVENUE OUTTURN 2022-23**

Report of the Chamberlain.

For Information
(Pages 21 - 26)

8. **STRIKES (MINIMUM SERVICE LEVELS) ACT 2023**

Report of the Remembrancer.

For Information
(Pages 27 - 32)

9. **EMPLOYEE RIGHTS ACTS**

Report of the Remembrancer.

For Information
(Pages 33 - 38)

10. **CHIEF OFFICER & SENIOR MANAGEMENT GROUP RECRUITMENT PROCEDURE**

Chief Operating Officer to be heard.

For Information
(Verbal Report)

11. **STAFF APPRAISAL COMPLETION RATES UPDATE**

Chief Operating Officer to be heard.

For Information
(Verbal Report)

12. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

13. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

14. **EXCLUSION OF THE PUBLIC**

MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

For Decision

Part 2 - Non-Public Agenda

15. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

16. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

Part 3 - Confidential Agenda

For Formal Decision

17. **BARBICAN STRUCTURE**
Report of the Barbican Centre CEO.

For Decision
(Supplement)

18. **RESOURCE ALLOCATION SUB COMMITTEE AWAY DAY OUTCOMES - PEOPLE**
Report of the Chief Operating Officer.

For Decision
(Supplement)

19. **CONFIDENTIAL ITEM**
Report of the Town Clerk.

For Decision
(To Follow)

For Information

20. **EMPLOYMENT CASES AND SETTLEMENTS**
Report of the Comptroller and City Solicitor.

For Information
(Supplement)

CORPORATE SERVICES COMMITTEE **Wednesday, 12 July 2023**

Minutes of the meeting of the Corporate Services Committee held at Guildhall on
Wednesday, 12 July 2023 at 1.45 pm

Present

Members:

Deputy Alastair Moss (Chair)
Florence Keelson-Anfu (Deputy Chairman)
Deputy Randall Anderson
Deputy Keith Bottomley
Alderman Sir Charles Bowman
Deputy Henry Colthurst
Anthony David Fitzpatrick
Deputy Edward Lord
Catherine McGuinness
Mandeep Thandi
Deputy Philip Woodhouse

Officers:

Caroline Al-Beyerty	- Chamberlain
Michael Cogher	- Comptroller and City Solicitor
Gregory Moore	- Town Clerk's Dept.
Matthew Stickley	- Town Clerk's Dept.
Ian Thomas	- Town Clerk and Chief Executive
Anna Clarke	- Chief Operating Officer's Dept
Alison Littlewood	- Chief Operating Officer's Dept
Cindy Vallance	- Chief Operating Officer's Dept

1. APOLOGIES

Apologies for absence were received from Steve Goodman, Deputy Chris Hayward, Alderwoman Dame Susan Langley, Timothy McNally, Gregory Lawrence, and James Tumbridge, who joined online.

Apologies for lateness were received from Deputy Charles Edward Lord.

The Town Clerk advised the committee that the Chairman would reorder the agenda to take item 22 prior to item 19.

2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA

There were no declarations of interest.

3. MINUTES

RESOLVED: That the public minutes and summary of the meeting held on 31 May 2023 be approved as a correct record.

4. **CORPORATE SERVICES COMMITTEE FORWARD PLAN**

The Committee received a joint report of the Town Clerk and Chief Operating Officer.

RESOLVED: To note the report.

5. **REWARD REFRESH PROGRAMME**

The Committee considered a report of the Chief Operating Officer.

It was noted that the Chairman and Deputy Chairman were consulted on all decisions taken between meetings in accordance with standing order 41.

RESOLVED: That the Committee:

1. Delegates to the Town Clerk operational decision making on the Reward Refresh project, with the project senior reporting officer (Chief Operating Officer) reporting progress on the project on a regular basis, as and when key milestones are reached.
2. Notes the informal Korn Ferry facilitated members' workshop had discussed the Design Principles of the entire project.

6. **WORKPLACE ATTENDANCE UPDATE REPORT**

The Committee considered a report of the Chief Operating Officer concerning the Workplace Attendance Policy.

The committee discussed what the long-term position of the City of London Corporation regarding workplace attendance may be, what impact working from home had on staff career progression, and the decision of the Senior Management Group to attend offices more frequently ahead of any change to an all-staff policy being agreed.

The committee expressed its general support for any decision for a change to the policy affecting all staff to be taken later but asked that officers give a clearer recommendation on future proposals.

RESOLVED:

1. To note the staff pulse survey results, contemporary data points and observations on operation of the current policy.
2. To agree option one (remain as is plus change for SMG to 3 days minimum) for the workplace attendance policy.

7. **HR ANNUAL WORKFORCE REPORT 2021-22**

The Committee received a report of the Chief Operating Officer concerning employee profile information for the year 2021-2022.

RESOLVED: To note the report and the Employee Profile data 2021/22.

8. **HR ANNUAL WORKFORCE REPORT 2022-23**
The committee received a report of the Chief Operating Officer concerning employee profile information for the year 2022-2023.

RESOLVED: To note the report.

9. **BUSINESS PLAN 2023-24 UPDATE - DEPARTMENT OF THE CHIEF OPERATING OFFICER**

The Committee received a report of the Chief Operating Officer concerning an update on progress against the 2023/24 Business Plan.

RESOLVED: To note the report and progress made towards implementing our 2023/24 Business Plans.

10. **APPRAISAL DATA AND NEXT STEPS**

The Committee received a report of the Chief Operating Officer concerning an update on appraisal completion data for 2022/23.

The committee discussed the quality of appraisal data held by the Corporation, noting that the data held within HR systems on appraisal completions did not reflect all completions.

The committee discussed the inconsistent approach to performance management within the Corporation, the disincentive this created for staff, the scheduled introduction of an Enterprise Resource Planning system, and what steps would be taken to improve the rate of appraisal completions and data collection for completed appraisals. It was recognised that the IT system for processing and completing appraisals was not easy for staff to use.

It was suggested that consideration be given for the appropriate incorporation of members' feedback into staff appraisals.

RESOLVED: To note the report.

11. **CENTRALLY MANAGED MANDATORY TRAINING**

Members received a report of the Chief Operating Officer concerning a mid-calendar year report on the delivery of the Corporate Health and Safety Business Plan, as well as other health and safety matters relating to the City Corporation's health and safety management system and the business of the Corporate Health and Safety Committee.

The committee expressed concerns about the assurance ratings being negative and discussed the correction of these. Officers agreed to provide a report back to the committee in the coming months explaining the issues and how they would be remedied, and subsequent assurance that these remedies had been implemented.

RESOLVED: To note the report.

12. **HEALTH AND SAFETY UPDATE**

Members received a report of the Chief Operating Officer concerning a mid-calendar year report on the delivery of the Corporate Health and Safety Business Plan, as well as other health and safety matters relating to the City Corporation's health and safety management system and the business of the Corporate Health and Safety Committee.

The committee expressed concerns about the assurance ratings being negative and discussed the correction of these. Officers agreed to provide a report back to the committee in the coming months explaining the issues and how they would be remedied, and subsequent assurance that these remedies had been implemented.

RESOLVED: To note the report.

13. **BAN THE BOX IMPLEMENTATION TIMELINE**

The Committee received a report of the Chief Operating Officer concerning implementing "Ban the Box" and revising "Vetting" as part of pre-employment checks was brought to Corporate Services Committee (CSC) meeting in May 2023.

It was noted that a members' session to discuss broader themes around the campaign would be scheduled for September 2023.

RESOLVED: To note the report, including the notification that a private Members' session will also be held prior to launch of Ban the Box; in September 2023.

14. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

A question was asked about whether the committee room microphones could be improved or replaced, with officers confirming this would be taken for consideration. A further question was asked whether shorter and more focused reports could be written, which officers noted.

15. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There were no urgent items.

16. **EXCLUSION OF THE PUBLIC**

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act 1972.

17. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

18. **ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There were no items of urgent business.

19. **CONFIDENTIAL MINUTES**

RESOLVED: That the confidential minutes of the meeting held on 31 May 2023 be approved.

20. **REPORT OF ACTION TAKEN**

The Committee received a report of the Town Clerk.

RESOLVED: To note the report.

21. **CITY OF LONDON POLICE CORPORATE SERVICES**

The Committee received a report of the Chief Operating Officer.

The committee discussed the proposed staffing changes and that it was hoped the effect on current postholders would be positive.

RESOLVED: To note the report.

22. **STAFFING UPDATE**

The committee received a verbal update from the Town Clerk regarding a number of recent departures at senior levels.

The meeting ended at 3.30 pm

Chairman

**Contact Officer: Matthew Stickley, Governance and Member Services Manager
matthew.stickley@cityoflondon.gov.uk**

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Committee(s): Corporate Services Committee	Dated: 6 September 2023
Subject: Coroners 2023/24 Pay Settlement	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	8: We have access to the skills and talent we need.
Does this proposal require extra revenue and/or capital spending?	Y
If so, how much?	Circa £6k per annum
What is the source of Funding?	Existing City Fund local risk budget
Has this Funding Source been agreed with the Chamberlain's Department?	Yes
Report of: Chief Operating Officer	For Decision
Report author: Chris Fagan – Head of Reward and Benefits Cindy Vallance, AD Organisational Development & Talent	

Summary

The Joint Negotiating Committee (JNC) for Coroners notified on 5 June 2023 that they have reached agreement on a pay award for Coroners. The award is for a 3.5% increase to all salaries and day rates with effect from April 2023. This follows the late agreement of 1.56% for 2022-23 in March 2023, backdated to April 2022.

It is currently a function of the Corporate Services Committee to increase the salaries and day rates of the Senior Coroner and Assistant Coroner in the City of London where the JNC agrees such an increase.

The requirement for the Corporate Services Committee to formally approve such increases, introduces delay in the implementation of the pay award. Contracts of staff state that any increases agreed by the JNC are subject to the approval of the Committee. However, there appears to be limited circumstances in which this would not be the decision of the Committee. It is therefore proposed that where there are no wider issues or interpretation required of the agreed pay award, that the decision to implement the award is delegated to officers.

Recommendation

Corporate Services Committee are recommended to agree:

- That the salary and day rates of the Senior Coroner and the day rate of the Assistant Coroners are increased by 3.5% with effect from 1 April 2023 in line with the JNC agreement.
- That for future pay awards, the Corporate Services Committee authorise the Chief Operating Officer in liaison with the Chief People Officer and Executive Director of Environment to implement the award.

Main Report

Background

1. The Corporation appoints a Part Time Senior Coroner and Assistant Coroners to fulfil its Coronial functions. Coroners' pay is nationally determined by the Joint Negotiating Committee (JNC) for Coroners. Following a national review of Coroners' pay a report outlining the City Corporation interpretation of the national pay parameters and rationale for how local pay levels have been set within these parameters was approved through the urgency procedure dated 23rd July 2019.
2. It was a function of the Establishment Committee at the time, now the Corporate Services Committee, to authorise the increase to salaries and day rates of the Senior Coroner and Assistant Coroner in the City Corporation in line with the JNC agreement for an increase, where it chooses to follow the recommendation of the JNC for Coroners.

Coroners' Pay Award 2023-24

3. The Joint Negotiating Committee (JNC) for Coroners notified on 5 June 2023 that they have reached agreement on a pay award for Coroners for the 2023-24 pay round. This stated:

"With effect from 1st April 2023, local salaries and day rates for individuals derived from the JNC arrangements below should be increased by 3.5%."

4. It is therefore recommended that the Corporate Services Committee follow the recommendation of the JNC and that Senior Coroner and Assistant Coroner rates in the City of London are uplifted by 3.5% with effect from 1 April 2023. Table 1 below outlines the changes to the rates in the City of London.

Table 1: Coroner Pay Rates		New Rate (1 April 2023)	Existing Rate (1 April 2022)	Prior Rate (1 April 2021)
Percentage Increase		3.50%*	1.56%**	
Senior Coroner (Part Time)	Salary	£22,200	£21,449	£21,120
	Day Rate	£555	£536	£528
Assistant Coroner	Day Rate	£503	£486	£479

*Notified in June 2023, backdated to April 2023.

**Notified in February 2023, backdated to April 2022, paid in March 2023.

The overall financial impact of this decision is approximately £6k, based on actual claims of the Senior Coroner and Assistant Coroners from April 2022 to March 2023.

Table 2: Cost Impact of Award	Salary Increase	Claimed Days (Apr22-Mar23)	Cost of Days	Total Cost
Senior Coroner (PT)	£751	199 x £19	£3,781	£4,532
Assistant Coroner	N/A	0* x £17	£0	£0
+ On Costs				£6,109

* No claims were submitted by Assistant Coroners in the 22/23 financial year, as at July 2023, 4.75 days have been claimed between April and July in 23/24.

Delegation of Future Pay Awards to Officers for Implementation

5. In recent years, JNC agreement has come long after the effective date of the agreement. The 2022-23 agreement, notified in mid-February 2023, required an urgent approval to ensure that the pay award could be implemented for March payroll to ensure that pay uplifts were received in the correct financial tax year.
6. The current agreement was notified in early June, and although there is not the same urgency with regards the tax year, the local requirement for the Corporate Services Committee to approve such increases, introduces delay in the implementation of the pay award.
7. The contracts of Coroners and Assistant Coroners state that any increases agreed by the JNC are subject to the approval of the Committee.

“The rate of pay will increase in line with recommendations by the national Joint Negotiating Committee for Coroners, subject to approval by the City of London Corporation’s Establishment Committee.”

8. However, in reality there appears to be limited circumstances in which this would not be the will of the Committee. It is therefore proposed that where there are no wider issues for interpretation or decision required of the agreed pay award, that it is recommended that the decision to implement any pay award agreed by the JNC is authorised to officers. This is to enable timely and efficient implementation of the pay award.
9. It is therefore recommended that for future pay awards, the Corporate Services Committee authorise the Chief Operating Officer in liaison with the Chief People Officer and Executive Director of Environment to implement the award.

Corporate and Strategic Implications

- a) Strategic implications – None.
- b) Financial implications – The estimated increase in salary cost of £6k per annum can be met from the Executive Director Environment’s existing local risk budget.
- c) Resource implications – To support the continued recruitment and retention of skilled Coroner workforce.
- d) Legal implications – None.
- e) Risk implications – none.
- f) Equalities implications – The existing practice means that employees working in the Coroner role are paid and recompensed differently to other professional groups. The independence of pay awards means that they may be paid larger or smaller increases than other employees and may receive different pay to those elsewhere undertaking work that could be assessed as being of equal value. However, this differential stems from the roles being distinguished at a national Local Government level as being different enough to require distinct negotiating groups. This creates a separate market for Coroners and therefore provides a reasonable rationale (material factors defence) for differential treatment.
- g) Climate implications – None.
- h) Security implications – None

Appendices

None

Chris Fagan

Head of Reward and Benefits

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Cindy Vallance,

Assistant Director Organisational Development & Talent

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JOINT CONSULTATIVE COMMITTEE
Tuesday, 6 June 2023

Minutes of the meeting of the Joint Consultative Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Tuesday, 6 June 2023 at 4.00 pm

Present

Members:

Steve Goodman OBE
Deputy Edward Lord
Deputy Alastair Moss
Deputy Philip Woodhouse

Union Representatives:

GMB

Ben Campbell-White
Cristina Dumitru
Anna Lee
Diane Timmins

Unite

Teresa Pugsley
Margaret Raymond
Nicholas West

Officers:

Matthew Stickley	- Town Clerk's Dept
Emma Moore	- Chief Operating Officer
Sonia Virdee	- Chamberlain's Dept.

1. **APOLOGIES**

Apologies for absence were received from Deputy Randall Anderson, Gregory Lawrence, and from the Deputy Chairman, Florence Keelson-Anfu, who joined the meeting online.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

There were no declarations of interest.

3. **TERMS OF REFERENCE OF THE JOINT CONSULTATIVE COMMITTEE**

The committee noted its terms of reference.

4. **MINUTES**

RESOLVED – That the public minutes and non-public summary of the meeting held on 2 December 2022 be approved as an accurate record.

5. **STAFF SENTIMENT**

The committee discussed staff sentiment, noting that strike action had been called and that unions were seeking a pay raise for staff which reflected rates of inflation. Reference was made to staff working beyond their contracted hours, including long days and weeks, and the negative impact this was having on both staff goodwill toward their employer and their health and wellbeing.

Union representatives recognised that pay offers needed to be balanced with other priorities but explained that they felt staff pay should be a top priority for the City of London Corporation. Union representatives commented that they felt there had been a drift over a number of years away from the Corporation being a well-regarded employer.

The Chairman spoke on behalf of elected members that staff were considered the City of London Corporation's most precious asset and welcomed the unions' recognition of pressures on Corporation budgets. He made reference to a number of ongoing works in the HR Department with regard to reviewing pay, wider staff reward, and general staff support.

The committee discussed the HR transformation programme, the Corporation's emerging people strategy, and challenges to recruitment.

6. **OPERATION OF THE JOINT CONSULTATIVE COMMITTEE**

The committee welcomed the two-way approach to the meeting and that the approach complemented the informal meetings held between staff and unions. The committee welcomed items being proposed for discussion from both Corporation officers and union representatives.

7. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

8. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no items of urgent business.

9. **EXCLUSION OF THE PUBLIC**

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

10. **NON-PUBLIC MINUTES**

The non-public minutes of the last meeting were approved as an accurate record.

11. 2023-24 PAY NEGOTIATIONS

Officers confirmed details of the Corporation's pay offer and confirmed that this would be shared in writing following the meeting, including a detailed breakdown.

12. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

13. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There was no urgent business.

The meeting ended at 4.47 pm

Chairman

**Contact Officer: Matthew Stickley, Governance and Member Services Manager
Matthew.Stickley@cityoflondon.gov.uk**

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CORPORATE SERVICES COMMITTEE – WORK PROGRAMME 2023/24

	6 September - 23	18 October - 23	29 November -23	Provisional 10 January -24	Provisional 21 February -24	Provisional 10 April - 24	Provisional 15 May - 24	Provisional 3 July-24
Standing Annual Items	CSC Forward Agenda Revenue Outturn 2022 - 2023 Employment Cases and Settlements (C&CS)	Departmental Budget – mid Year Monitoring CSC Forward Agenda	CSC Forward Agenda	Annual Review of the Committee’s Terms of Reference Departmental Budget Estimates CSC Forward Agenda Pay Policy Statement	CSC Forward Agenda	CSC Forward Agenda	CSC Forward Agenda	CSC Forward Agenda
HR Dept Papers	Coroners Pay RASC Awayday Outcomes (People) Staff Appraisal Completion Rates Update (verbal) Chief Officer and Senior Management Group Recruitment Procedure (verbal)	Reward Refresh Update Quarterly COO Business Plan update HR Transformation Plan 2023/2024 Performance Transformation Fund Update Appraisal Update – Verbal Ban the Box Hays contract	HR ERP Delivery Update HR Corporate Projects Portfolio/Performance Update Reward Refresh Update People Strategy Appraisals - Update on Completion Verbal Transformation Plan update	COO’s Business Plan 2024/25 (inc HR, Health & Safety and ED&I) Quarterly COO Business Plan update Reward Refresh Update Mandatory Training Verbal Transformation Plan update	Reward Refresh Update Workplace attendance HR Transformation Plan Progress Report	Reward Refresh Update Verbal Transformation Plan update	Reward Refresh Update Verbal Transformation Plan update	Reward Refresh Update Verbal Transformation Plan update
Other Dept’s Papers – e.g., MFSs, restructures etc	Employee Rights Acts Strikes (Minimum Service Levels) Act Barbican Centre Structure	H&S Action Plan Final TOM report		DTC’s Business Plan C&CS Business Plan Health & Safety (end-year)	H&S Action – Plan Progress			
Other Committee Business	Update from September JCC (verbal)		Update summary/minutes from November JCC					

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Agenda Item 7

Committee:	Date:
Corporate Services Committee	6 September 2023
Subject:	Public
Revenue Outturn 2022-23	
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	N/A
Does this proposal require extra revenue and/or capital spending?	No
Report of:	For Information
The Chamberlain	
Report Authors:	
Mark Jarvis, Head of Finance, Chamberlain's Department Reece Surridge, Finance Business Partner, Chamberlain's Department	

Summary

This report compares the revenue outturn for the services overseen by your Committee in 2022-23 with the final budget for the year. It also details the carry forward requests which are yet to be approved.

The outturn presented in this report are for the services, which are summarised below:

- i) **Deputy Town Clerk** – Town Clerk's Department and Corporate Services
- ii) **Comptroller and City Solicitor** – Comptroller and City Solicitor's Office
- iii) **Chief Operating Officer** – Corporate HR, Equality, Diversity & Inclusion, Health & Safety

Overall total net expenditure during the year was £12.576m whereas the budget was £13.610m representing an underspend of £1.034m as summarised below.

	Original Budget	Final Budget	Revenue Outturn	Variations Better/(Worse) against Final Budget
	£000	£000	£000	£000

Chief Officer				
Total Deputy Town Clerk	(3,679)	(5,269)	(5,201)	68
Total Chief Operating Officer	(4,649)	(6,120)	(5,464)	656
Total Comptroller and City Solicitor	(533)	(659)	(731)	(72)
Total Chief Officer	(8,861)	(12,048)	(11,396)	652
Support Services	(1,562)	(1,562)	(1,180)	382
Net Expenditure	(10,423)	(13,610)	(12,576)	1,034

Expenditure and unfavourable variances are presented in brackets.

The overall outturn underspend of £1.034m comprises variations across several services which are detailed in paragraphs 3 and 4 in this report. The main variations are:

- **Deputy Town Clerk's- decreased net expenditure of £0.068m** – This is in relation to an underspend on the transformation fund mitigated by overspends elsewhere in the service.
- **Chief Operating Officer- decreased net expenditure of £0.656m** – This predominately relates to an underspend in the apprenticeship contingency budget.
- **Comptroller and City Solicitor – increased net expenditure of £0.072m-** was a result of no commercial property transactions related legal fee income being received.

The Chief Operating Officer has carry forward amounts of £0.188m these are yet to be agreed and are detailed in Appendix 2.

Recommendations

Members are asked to note the:

- Revenue outturn for 2022/23 showing an overall favourable variance to final budget of £1.034m; and
- Yet to be agreed carry forward requests of local risk budgets of £0.188m to 2023/24.

In Report

Budget Position for 2022-23

1. The 2022-23 original budget for the services overseen by your Committee was £10.423m as endorsed by the Court of Common Council in March 2022. This has subsequently been increased to a final budget of £13.610m. An analysis of the increase of £3.187m is provided in Appendix 1.

Revenue Outturn for 2022-23

2. As indicated in the table in the summary, actual net expenditure for your Committee's services during 2022-23 totalled £12.576m compared to a budget of £13.610m, resulting in an underspend of £1.034m. A comparison of the final budget with the revenue outturn by Chief Officer is shown in the Summary and is analysed by risk in the table below.

	Original Budget	Final Budget	Revenue Outturn	Variations Better/(Worse) against Final Budget	Notes
	£000	£000	£000	£000	
Chief Officer					
Local Risk					
The Deputy Town Clerk	(3,391)	(4,205)	(4,279)	(74)	3i)
The Chief Operating Officer	(3,234)	(4,238)	(4,269)	(31)	3ii)
The Comptroller and City Solicitor	(733)	(859)	(731)	128	3iii)
Total Local Risk	(7,358)	(9,302)	(9,279)	23	
Central Risk					
The Deputy Town Clerk	(288)	(1,064)	(922)	142	4i)
The Chief Operating Officer	(1,415)	(1,882)	(1,195)	687	4ii)
The Comptroller and City Solicitor	200	200	0	(200)	4iii)
Total Central Risk	(1,503)	(2,746)	(2,117)	629	
Support Services	(1,562)	(1,562)	(1,180)	382	
Net Expenditure	(10,423)	(13,610)	(12,576)	1,034	

Expenditure and unfavourable variances are presented in brackets.

3. The main reasons for the variation to the **local risk budgets** are:

- i. **The Deputy Town Clerk - £0.074m overspend** - The overspend relates to overspends within supplies and services.
- ii. **The Chief Operating Officer - £0.031m overspend** - The overspend is mainly due to additional cost of Agency staff covering vacant posts and high internal legal fees incurred.
- iii. **The Comptroller and City Solicitor - £0.128m underspend** – This underspend is a result of increased internal and external income.

4. The main reasons for the variation to the **central risk budgets** are:
- i. **The Deputy Town Clerk - £0.142m underspend** – The drivers of this underspend are: transformation fund (£0.138m), corporate services (£0.059m) and transformation & change management (£0.015m) This is reduced by overspends on amortisation of intangible assets (£0.042m), and Guildhall staff events (£0.028m).
 - ii. **The Chief Operating Officer - £0.687m underspend** – This comprises of a lower requirement on the Apprenticeship Contingency budget (£0.727m) which covers the cost of centrally funded apprentices. This was offset in part by additional redundancy costs due to the TOM restructuring (£0.040m).
 - iii. **The Comptroller and City Solicitor - £0.200m overspend** was a result of no commercial property transaction related legal fee income being received.

Carry Forwards to 2023-24

5. There are carry forward requests to the total of £0.188m these relate to local risk budgets and are all in relation to the Chief Operating Officer. Although the chief operating officer is overspent under corporate services committee, they have recorded an underspend overall which entitles them to request carry forwards. Details of the Carry Forwards are set out in Appendix 2.

Year-end position and financial pressure in 2022/23

6. Looking forward to 2023/24 there is an identified financial risk.
- i. Deputy Town Clerks department still has a significant unidentified saving to achieve although it has been achieved this year through temporary measures no longer term plan has been finalised.

Appendices

- Appendix 1 – Analysis of movements from 2022-23 Original Budget to 2022-23 Final Budget
- Appendix 2 – Proposed Carry Forwards to 2023/24

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APPENDIX 1

Analysis of movements 2022-23 Original Budget to Final Budget	£'000
Original local risk budget (Deputy Town Clerk)	(3,391)
July '22 Pay Award	(95)
Transfer of travel budget for Office of Policy Chair Duties	(48)
Funding allocation for Risk Manager post	(91)
Allocation of budget to fund Office of Policy Chairs staffing cost	(73)
Allocation of budget to fund Head of Campaigns and Election Engagement	(102)
Allocation of budget to fund Corporate Strategy & Performance Team	(405)
Final local risk budget (Deputy Town Clerk)	(4,205)
Original local risk budget (Chief Operating Officer)	(3,234)
July '22 Pay Award	(164)
Allocation for centrally funded apprentices	(105)
Allocation from Finance Committee to fund H&S and EDI additional staffing requirements	(300)
Carry Forwards to 2022-23	(398)
Additional budget from Finance Committee to fund HR Transformation	(37)
Final local risk budget (Chief Operating Officer)	(4,238)
Original local risk budget (Comptroller and City Solicitor)	(733)
July '22 Pay Award	(126)
Final local risk budget (Comptroller and City Solicitor)	(859)
Original central risk budget (Deputy Town Clerk)	(288)
July '22 Pay Award	(6)
Additional funding for Guildhall staff events	(45)
Redundancy costs met centrally	(108)
Transformation Fund Allocation from finance contingency- Supporting Change	(73)
Transformation Fund Carry Forward to 2022-23	(544)
Final central risk budget (Deputy Town Clerk)	(1,064)
Original central risk budget (Chief Operating Officer)	(1,415)
HR's Redundancy and Pension Strain costs corporately met from Finance Committee	(1,155)
Apprenticeship Contingency Budget allocated to fund Apprentices	688
Final central risk budget (Chief Operating Officer)	(1,882)
Original central risk budget (Comptroller and City Solicitor)	200
Final central risk budget (Comptroller and City Solicitor)	200
Original support services and capital charges budget	(1,562)
Net movements	0
Final support services and capital charges budget	(1,562)
Total original budget	(10,423)
Total increase	(3,187)
Total final budget	(13,610)

APPENDIX 2

Local Risk Carry Forwards by Chief Officer	£000's
The Chief Operating Officer (Guildhall Admin)	
Provide a health & safety training offer to benefit the whole corporation and delivering a varied training offer to staff.	38
Facilitated support to enable the successful integration of the corporate health & safety team and the property and fire safety team into a one.	17
Extension of 2 FTE posts from July - March 2024 until ERP is implemented.	47
Carry forward of the unrealised costs of the Midland HR Phase 1 Project approximately £18k of the overall £30k spend needs to be allocated to the 2023/24 budget as carry forward.	18
The use of XPerHR will support the HR team with critical activities within the HR function such as policy development, template development and first line advisory.	10
To engage external consultancy as part of vision, purpose, values work.	20
Extension of a culture role beyond 12-month FTC. One-mid level role holding culture change support portfolio for City of London including support on people strategy, surveys, and related culture work. Current FTC expires 22 Nov 2023. 4 months remaining at grade D for 2023/24.	18
Staff development - Initial figure based on £300/person for 60+ people. Would benefit from being compared against development budgets for other functions.	20
Total Chief Operating Officer (Local Risk)	188
TOTAL CARRY FORWARDS (to be approved)	188

Agenda Item 8

Committee(s): Corporate Services Committee	Dated: 6 September 2023
Subject: Strikes (Minimum Service Levels) Act	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	3, 4, 6, 9 and 12.
Does this proposal require extra revenue and/or capital spending?	No
Report of: Remembrancer	For Information
Report author: Kiki Hausdorff, Assistant Parliamentary Affairs Counsel	

Summary

The Strikes (Minimum Service Levels) Act is a short, framework Act. It enables Ministers to make regulations setting out the minimum service required in certain areas of the public sector during strike action. If they do not comply with those regulations, trade unions will face losing legal protections against being sued, and employees will lose protections against unfair dismissal for taking part in industrial action. The Act faced fierce opposition in both the Commons and the Lords. It underwent a lengthy round of parliamentary “ping pong”, in which the Commons and Lords disagreed on the level of consultation that should be required before the Government may set minimum service levels. All provisions of the Act came into force when it received Royal Assent on 20 July.

Recommendation

Members are asked to note the contents of this report.

Main Report

Background to the Act

1. The Conservative Party manifesto for the December 2019 general election included a commitment to introduce legislation to “require that a minimum service operates during transport strikes”. This was followed in the 2019 Queen’s Speech by a commitment to introduce a bill that would ensure “people can depend on the transport network”.
2. During the Conservative leadership campaign, Liz Truss pledged that she would implement the 2019 manifesto commitment. In October 2022, her

government introduced the Transport Strikes (Minimum Service Levels) Bill, which sought to enable the introduction of minimum service levels during strikes in certain transport services. No Second Reading debate was scheduled for that Bill; it was superseded by the Strikes (Minimum Service Levels) Act, the subject of this report.

3. The Act has followed a wave of strike action in many areas of the public sector, on a scale not seen for many years. According to data published this year by the Office for National Statistics (ONS), a total of 1.63 million working days were lost across the UK due to strike action between June 2022 and November 2022. This was the highest for any similar five-month period, or indeed any year-long period, since 1990.
4. The Government indicated during the Second Reading debate that the Act, which applies to other services in addition to transport, was prompted by disruption in the NHS and, in particular, in the ambulance service.

Operation and Application

5. As this is a framework Act, with substantive provisions to be set out in regulations, it is not yet fully clear what practical effects the legislation will have on the services specified by the Act. Minimum service levels are not defined but are left to the discretion of the Minister, who must set out the minimum levels in regulations which must be approved by both Houses of Parliament.
6. The regulations may set out minimum service levels for six categories of services. These broadly reflect the categories of “important public services” introduced by the Trade Union Act 2016. They are:
 - 1) health services;
 - 2) fire and rescue services;
 - 3) education services;
 - 4) transport services;
 - 5) decommissioning of nuclear installations and management of radioactive waste and spent fuel; and
 - 6) border security.
7. The regulations may apply to any strike taking place after the day on which they come into force, even if the relevant ballot took place before the Act came into force on 20 July 2023.
8. Under the Act, an employer may give a written “work notice” to a trade union concerning any strike affecting a service subject to minimum service regulations. That notice must specify the workers which the employer requires to work during the strike, and specify the work required to be carried out by them, to ensure that the service levels mandated by the regulations are provided. The employer is not permitted to request more workers than “reasonably necessary” to meet the requirements set out by the regulations.

9. If a union fails to take “reasonable steps” to ensure that all workers requested to work by a work notice comply with that notice, it will lose its protection from liability for inducing workers to take part in the strike. The Act also removes automatic protection from unfair dismissal for any employee who took part in a strike contrary to a valid work notice.

ECHR Considerations

10. In the human rights memorandum accompanying the Act, the Government conclude that it is compatible with Articles 11 and 14 of the ECHR.
11. The Government acknowledge that Article 14 on the prohibition of discrimination is engaged, as only certain categories and services within those categories would be the subject of the minimum service regulations. The Government considers, however, that any interference with Article 14 is justified under the Convention, because it is necessary to protect the rights and freedoms of others.
12. The Government also recognise that Article 11 on freedom of association is engaged by the Act. The Government concludes, however, that ministerial powers to prescribe relevant services are justified, as strike action in these services causes disproportionate disruption to the public, including significant financial loss and harm to the wider economy. Article 11 is said to acknowledge that there may be more stringent conditions imposed on certain parts of the public sector.
13. The Government point to the requirement for the regulations to be approved by both Houses of Parliament as providing heightened parliamentary scrutiny, thus ensuring that any interference is proportionate. The Government further highlight that prior consultation would also be required before any regulations could be made.

Parliamentary Reaction

14. Introducing the legislation, the then Secretary of State for Business, Energy and Industrial Strategy, Grant Shapps, spoke of the need “to maintain a reasonable balance between the ability of workers to strike and the rights of the public” to access essential public services. He argued there was a need for “confidence that when strikes occur, people’s lives and livelihoods are not put at undue risk.” He told the House that recent industrial action had shown that a “safety net” was required “to ensure that the public do not become collateral damage,” and to “keep livelihoods and lives safe”.
15. The Opposition has pledged to repeal the Act in the future. Deputy Leader of the Opposition Angela Rayner called the measures a “vindictive assault” on workers’ rights. She described the Minister’s assertion that patient safety had been put at risk by health service strikes as an unjustified “smear” and argued that the Act would not address the real reasons for industrial unrest. Rayner questioned how the Government would define “minimum standards”,

particularly in sectors such as health and transport, where there is a private and public sector component.

16. The Liberal Democrats also opposed the Act. Their Spokesperson Christine Jardine argued it was merely political posturing, calling it “an empty, detail-light, vague promise of a mandatory minimum level to replace existing voluntary arrangements.” She felt it would “simply ramp up the rhetoric, without saying how anything will be achieved or offering any progress towards the solution that the public need.”

Parliamentary “Ping Pong”

17. The Act completed a lengthy round of parliamentary “ping pong”, in which the Commons and Lords disagreed on the level of consultation that should be required before the Government may set minimum service levels.
18. In the Lords, Shadow Spokesperson Lord Collins of Highbury called the “skeletal Bill” an “example of legislating and then determining policy and procedure.” He warned that the “impracticable” legislation lacked a “proper process of consultation,” and would “worsen the situation in industrial relations” by increasing the frequency of strikes. The Lords twice insisted on amendments to ensure greater consultation and parliamentary scrutiny requirements.
19. In response to criticism in the Lords, Minister for Enterprise, Markets and Small Business Kevin Hollinrake told the House that the “lengthy consultation and parliamentary requirements” put forward in the Lords amendment were not needed and would lead to “a delay in the implementation of minimum service levels,” and “unnecessary delays in the protection of the lives and livelihoods of those whom we have been elected to represent cannot be justified.”
20. The Minister accepted that “further detail would give unions more legal certainty and foresight with regard to their obligations.” He therefore pledged that the Government will use existing powers to introduce a statutory code of practice on the “reasonable steps” that must be taken by trade unions to ensure that their members comply with the regulations. Hollinrake assured MPs that the code of practice will be subject to the approval of Parliament and to statutory consultation which would “give trade unions, employers and any other interested parties an opportunity to contribute to practical guidance in order to make it as practicable, durable and effective as possible.” The Lords did not insist on their amendment a third time and the Act received Royal Assent.

Conclusion

21. The Act faced strong criticism in Parliament over the scope of Ministerial powers which it grants and the potential impact that opponents argued it may have on Convention rights. MPs were particularly critical of the Government for, in their view, failing to allow sufficient opportunity to scrutinise the Bill by expediting its passage. In the Lords, peers tabled amendments seeking to limit the Act’s scope and provide greater protections for those taking industrial action. They insisted on amendments on greater scrutiny of the exercise of

regulation-making powers, leading to a protracted period of parliamentary “ping pong”. The Lords conceded to the Government after Ministerial assurance that guidance will be provided to trade unions on the steps which they must take to ensure that their members comply with the regulations.

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Committee(s): Corporate Services Committee Finance Committee	Dated: 6 September 2023 19 September 2023
Subject: Employee Rights Acts	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1, 2, 3, 5
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Remembrancer	For Information
Report author: Katie Foster, Office of the City Remembrancer	

Summary

1. During this Parliamentary Session, three Private Member’s Bills, which make provision providing some enhancements to employee rights, successfully completed their Parliamentary passage and received Royal Assent. The effect of these Acts on the Corporation, which has been highlighted to Corporation HR colleagues, is outlined below.
2. This Report also provides information on the High Court judgement in the Unison case as regards the quashing of the Regulations allowing the use of agency workers during strike action.

Recommendation(s)

3. Members are asked to note the report.

Main Report

The legislation/case-law and its application to the City Corporation

The Neonatal Care (Leave and Pay) Act 2023

4. This Act originated as a Private Members Bill introduced by Stuart McDonald SNP and received Royal Assent on 24th May 2023. The Act amends or inserts a number of provisions into the Employment Rights Act 1996 and the Social Security Contributions and Benefits Act 1992, providing powers to make regulations to create an entitlement to Neonatal Care Leave and Pay for eligible employees with parental or other personal relationship (these are referred to as parents for the remainder of this summary for brevity) with a child who is receiving, or has received, neonatal care. The Bill’s powers allow provision (Regulations) to be made for the following:

- Neonatal Care Leave - a right for employed parents to be absent from work for a prescribed period (to be set at a minimum of one week) in respect of a child who is receiving, or has received, neonatal care. All employees who meet the eligibility conditions will be entitled to this leave, regardless of how long they have worked for their employer. The leave must be taken before the end of a period of at least 68 weeks beginning with the date of the child's birth.
 - Neonatal Care Pay – a right for those eligible parents who meet minimum requirements relating to continuity of employment (at least 26 weeks with their current employer) and earnings to be paid during that leave at a prescribed rate. In line with other entitlements to paid statutory leave, the Bill allows provision to be made for employers to reclaim payments from the Government.
 - Employment protections – parents taking Neonatal Care Leave will have the same employment protections as those associated with other forms of family related leave (i.e. Maternity, Paternity, Adoption, Parental Bereavement and Shared Parental Leave). This includes protection from dismissal or detriment as a result of having taken leave.
5. Whilst the powers in the Act came into force on Royal Assent, the Explanatory Notes state that *“HM Revenue & Customs and commercial payroll providers usually require at least 18 months’ lead-in time to implement the changes which enable employers to administer new statutory payments. If the Bill successfully completes all of its Parliamentary stages in 2023 it is likely that implementation will take place at least 18 months after that date.”*. So these new rights are likely to be in force (i.e. with Regulations made under the Act in place) at some point in 2025.
 6. Officers in the Corporations HR Function were alerted to these measures in July 2023. The measures will mean that the Corporation's HR policies/systems will need revising in due course to reflect the new measures. It is unlikely that they will require any significant level of extra resource given that it would be a relatively small number of employees who would benefit from the new provisions in each financial year (and the ability for employers to reclaim payments from the Government, in similar manner to statutory maternity pay etc).

Employee Relations (Flexible Working) Act 2023

7. This Act originated as a Private Member's Bill that had Government support. The provisions in the Act implement the Government's response to a consultation it held on the flexible working provisions concerned. It received Royal Assent on 20th July 2023.
8. The Act makes amendments to the Employment Rights Act 1996 to:-

- introduce a requirement for employers to consult with an employee before rejecting their flexible working request;
 - allow an employee to make two statutory requests in any 12-month period (rather than the current one request);
 - reduce the decision period within which an employer is required to administer the statutory request from three months to two months; and
 - remove the requirement that the employee must explain in the statutory request what effect the change would have on the employer and how that might be dealt with.
9. The substantive provisions in the Act will be brought into force by Commencement Regulations at a future date: it is therefore not as yet known on what date the substantive changes will be “switched on”. Government communication on the provisions in the Act indicate that the Government is anticipating that the substantive changes will come into force one year after Royal Assent (so July 2024) to give employer’s the chance to prepare for the changes – and presumably for the Government to put in place the necessary Regulations under the Act to fully implement the new provisions. Government ministers in the House of Commons indicated that they will implement the changes so that the right of an employee to request flexible working is available on ‘day one’ of employment (rather than after 26 weeks of employment, which is the current position).
10. Officers in the Corporation’s HR Function are aware of the provisions in this Act and the timelines. The Act means that that the Corporation’s HR policies/systems will need revising in due course to reflect the new measures. It is unlikely that they will require any significant level of extra resource given the nature of the provisions.

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023

11. This Act originated as a backbench Private Member’s Bill introduced by Labour MP Dan Jarvis. It had Government Support and received Royal Assent on 24th May 2023. The Act makes amendments to the Employment Rights Act 1996 to:-
- provide a new power to enable provision to be made by Regulations about protection from redundancy during and after pregnancy;
 - amend existing powers to make Regulations to enable protection from redundancy on return to work from maternity, adoption or shared parental leave.
12. Currently, women on maternity leave and employees on adoption leave or shared parental leave have priority over other employees who are also at risk of redundancy. This means that where a redundancy situation arises during a woman’s maternity leave (or during an employee’s shared parental leave or adoption leave), they have the right to be offered a suitable alternative vacancy where there is one available.
13. The 2023 Act empowers the Secretary of State through regulations to extend the period over which redundancy protection is available. It is widely expected

that the regulations will extend the protection currently only available during maternity leave, so that it begins from when an individual tells their employer they are pregnant and ends 18 months after the birth. Equivalent protections are also expected to be extended to parents returning from adoption leave and shared parental leave (but not paternity leave). During the parliamentary debates on the Bill, Kevin Hollinrake, Parliamentary Under Secretary of State at the Department for Business and Trade, said that the Government is working with the Pregnancy and Maternity Discrimination Advisory Board in advance of settlement on the precise details of the Regulations. The debates also indicate that consideration is being given to a qualifying period, whereby a new parent must take six consecutive weeks of family leave to be entitled to the redundancy protections. Significantly, the protection may also apply post miscarriage since the new Act gives power to the Secretary of State to start calculating the period of protection from the end of pregnancy.

14. The effect of these provisions is that those returning from family leave are to be given first refusal to alternative employment opportunities for a longer period of time. The government believes that this will help shield new parents and expectant mothers from workplace discrimination, offering them greater job security at an important time in their lives.
15. The Act comes into force on 24th July 2023 (two months after Royal Assent) but extended protections under these enabling powers will not be in place until the Government makes the Regulations under the powers. Whilst it is as yet unknown when the new Regulations will be in place, it is envisaged that this would be within the next 12 months and this Office will monitor for and flag to the Corporation's HR function any Regulations brought forward under the new powers. The Act means that that the Corporation's HR policies will need revising in due course to reflect the new measures. It is unlikely that they will require any significant level of extra resource given the nature of the rights concerned.

Unison case

16. For more than 40 years, it was illegal in the UK to supply agency workers for employers to use to cover the jobs of staff on strike. In the Summer of 2022, the Government brought in new Regulations changing this position. In July 2023, the High Court upheld the claims of UNISON and other unions that the government acted unfairly, unlawfully and irrationally. The effect of the judgment was to quash the new Regulations: it is possible that the Government might bring forward further legislation in the future but in order to do so, the Judgement means there would have to be a rigorous consultation process. The effect of the judgement is that employers will not be able to use agency staff to fill in for striking workers during industrial action. Officers in the Corporation's HR Function are aware of the judgement and the need to take it into account in any planning around future strike action.

Conclusion

17. The Committee is asked to note the effect of these three Acts and the implications for the Corporation's HR function, as well as the judgment in the UNISON case.

Appendices

18. None.

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