

Meeting date: 18 January 2023

Report to: Governance Committee

Report title: Travel, Subsistence & Personal Expenses Policy – Professional Subscriptions

Report from: Director of Resources and Deputy Chief Executive

Report author/lead contact officer: Helen Flinter - Policy Development & HR Business Manager

Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege
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Public/private report: Public

1. Executive Summary

- 1.1 To inform Governance Committee of proposed changes to the existing Travel & Subsistence Policy specifically in relation to the Council's approach to Professional Subscriptions.
- 1.2 An updated Travel, Subsistence & Personal Expenses Policy was approved by Governance Committee on 29th September 2022. At this time, a concurrent review was being undertaken of the Council's approach to the payment of professional subscriptions and memberships.
- 1.3 The aim of this review was to address inconsistent practice across the Council and propose an approach that was fair and equitable and recognised the needs of those roles where such membership must be maintained in order to legally carry out their duties.
- 1.4 The approach proposed is to reimburse one professional subscription / membership per year for employees in roles on NJC terms and conditions that meet the agreed statutory or legal requirement as defined in paragraph 3.6; and, phase out reimbursement of expenses after two consecutive subscription years for employees who currently claim

that do not meet the statutory or legal definition.

2. Decision(s) Recommended

- 2.1 To approve the attached Travel, Subsistence & Personal Expenses Policy.

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3. Matters for Consideration

- 3.1 The review of the Travel, Subsistence & Personal Expenses Policy included addressing the inconsistent approach across the Council in relation to reimbursement of expenses for professional subscriptions and memberships.
- 3.2 In 2018 a decision was taken setting out that existing employees who currently claimed their professional subscriptions as a result of a requirement of their role, could continue to do so, but new employees would be no longer be able to claim reimbursement.
- 3.3 The policy did not clearly set out the Council's position which over time has led to local decision making and different practices being operated within Directorates and across the Council.
- 3.4 Analysis undertaken as part of the current review shows that employees in some roles within Economy & Infrastructure, Resources and Public Health claim expenses for professional subscriptions.
- 3.5 A costing exercise to inform this aspect of the policy review asked each Directorate to provide a list of employees who are reimbursed for professional membership and the associated cost, and to identify posts where there is a legal or statutory requirement for the role to be a member of that professional body.
- 3.6 A legal or statutory requirement for the role means that membership of the professional body must be held by the employee and that without this they would not be able to carry out the duties of their role. This definition does not include positions that only benefit from membership of a professional body through having access to resources and information.
- 3.7 For the 2021/22 subscription year, there were 83 employees reimbursed, the total cost was £22,246. This includes a range of roles at different grades.
- 3.8 It is noted that as part of a joint agreement between Solihull, Coventry and Warwickshire, that all three local authorities share the cost to reimburse the professional membership for Emergency Planners. Twelve of the thirteen Emergency Planners are employed by Solihull but work across the sub region. These posts are therefore out of scope for this review.
- 3.9 Of those who currently claim only two service areas, Legal Services and Corporate Land confirmed there was a statutory or legal requirement to do so as part of the role.
- 3.10 Adult Social Care, Childrens Services, Public Health and Resources identified roles where membership is a statutory or legal requirement of the role. Based on the establishment as at July 2022, a total of 294 employees have been identified in 40 different roles that fall within this category.
- 3.11 The costs associated with funding one year of membership (based on 2022

subscription fees) for those on NJC terms set out in 3.10 would be £32,241.

3.12 Whilst this review has been undertaken, an interim decision has been made to pay Social Worker registration fees that were due for payment in November 2022 (in Childrens' Services and Adult Social Care) for retention purposes.

4. What options have been considered and what is the evidence telling us about them?

4.1 As part of this review, views were also invited on the value for money and impact that providing professional subscription reimbursement would have on recruitment and retention.

4.2 The general view supports that paying professional subscriptions is likely to aid recruitment and retention more so when part of a wider benefits package; and shows a positive commitment for roles that are required to be a member of a professional body and subject to external professional standards.

4.3 There was limited response to a benchmarking exercise undertaken in 2020. At that time, it showed two of the five local authorities who responded reimbursed for one professional subscription per year, subject to criteria (i.e. demonstrable benefit to the organisation, requirement of the role).

4.4 The following options (and variations thereof) have been considered as part of the review.

4.5 Apply local discretion

4.5.1 As part of discussions about proposals, concerns were raised as to the fairness of local decision making and firm views supported that the Council should adopt a corporate framework for consistency across all areas with agreed criteria.

4.5.2 Locally determined criteria when deciding which roles can claim expenses presents a risk of complaints from employees who are treated differently and potential discrimination.

4.5.3 Whilst this approach gives flexibility to Directorates, to target recruitment and retention issues and promotes continued profession development, it has the potential for increased and unmanaged costs.

4.6 Policy statement to include reimbursement of one set of fees each financial year where it is defined that membership of a professional body is a statutory or statutory requirement for the role.

4.6.1 The statutory or legal definition criteria was agreed to recognise a direct business need and the requirement of those roles where professional membership must be attained to carry out a role, it also provides a clear and transparent approach as to when reimbursement applies.

4.6.2 It was felt appropriate that employees on NJC terms and conditions of employment

who met these criteria would be in scope to make such claims if they so choose.

- 4.6.3 Employees who currently claim but would not meet this definition will be adversely affected by this option and it is therefore appropriate to put in place protection arrangements. It is proposed that protection would apply for a period of two years in recognition of this change in the removal of the non-contractual benefit they have previously enjoyed.
- 4.6.4 Whilst this approach would reduce the costs on non-essential fees being paid (after the pay protection period), the costs are increased through application of the agreed statutory or legal definition that brings in scope more posts.
- 4.7 **Policy statement that there is no reimbursement of professional subscriptions for new employees. Existing employees who currently receive reimbursement will be protected and can continue to claim their current subscription fee.**
- 4.7.1 Whilst this approach would seem appropriate to contain cost, it does not address the matter of achieving consistency or adopting an approach based on business need aligned to suitable criteria.
- 4.7.2 Employees who pay for professional subscription fees for membership/s that are relevant to their role themselves, may be able to apply to HMRC for tax relief. The details of the approved professional organisations and societies and associated criteria is available on the government website.

5. Reasons for recommending preferred option

- 5.1 The analysis has been presented to Assistant Directors and CLT and the proposal agreed was that the Council's approach should be:
 - 5.1.1 to reimburse one professional subscription per year, for roles on NJC terms and conditions that meet the statutory or legal requirement definition; (specifying NJC terms means that Directors and Assistant Directors would not claim) and,
 - 5.1.2 protect reimbursement for a period of two years for those who currently claim that do not meet the statutory or legal definition.
- 5.2 This approach provides a framework for consistency of application whilst recognising the importance of supporting employees who, without their professional membership would be unable to carry out their role.
- 5.3 Protection arrangements for those adversely impacted by this review allows for a transition of costs to be managed.
- 5.4 The proposal gives clarity about the criteria required to make a claim for professional subscriptions and removes local decision making that has potential for different operating practices to emerge and inequality of approach.
- 5.5 There is scope under the Councils Post Entry Training Policy for the payment of fees where an appropriate level of membership is required for an employee who is

undertaking approved training for a professional qualification.

6. Implications and Considerations

6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	<p>The proposed approach provides clarity and defines the criteria as to where professional subscriptions can be reimbursed. The scope is widened with more business critical roles, such as Social Workers, now meeting the new definition which may aid with recruitment and retention</p>
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	<p>Not applicable</p>
<p>Environment:</p> <ol style="list-style-type: none"> 8. Enhance our natural environment, improve air quality and reduce net carbon emissions. 	<p>Not applicable</p>
<ol style="list-style-type: none"> 9. Promote employee wellbeing 	<p>Aids financial wellbeing for those in roles where they have no choice but to pay for professional subscriptions / memberships in order to carry out their role.</p>

6.2 Consultation and Scrutiny:

6.2.1 Consultation has taken place with Directorate Leadership, Assistant Directors and the Corporate Leadership Team.

6.2.2 The proposed approach has been discussed with Trade Unions and they are

agreeable to the changes proposed.

6.3 Financial implications:

6.3.1 The costs associated with the proposed approach would be funded by each directorate.

6.3.2 The indicative cost, based on 21/22, subscription fees and NJC roles identified in the July 2022 review are £32,241.

6.3.3 Costs for current claims that would continue under protection arrangements at a cost of £15,378 per annum for two years.

6.4 Legal implications:

6.4.1 The policy is legally compliant

6.5 Risk implications, including Risk Appetite:

6.5.1 Service areas where roles do not meet the agreed definition to qualify for reimbursement indicate this may impact on recruitment and retention of some roles in a competitive market.

6.5.2 Employees who are adversely affected by the proposed approach are likely to see the proposed approach as a lack of investment in supporting their continued professional development.

6.6 Equality implications:

6.6.1 Negative effects on employees with protected characteristics under the Equality Act 2010 have not been identified.

6.6.2 The proposed approach extends the range of roles who would qualify for reimbursement, including those at the lower earning bracket and grades.

6.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS)

7. List of appendices referred to

7.1 Travel, Subsistence and Personal Expenses Policy

8. Background papers used to compile this report

8.1 Directorate Costing Analysis

9. List of Other Relevant Documents

9.1 NA