

Minutes of the 61st Meeting of the
Office for Legal Complaints Remuneration and Nomination Committee

27 March 2023

Present:

Alison Sansome, Chair.

Dale Simon.

Rachel Cerfontyne.

In attendance:

Paul McFadden, Chief Ombudsman.

Debra Wright, Head of People Strategy and Services.

Lisa Hanlon, Strategic HR Business Partner.

Laura Stroppolo, Head of Programme Management and Assurance

Nawal Henry, Facilities and Health and Safety Officer.

David Peckham, David Peckham, Head of Operations, Transformation and Business Intelligence, observing.

Patricia Tueje, OLC Board member, observing.

Mark Persard, EDI Manager, observing.

Apologies

Elisabeth Davies, OLC Chair.

Minutes:

Kay Kershaw, Board Governance Manager.

Item 1 – Welcome, apologies, conflict of interest and matters arising.

1. The Chair welcomed attendees to the meeting.
2. Apologies were noted.
3. There were no conflicts of interest reported.
4. The meeting was quorate and had a lay majority.
5. Attendance at the November RemCo meeting had not met the requirements of a lay majority and therefore the meeting had not been quorate. The following items were therefore re-submitted for further confirmation at this meeting. Following discussion, RemCo:
 - **Ratified** a unanimous decision made out of committee in February 2022 to approve the Health and Safety Policy and Lone Working Guidance.

- **Ratified** a unanimous decision made out of committee in May 2022 to approve the revised Redundancy Policy.
- **Noted** that the minutes of the RemCo meeting held on 8 February 2022 had been reviewed and formally **approved** by members of RemCo at the Board meeting held on 15 December 2022.
- **Noted** that the minutes of the joint RemCo / Staff Council meeting held on the 8 February 2022 were on the agenda at this meeting for approval.

Item 2 – Feedback on RemCo’s meeting with Staff Council on 27 March 2023

6. The annual meeting with Staff Council had provided RemCo with a valuable opportunity to engage in helpful and constructive discussions with staff. Members **confirmed** that annual meetings with Staff Council should continue to take place.
7. RemCo welcomed the planned refresh of the Staff Council and the revision of its Terms of Reference (ToR) as this would provide more clarity on Staff Council’s role and purpose.
8. RemCo noted that some staff held more than one role on a staff group. It was suggested that consideration was given to revising the ToR for Staff Council and all other staff groups to limit the number of additional roles staff could hold as this would mitigate any risks to personal and organisational performance and also ensure that a wider range of staff views and opinions were heard across the various staff forums.

ACTION: The Head of People Strategy and Services to consider revising the ToR for Staff Council and all other staff groups to limit the number of additional roles staff could hold to mitigate any risks to personal and organisational performance and to ensure that a wider range of staff views and opinions were heard across the various staff forums.

Item 3– Previous minutes

9. RemCo **approved** the minutes of the meeting held on 24 November 2022 as an accurate record of the meeting.
10. RemCo **approved** the minutes of the meeting held with Staff Council on 8 February 2022 as an accurate record of the meeting.

Item 4 - Previous actions

11. RemCo **noted** the update on previous actions. The following points were made:
 - Action 4 paragraph 16 from the November 2022 meeting: The deadline for this action had been extended to 10 April 2023 to allow further time for RemCo members to notify the Head of People Strategy and Services of any changes required to the suite of HR metrics.

- Action 8 paragraph 36 from the November 2022 meeting (two actions): Considering that an updated Gender Pay Gap Report had been submitted for discussion at this meeting RemCo **agreed** that these actions should be closed.
- Action 9 paragraph 42 from the November 2022 meeting: Considering that RemCo's Terms of Reference was on the agenda for discussion at this meeting, RemCo **agreed** that this action should be closed.

ACTION: The Board Governance Manager to close actions 2, paragraph 36 (two actions) and action 9 paragraph 42 from the November 2022 meeting.

Item 5 – HR metrics

12. The Head of People Strategy and Services reported on HR metrics, drawing RemCo's attention to the following key points:
- Overall attrition had reduced for the seventh consecutive month. Investigator attrition had increased slightly in January but this had since decreased. Attrition and its impact on organisational performance continued to be closely monitored.
 - Overall sickness absence had reduced. Mental health sickness absence had increased in January; this was being closely monitored and HR Business Partners were providing support to Managers and staff.
 - HR Business Partners continued to support Managers to identify and implement reasonable adjustments for staff. Reasonable adjustments were now considered as part of the new Performance Development Review (PDR) process and will also be considered as part of the Managing Attendance and Well-Being module in the Leadership Development Programme.
 - All HR policies, including the Sickness Absence policy, were rigorously implemented to enable Managers and HR to deal with any issues in a robust and timely way.
 - The time to fill vacancies had increased due to the inability to recruit to corporate roles.
13. Having sought to understand the reasons given by staff, particularly Investigators, for leaving LeO, RemCo was advised the main reason people left LeO was for better pay and benefits. Other reasons stated by investigators included: the isolation of permanent remote working for those who had joined LeO on permanent remote working contracts; not liking the job; LeO's expectations of staff during the probationary period; and the level of support provided during the probationary period. In response to staff feedback, changes had made to improve the experience of staff during the probationary period.
14. Questions were raised about whether there was a link between poor mental health and increased levels of remote working, and whether poor mental health was more difficult to detect because of remote working. In response, RemCo was advised that LeO had no evidence to suggest that there was a link between poor mental health and remote working. Managing staff remotely did require a different approach; LeO continued to learn about managing remote workers and this was an area that would be considered as part of the Leadership Development Programme.

15. The RemCo Chair welcomed the stabilisation of the HR metrics and incremental improvements that had been seen. It was suggested that consideration should be given to reporting long and short-term sickness absences separately so that the effectiveness of the sickness absence policy and any other interventions by Managers and HR could be assessed.

ACTION: The Head of People Strategy and Services to consider reporting long and short-term sickness absences separately.

16. The RemCo Chair highlighted the need for Managers and HR to be mindful of mental health disabilities developing because of long-term sickness absence and ensuring that increased levels of support or reasonable adjustments were put in place as required.

17. Following discussion, RemCo **noted** the update on HR metrics.

Item 6 - People Strategy: Progress against action plan.

18. The Head of People Strategy and Services presented a report on the progress that had been made on delivering the re-prioritised People Strategy. The following key points were drawn to RemCo's attention:

- Recruitment to some of the HR posts continued to be challenging. A recruitment partner had been engaged to recruit an additional HR Business Partner. An HR Co-ordinator had been appointed to commence in role in April.
- Managers had attended briefing sessions on the revised HR policies that had been rolled out to staff in July.
- The Leadership Development Programme, which was closely aligned to the revised HR policies, had been launched. Three of the seven modules had been delivered and positive feedback had been received from those that had attended.
- The new PDR process was launched in December 2022. Most PDRs had been completed and work had begun to collate information on development needs and career aspirations; this would inform a training offer and a succession planning strategy for 2023/24 and the development of talent management.
- It was anticipated that the findings of a pay benchmarking exercise would be available by the end of April.
- A review of Staff Council and the staff networks had commenced.
- A review of existing employee benefits had been completed; this, along with the findings of the pay benchmarking exercise and other complementary work being undertaken by HR would inform the development of a new employee value proposition (EVP).
- A review of end-to-end recruitment was underway; the EDI Manager was supporting this to ensure full consideration and promotion of EDI within the Recruitment policy and associated processes.

19. In discussion about the new PDR process, the following key points were made:

- Detailed communications had been issued to managers and staff prior to the launch of the new PDR process, this included detailed training and guidance for managers and information to staff on how to prepare for their PDR.
- The new PDR process had been well received by managers and staff who had demonstrated a high level of commitment to the process.
- The quality of completed PDRs had been high and the process had provided opportunities to celebrate successes and clarify objectives.
- Staff communications would be issued to demonstrate how the PDRs were being used to inform HR's work on such things as LeO's future training offer and initiatives to support career aspirations.
- Once the PDR process had embedded, staff feedback would be sought to inform areas for further improvement and development.

20. RemCo sought to understand how LeO was managing staff expectations and any potential risks associated with the pay benchmarking exercise. In response the CO explained that:

- LeO had been open with staff and stakeholders about the challenges associated with pay and the implications of this for retention and recruitment.
- Staff expectations regarding any potential pay award had been carefully managed. Staff were appreciative of the open and honest discussions that had taken place on this and they understood the constraints placed on LeO regarding pay and rewards.
- The pay benchmarking data would provide evidence to inform future discussions on pay with the MoJ.

21. RemCo **noted** the update on the People Strategy.

Item 7 – Gender Pay Gap report.

22. RemCo was satisfied that the 2022 Gender Pay Gap report had been updated in line with feedback provided at the RemCo meeting in November 2022.

23. In discussion, it was recommended that the format of the 2023 Gender Pay Gap report was changed to include the breakdown of male and female staff in the organisation before the table showing the pay quartiles.

ACTION: The EDI Manager to ensure that the 2023 Gender Pay Gap report included a breakdown of male and female staff in the organisation before the table showing the pay quartiles.

24. RemCo **approved** the 2022 Gender Pay Gap report.

Item 8 – Civil Service people survey 2022

25. The Head of People Strategy and Services presented the 2022 Civil Service People Survey report, drawing RemCo's attention to the following key points:

- The headline findings of the 2022 Civil Service People Survey had been reported and discussed at Board meetings in December 2022 and January 2023.
- The survey results had been pleasing with improvements across all key themes except pay and benefits.
- Additional EDI information had been analysed to gain a better understanding of employee engagement and the experiences of different groups working at LeO. The highest engagement score had been seen from BAME respondents.
- Having been reviewed by the Executive, the survey scores would then be shared with all staff and discussed at team meetings and safe space focus groups. Staff feedback on the underlying reasons for the scores would inform further improvements and work being undertaken on other strands of the People Strategy, including future ways of working and the EVP.
- Regular communications would be issued to staff to inform them of the actions taken in response to the People Survey scores.

26. RemCo had been pleased by the improved People Survey scores and welcomed the further work being undertaken to gain a better understanding of the underlying reasons for the scores, particularly those relating to discrimination, bullying and harassment, the low engagement scores for disabled and LGBTQ+ staff, and why some staff didn't respond to the survey.

27. RemCo **noted** the 2022 Civil Service People Survey report.

Item 9 LeO's HR Policy framework and annual policy review

28. The Head of People Strategy and Services presented the HR Policy Framework, drawing RemCo's attention to the status of HR policies; that some of the policies relating to LeO's people performance were due to be reviewed in July 2023; that new policies would be identified as part of LeO's journey towards becoming an employer of choice and would be delivered through the implementation of the People Strategy.

29. Members commented on the comprehensive nature of the work that had been undertaken to develop the HR policy framework.

30. Recognising the good practice of reviewing policies on an annual basis, it was suggested that consideration might be given to a more flexible approach on this occasion so that space was created to develop the new policies that were required.

31. RemCo **noted** the update on the HR Policy Framework.

Item 10 – Annual Health and Safety Compliance Report

32. The Head of Programme Management and Assurance presented the Health and Safety compliance report, drawing RemCo's attention to the following key points:

- The management of Health and Safety and Facilities continued to improve. The annual Health and Safety audit score was 99.2%.
- Further to a site intrusion incident, the Health and Safety Compliance Manual had been updated to ensure that staff had clear information on what action to be taken in the event of a site intrusion and what measures should be taken to prevent site intrusion.
- The Health and Safety policy was due to be updated and would take into consideration Health and Safety at LeO hubs.
- In October 2022, staff took part in LeO's first annual Health, safety and wellbeing month; this was well received by staff and involved events such as quizzes, an engagement lunch, presentations by external Health and Safety providers to promote good posture and wellbeing and a workshop involving members of the Board.
- A meeting with the agents of the Landlord of Edward House was being arranged to discuss longstanding safety issues with the windows and the end of the lease.
- LeO's electrical sockets were being updated in response to changes in electrical safety regulation.
- All new staff took part in a Health and Safety induction session.
- A remote workers day had taken place at the Birmingham office where an external provider had provided advice on posture and movement for staff who worked from home.
- Information on Health and Safety was available to all staff on LeO's intranet.

33. RemCo had been pleased by the results of the Health and Safety audit and the work that was being undertaken to promote health, safety and wellbeing across the organisation, including to those staff who worked remotely.

34. RemCo **noted** the annual Health and Safety Compliance report.

Item 11 – RemCo Terms of Reference

35. In March 2023, the OLC Board approved a minor amendment to RemCo's Terms of Reference (ToR).

36. RemCo reviewed its ToR and **confirmed** that no further amendments were required to its ToRs.

Item 12 – RemCo Effectiveness

37. RemCo reviewed the action plan, which had been developed to address the findings of the RemCo effectiveness review that had taken place in 2022.
38. The RemCo Chair advised that one of the actions had been completed, noting that ‘items for escalation to the Board’ had now become a standing agenda item at RemCo meetings.
39. Considering the remaining three actions, the RemCo Chair advised that as much as possible had been done to complete them. In discussion the following points were made:
- Action two: Members were satisfied that RemCo was fulfilling its non-executive assurance role; was focussed on policy and employer issues and that none of the areas of focus, as defined by its old ToRs had been overlooked. Having reviewed RemCo’s ToRs again at this meeting, it was **agreed** that no further changes were required to the Committee’s ToRs and that this action was completed.
 - Action three: The OLC Chair had considered increasing RemCo’s membership from three to four members, but it had not been possible to change the composition of the committee. RemCo **agreed** that no further changes were required to the RemCo ToRs and that this action was completed.
 - Action four: Considering that the OLC Board would ask RemCo to undertake deep dives of specific areas as required; that RemCo members could make recommendations for areas of deep dives to the RemCo Chair and OLC Chair; that RemCo’s forward plan had been updated to reflect that RemCo would undertake deep dives as required and that ad hoc meetings may be convened for this purpose, it was **agreed** that this action had been completed.

ACTION: The Board Governance Manager to update the RemCo effectiveness action plan to reflect that all actions had been completed.

40. It was suggested that RemCo may wish to consider deeps dives of the recruitment policy and the EVP in the future once the policy and EVP had been finalised.
41. It was **noted** that the external Board effectiveness review would take into consideration the effectiveness of all OLC Committees.
42. RemCo **noted** the update on RemCo effectiveness.

Item 13 – Items to escalate to Board.

43. The following items were recommended for escalation to the Board:
- Update on the annual meeting between RemCo and Staff Council.

Item 14 - Any other business

44. There was no other business.