

Name of meeting: Personnel Committee

Date: 24 November 2014

Title of report: Professional Fees – Update resulting from ER Sub Committee 28 April 2014.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan ?	No
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by <u>Director</u> & name	
Is it signed off by the Director of Resources?	Yes – 10 th November
Is it signed off by the Assistant Director - Legal & Governance?	Yes – 10 th November
Cabinet member portfolio	Cllr Graham Turner

Electoral [wards](#) affected: all
Ward councillors consulted: none

Public or private: Public

1. Purpose of report

The issue of Professional fees (and whether employees should have them paid on their behalf by the Council) was raised as part of the Social Work Dispute which was addressed at Employee Relations Sub Committee on 28 April 2014.

The ER Sub Committee concluded that the current policy is being properly applied.

The ER Sub Committee also asked management to prepare a report to review the current policy on the payment of professional fees.

2. Key points

Current Situation / Definition

A Professional fee refers to a fee that has to be paid by an individual to a professional body or statutory organisation to maintain membership of that body in order to maintain professional/safety standards. Maintaining this

membership usually involves some form of continuous professional development (CPD).

Paragraph 4.6 of the Employee Handbook states:

“Professional Fees are paid by individuals to professional bodies for maintaining their professional or registered status – for example social workers, lawyers or architects.

You are responsible for paying your own professional fees and any other work related fees, such as HGV licence renewal. It is your responsibility to make sure that you have any up to date registration that is a requirement of the job.

The Council, at its sole discretion may pay or contribute towards the cost of nationally recognised fees, for example ISA registration in the light of changing legislation. This will be reviewed from time to time.”

The above extract from the employee handbook which is headed as Professional Fees, covers two issues, Professional Fees and in the second paragraph other Work Related Fees.

What happens in practice?

At present and in accordance with the Employee Handbook the Council does not pay the professional fees of an individual, even when there is a requirement to be registered in order to practice (i.e. the individual could not carry out their job legally if they were not registered). The Council does pay technical registration fees where it is the **council** that has to be registered to provide the service.

In order to obtain the **council's** registration, specified individuals have to be registered and the fee is paid by the authority. In these instances, the individual registration is not transferable if the employee leaves the council.

Kirklees currently have 466 employees who are required to have individual membership of a professional body in order to be able to practice their profession. Of these 420 are Social Workers who are required to be members of the Health and Care Professionals Council (HCPC). The current fee for this membership is £152 for 2 years.

A further 27 employees employed as solicitors have to have the Practising Certificate fee (Solicitors Regulation Authority) at a cost of £384. This is the most expensive professional fee that any Council employee has to pay able to undertake their job.

In some roles Kirklees request (and sometimes insist) that employees are in a professional body although it is not a statutory requirement for the person to be in the professional body and this is reflected in the employee specification. In these cases the individual pays for their registration/membership. It is anticipated that there are hundreds of employees in this group – however no central record is held.

As part of the ER Sub –Committee the trade unions requested members to agree to pay for all professional fees that are a requirement to practice – regardless of whether they are personally transferrable.

3. Implications for the Council

A decision to change the current practice and to pay for all the professional fees required “to be able to practice” (i.e. covered by legal expectation) would increase the costs to the Council by at least £50,000 per annum.

If a decision was reached to pay for all professional fees – that are deemed essential within job descriptions/person specifications (i.e. not just those that are required within legislation) the cost would be significantly greater, however as this information is not recorded cannot at this point be detailed but is anticipated to be significant and reopen the equalities issues closed down by Single Status.

Any change to the terms and conditions would have to be made from a particular point in time to avoid debate over issues such as backdating.

4. Consultees and their opinions

Alison O’Sullivan as Director of Children and Adults has responsibility for Social Workers.

Julie Muscroft Assistant Director for Legal, Governance & Monitoring has been consulted.

Both understand the options available.

5. Next steps

Information to be sent to managers to remind them of the guidance on professional fees and payments made once the decision is made.

6. Officer recommendations and reasons

Cabinet are recommended to agree to either:

1. Maintain the status quo and not pay any professional fees regardless of whether they are a legal requirement to practice;
2. Pay professional fees that are legally required in order for the individuals to be able to practice their roles.

The simplest outcome would be not to change the current practice which would not require any amendment of the Staff Handbook.

If the decision is made to pay such fees, it is recommended that it takes effect from a specific future date and there is no requirement to back date any payments, which would be difficult to administer.

Whichever option is chosen it is recommended that cabinet confirm that no payments are made for any professional fees other than those legally required regardless of whether Kirklees make them a requirement of the job.

7. Cabinet portfolio holder recommendation

Councillor Turner is aware of these options – his recommendation is to maintain the current position.

8. Contact officer and relevant papers

Luke Ricketts – HR Manager

9. Assistant Director responsible

Rosemary Gibson – Head of HR