

**THE HIGHLAND COUNCIL**

**Resources Committee**

1 October 2008


**Professional Fees**

**Report by Assistant Chief Executive**

Summary

This report proposes that the current policy of non-payment of professional fees/subscriptions/registrations should be amended.

1. Background

- 1.1 Council policy is that employees are currently responsible for the payment of their professional and registration fees.
- 1.2 As a result of a significant increase in the annual cost of practising certificates for solicitors and the additional requirement to pay an annual levy to the Scottish Legal Services Commission, a request has been made (via the grievance procedure) that the Council reconsiders its policy.

2. Current Position

- 2.1 There are a number of employees for whom it is a mandatory or legal requirement that they pay an annual registration fee or equivalent, to enable them to carry out their duties.
- 2.2 There are other employees (mainly professional staff) who pay annual subscriptions to enable them to retain their membership of their professional bodies and most job and person specifications state that membership of a particular professional body is an essential requirement of the particular post. Membership of professional bodies can also be desirable in other situations e.g. helps establish credibility of Planners at Public Local Enquiries or in Court and enables employees to benefit from involvement in professional networks.

3. Mandatory/Legal Requirement

- 3.1 In terms of employees who have to pay annual registration fees, Services have indicated that they fall into the following categories.

Social Work

Approximately 400 employees, including Social Workers, Residential Child Care Workers and Residential Adult Care Workers, pay an annual registration fee of £30 per person to the SSSC. Eventually all Social Work staff will require to be

registered with the SSSC.

### Education, Culture and Sport

Approximately 3800 teachers have to be registered with the GTCS at an annual fee of £40 per person. As for Social Work it will also soon be a requirement for Early Years Workers and probably Support for Learning Auxiliaries and Classroom Assistants to be registered with the SSSC.

### Housing and Property

Architects must be registered with the Architects Registration Board at an annual fee of £76.50 per person to be able to practice as architects.

### TEC Services

It is a mandatory requirement for engineers to retain their chartered status in order to complete design certificates, be Engineer for the Works and to complete building structural certificates. Annual subscriptions range up to £265 per person.

### Chief Executive's

Solicitors require practising certificates to enable them to undertake their duties. The fee for 2007/8 (which runs from November 07 to November 08) was £735 per person. In addition, solicitors have to pay the Scottish Legal Services Commission's annual levy of £102 per person giving a total of £837 per person. This fee and levy is paid by full-time and part-time employees, with no provision for a pro rata rate for part-time employees.

## 4. Non Mandatory Requirements

4.1 As indicated in Section 2 above, other professional and some technical staff pay annual subscriptions to their professional bodies, eg Accountants, Planners, Surveyors. There does not appear to be any legal or mandatory requirement for these to be paid, however, there are clearly expectations on staff to be members of their professional bodies both in terms of their person specifications and their professional development through CPD requirements.

## 5. Proposal

5.1 As can be seen it is difficult to draw a clear distinction between legal/mandatory and non mandatory requirements. It is also suggested that employees should expect to pay a reasonable annual sum to enable them to carry out their duties. It would seem, at this time, that solicitors are the only group who may have a case that the amount they have to pay is unreasonable, particularly as the full amount applies to part-time employees.

5.2 It is proposed that the Council amends its policy to reimburse staff for professional fees where those fees exceed £400 per annum with staff required to pay the first £400. This rate should be adjusted in line with the cost of living.

5.3 In respect of 5.2 above, this would only apply to payments to one professional body per employee e.g. if an employee was a member of 2 professional bodies, only 1 would be taken into account.

5.4 Other Councils have adopted varying policies in respect of payment of professional and registration fees. Several have the same Highland Council current policy of non-payment while others pay the practising certificates for solicitors but not for any other group of staff.

5.5 An Equality Impact Assessment screening has been carried out on the proposals.

6. Consultation

6.1 This proposal was submitted to the meeting of the Joint Consultation Group on 19 September 2008. Following the meeting of the Group, the trade unions were provided with further clarification and information and have now confirmed their support for the proposals.

7. Financial Implications

7.1 At present the Council employs 20 solicitors and the impact of this proposal would be a cost of £437 per solicitor per annum, a total of £8750 which would be funded from the Service budget. If agreed this would be back-dated to 1 April 2008.

**8. Recommendation**

8.1 That the Resources Committee approves the proposal to amend the existing policy for professional fees as detailed in Section 5 above.

Signature

Designation: Assistant Chief Executive

Date: 25 September 2008

Author/Reference: John Batchelor, Head of Personnel