

This report was also considered by the Joint Negotiating Committee on 10 March 2000

## SINGLE STATUS – PROGRESS REPORT

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### 1. Purpose

- 1.1 To set out the progress to date, since the Collective Agreement of March 1999.
- 1.2 To outline proposals for the introduction of guaranteed hours for Home Carers.
- 1.3 To outline proposals for the phasing out of weekend enhancements for Library employees.
- 1.4 To confirm progress on job evaluation in the light of the recommendations in the Collective Agreement of March 1999.
- 1.5 To outline issues raised by the Staff Side relating to Single Status.

### 2. Summary

- 2.1 The Collective Agreement of March 1999 incorporated those groups remaining, who were not catered for by other national terms and conditions into the Council's Single Status Agreement. The Agreement also set out the Council's pay enhancements package.
- 2.2 The Collective Agreement was subject to further discussions in certain areas. These discussions led to the subsequent signing of Agreements for the Direct Services Organisation (DSO) and for Leisure, in October 1999.
- 2.3 Employees who work in the Libraries were affected by the introduction of the pay enhancements package. Those on grades MK7 and above, working at weekends, were no longer eligible to receive enhancements. Consultation was needed to determine a method of phasing out the enhancements and two

proposals are put to the Joint Negotiating Committee. These proposals are set out in **Annex B**.

- 2.4 There is concern on the part of management that the enhancements are being phased out at the same time as proposals are being put forward, at operational and committee levels, to introduce more extensive weekend working to include Sundays.
- 2.5 The Collective Agreement of March 1999 included a commitment to guaranteed hours for Home Carers. Consultation was undertaken and the resulting management proposals are set out in **Annex A(i)**. The Staff Side are not in agreement with these proposals and the issues raised are set out in Section 5 of this report. UNISON have outlined their view of Home Care, this is set out in **Annex A(ii)**.
- 2.6 The Agreement of March 1999 set out a recommendation in relation to School Support staff, with a view to including them in full single status from 1 April 2000. The issues outstanding relating to School Support employees are included in Section 5 of this report.
- 2.7 A number of issues have been raised by the Staff Side. These are given in paragraph 5, Issues and Choices.

### **3. Recommendations**

- 3.1 That the Committee reach agreement on the introduction of guaranteed hours for Home Carers, based on the proposals set out in **Annex A** and taking into account views of the Staff Side.
- 3.2 That the Committee reach agreement on the phasing out of enhancements for Library employees working weekends, and opt for one of the proposals set out in **Annex B**.
- 3.3 That the Committee assess the progress made on job evaluation for the School Support employees and confirm what action is necessary to meet the terms of the March 1999 Collective Agreement and to meet the implementation date of 1 April 2000.
- 3.4 That the Committee consider the issues raised by the Staff Side and agree a way forward.
- 3.5 That any proposal agreed by this Committee be referred to the next meeting of the Personnel Committee for ratification, and where the proposal involves additional finance, to the Policy and Resources Committee for ratification.

## 4. **Background**

### Collective Agreement April 1998

4.1 The Collective Agreement of April 1998 provided employees with National Joint Council (Green Book) terms and conditions and in certain areas enhanced these with locally negotiated terms and conditions.

4.2 The Agreement covered the majority of employees and contained a commitment to bring together the remaining groups within a year, together with a pay enhancements package, across the Council. The remaining groups included the following:

DSO employees

Home Carers

Schools non-teaching staff

Remaining APT & C employees (re-evaluated under the revised Job Evaluation Scheme)

Former national manual employees in Directorates across the Council

Leisure employees

Residential workers and Senior Home Carers – in terms of hours of work

### Collective Agreement March 1999

4.3 Following further discussion on the details of implementation, the above groups of employees were brought into single status in the Collective Agreement of March 1999.

4.4 The Agreement of March 1999 incorporated a pay enhancements package which was to apply to all employees of the Council from 1 December 1999.

4.5 The Agreement set out recommendations in relation to School Support staff with a view to including them in full single status from 1 April 2000 (See **Annex C**).

4.6 The Agreement reached was subject to further discussion in the following areas:

- the measures needed to avoid undermining the viability of the DSO
- the effects on Leisure establishments where TUPE was to be applied on 1 December 1999
- guaranteed hours for Home Carers
- recommendations for School Support staff following completion of job evaluation
- enhancements for weekend working for employees in the Libraries

## Collective Agreements October 1999

- 4.7 Two Collective Agreements were reached in October 1999, following consultation with the DSO, Leisure and with Staff Side representatives. The Agreements covered employees in the DSO and Leisure. As a result, all DSO employees affected were incorporated in the Council's Single Status agreement. For those Leisure employees in Bletchley Leisure Centre and Sycamore Hall, incorporation of the terms of the Collective Agreement into employment contracts was effective prior to the TUPE transfer on 1 December 1999.

## Remaining Groups

- 4.8 There are three remaining groups of employees who need to be incorporated fully into Single Status. These are Home Carers, employees in the Libraries and in School Support.
- 4.9 Two consultation meetings have taken place with representatives of the Home Carers and with Staff Side representatives. Further consultation meetings have taken place with the Staff Side. A questionnaire was sent to all Home Carers seeking views on the proposal for guaranteed hours. Following analysis of the questionnaire, a further set of questions was put to the Senior Home Carers, requesting their views on specific issues.
- 4.10 Library employees have a contractual obligation to work alternate Saturdays and there is currently a contractual obligation to pay enhancements for weekend working regardless of grade. The Council's pay enhancements package introduced in December 1999 did not provide for weekend enhancements for those employees on grade MK7 and above. A clause within the Collective Agreement stated that:

'Where there is a contractual obligation to pay enhancements in excess of these outlined in this Agreement these will be phased out, following consultation.'

A consultation meeting with Library employees and with Staff Side representatives has taken place. As a result of this meeting, two proposals are put forward for consideration by the Joint Negotiation Committee.

The terms of the Single Status agreement, relating to the payment of enhancements for weekend working are in line with the provisions of the national agreement, outlined in the Green Book. The Council, in its Single Status agreement, extended the maximum Spinal Column Point for the payment of enhancements, by two points, in order to incorporate the whole of grade MK6.

## 5. Issues and Choices

### Home Carers

- 5.1 There is serious concern on the part of management over the offering of guaranteed hours without the condition of weekend and evening working. It is considered that the heavy workload in Home Care is concentrated at weekends and in the evening and this trend is becoming progressively more pronounced. There is a need to guarantee cover at these times in order to deliver the service. A further need is to limit the number of guaranteed hours to 60% of total hours.
- 5.2 Many Home Carers initially considered guaranteed hours as a threat rather than a benefit. There was a fear that existing working patterns would change, that employees would be forced to work weekends and evenings and would be obliged to make up 'lost hours' at times which were not convenient or possible for them.
- 5.3 The contracts of employment for Home Carers do not currently state their hours of work. However, for those who have worked set working patterns over a number of years, they may have acquired contractual rights to those working patterns.
- 5.4 If guaranteed hours contracts, with the condition of weekend and evening working, were to be offered to Home Carers, then those who chose not to take up this offer would continue with existing working patterns. The Service would endeavour to preserve these working patterns.
- 5.5 Limiting the eligibility for guaranteed hours to those who work above a certain number of hours may disadvantage part time workers. The minimum number of hours should not, therefore, be set too high.
- 5.6 In order to cover for emergencies, a casual register is needed. Such a register would be open to both existing Carers, those who wished to add to their normal working hours and to new recruits.
- 5.7 The Staff Side have maintained, through the consultations, that there should not be a condition of weekend or evening working and that those covering core day hours only should also be eligible for guaranteed hours. In order to allay any concerns over the introduction of guaranteed hours, Home Carers could be informed that every effort would be made to avoid distorting existing work patterns of those unable to take on weekend and evening commitments, and therefore unable to take on guaranteed hours contracts. Any changes to these patterns could occur by natural wastage.
- 5.8 In summary, the Staff Side's position on Home Care is:
- ✓ Guarantee hours and current patterns of work of those currently employed in Homecare for up to 37 hours.
  - ✓ Contracts to be available:
    - ❖ Weekdays only working

- ❖ Weekday and some evening working
- ❖ Weekday and some weekend working
- ❖ Weekend and evening working
- ❖ Weekend only working
- ❖ Evenings only working

By guaranteeing regular hours efficiency savings should reduce overheads thereby reducing the costs of Home Care as required by the Best Value review. It is generally accepted that the present way of operating causes the Payroll section more work than would be needed should guaranteed hours working be adopted, again financial savings could be made.

### **Libraries**

#### 5.8 Proposal 1

Enhancements for those in the Libraries, on grades MK7 and above, working at weekends, are to be protected for a period of three years from 1 April 2000.

An additional increment to be awarded on 1 April 2000 to all those affected.

- 5.9 This proposal is supported by both employees and Staff Side, though the employees would wish to emphasise that Proposal 2 is their preferred option.
- 5.10 The award of the additional increment is a means of compensating those employees for the eventual loss, after three years, of their enhancement allowance.
- 5.11 The level of enhancement ranges for the ten affected, from £448.00 to £1434. The additional increment is considered justifiable, given the eventual size of the loss.
- 5.12 The loss is accentuated by the fact that the enhancements are pensionable.
- 5.13 Three years of protection effective from 1 April 2000 is seen to be justifiable given precedents elsewhere:
- Three years of detriment for those whose job is downgraded as a result of the job evaluation scheme.
  - Phasing in of weekend enhancements for DSO over three financial years.
- 5.14 In determining the level of protection, account needs to be taken of equalities issues. The longer terms and conditions outside the Single Status agreement are allowed to continue, the more difficult it is to defend an equalities challenge. However, given the precedents for phasing in over three years, this period could be justifiable.
- 5.15 Should an additional increment be awarded on 1 April 2000, then two of the ten employees would receive payments in excess of their annual enhancement allowance. In these cases, the enhancement allowance would cease on 1 April 2000.

- 5.16 The award of the additional increment would be subject to the maximum of the grade being reached.
- 5.17 The protection of the enhancement would only apply to the current post and would cease on promotion or voluntary redeployment or transfer.

### Proposal 2

- 5.18 The situation to remain as it is. This group to be regarded as a special case and both existing and new employees on MK7 and above to continue to receive enhancements for weekend working.
- 5.19 This proposal is supported by the employees affected and is their preferred option. They consider that their duties in the Libraries are at their most onerous at weekends due to increased attendance by the public and increased demand for specialist advice from senior members of staff.
- 5.20 There is a concern that a loss of enhancement will deter employees on grades MK6 and below from applying for promotion to a level MK7 and above.
- 5.21 There is a concern on the part of management that the enhancement is being phased out at the same time as proposals are being put forward, at operational and Committee level, to introduce more extensive weekend working to include Sundays.
- 5.22 There are others in the Council on salary grades MK7 and above who do not receive enhancements for weekend working. These include Residential workers and Emergency Social Work Team members. There are also those whose posts were evaluated at a lower grade under the Council's new Job Evaluation Scheme who currently receive three years of detriment and not personal protection. Any special treatment of Library staff needs to be considered in this light and equalities implications taken into account.
- 5.23 Personal protection for one group of employees needs to be considered in the light of the spirit of the Single Status agreement, where the aim was to ensure that all staff worked under the same terms and conditions of employment.
- 5.24 The Staff Side has indicated that should personal protection apply to this group of employees, they will challenge the loss of benefits for other groups within the Council and seek to apply personal protection elsewhere. Open ended personal protection is not usually considered acceptable as an approach when considering equal pay issues and Members are asked to take careful account of this when considering Proposal 2.

### Schools

- 5.25 The Collective Agreement of December 1999 followed the recommendations of the March 1999 Collective Agreement and set out the terms relating to the introduction of Single Status for School Support employees. As a prerequisite, the job evaluation of all posts within this group was required.

About ninety percent of the required post evaluations have been completed. About eighty percent of the schools have completed all their evaluations. The

Staff Side has expressed dissatisfaction that the job evaluation is not complete and wishes action to be taken to rectify the situation.

### Issues raised by Staff Side

5.26 Following the implementation of enhancements to basic pay from 1 December 1999, the following issues have been raised by the Staff Side:

(a) Payment of enhancements during periods of paid leave:

Part II National Agreement - 7.11 Normal Pay states: "Normal pay includes all earnings that would normally be paid during a period of normal working, but excluding any payments not made on a regular basis."

As all "control operators and mobile wardens" are paid, on a regular basis, the shift allowance and allowances for weekend working; it is their contention that these payments must be made during periods of sick leave and annual leave.

Any other worker or group of workers who regularly work periods where enhancements are made should also receive these payments during any period of paid leave.

(b) Standby:

The Staff Side wishes to raise the issue of standby arrangements on Bank/Public Holidays. Management's interpretation of the agreement differs from that of the Staff Side. Currently anyone on standby on these days is given the equivalent time of in lieu at some other time. Previously employees, in some areas, have been given a full day off in lieu. The Staff Side's interpretation is that a day off in lieu should still be given and that any time worked is paid at plain rate and the hours worked off. Staff in some areas are reluctant to continue providing a standby service unless they receive time off as previously enjoyed.

(c) Winter Gritting: Remuneration:

Employees undertaking winter gritting duties to date have not been evaluated. Currently staff in different sections are being paid by varying formulas. Some staff are paid plain time for turning out in the early hours while others are being paid overtime rates.

The staff being paid plain time are clearly aggrieved. Under the Working Time Directive employees are entitled to an eleven hour break between ending one shift and starting another, clearly this cannot happen unless no work is carried out the following day during normal hours.

2.2 of the agreement reached last March allows for payments, to be made for irregular hours, of up to 10% of annual salary: payment of this allowance would add up to £2,200 to the salary of those carrying out these duties. This is in excess of the amounts previously being paid.

Discussions have taken place with those staff involved and they have indicated their willingness to accept payment in line with those paid in

previous years.

(d) Craftworkers:

This group is not covered by the "Green Book", but by their own National Terms and Conditions. Currently because of this other workers are enjoying more favourable terms and conditions. The Staff Side wishes to address the situation and eliminate the disparity.

(e) Job Evaluations:

Since the adoption of Single Status and the local job evaluation scheme in April 1998, the Projects Team initially carried out job evaluations. More recently the Operations Division of Human Resources has conducted them. The change was never discussed with or agreed by the Staff Side.

Job evaluations would have more credence if they were carried out jointly by both the employer and the Staff Side.

The Staff Side proposes that Job Evaluations be in future conducted in the following way:

- (a) Manager and employee agree Job Profile, Person Specification, Job Profile Questionnaire and copy of structure plan.
- (b) Head of Service (Head Teacher in case of a school-based employee) and Trade Union representative evaluate post, Human Resources Officer to act as secretary to panel.
- (c) Result be checked for consistency and approved by relevant Strategic Director.
- (d) Appeals to be handled as currently.

The above would bring us into line with how the National Scheme is operated.

(f) Deletion of Shaded Points:

To assist with the introduction of Single Status and reducing implementation costs it was agreed that for "phasing in" purposes there would, on a temporary basis, be two overlapping points between grades. As "phasing in" ends on 1 April 2001 the Staff Side suggests that the shaded points are eliminated from 1 April 2000.

The scheme initially stated that there would be 14 grades of 5 incremental points. Nationally and locally Spinal Column Points (SCP) have been/will be removed as follows:

SCP 1	01.04.1998
SCP 2	01.04.1999
SCP 3	01.04.2000

This year's pay claim submitted nationally calls for a minimum wage in Local Government of £5.00/hour. This in effect would eliminate all SCP's up to SCP9.

(g) Lifelong Learning / Return to Learn:

As part of the agreement last year the authority agreed to consider entering into a partnership arrangement on Lifelong Learning / Return to Learn. The Staff Side wishes to have a report on what progress has been made towards this, or what discussions have taken place.

6. **Implications**

6.1 Environmental

None.

6.2 Equalities

*Home Carers:*

The offer of guaranteed hours would be made to all existing Home Carers both full and part time, subject to the conditions set out.

*Libraries:*

Any proposal to phase out enhancements in excess of those outlined in the Green Book, should be justifiable on equalities grounds and should not undermine the Collective Agreement on Single Status. There is potential for a challenge under Proposal 2, since there are others in the Council on similar grades who do not receive enhancements for weekend working.

## 6.3 Financial

### *Home Carers:*

There is no immediate financial implication of introducing guaranteed hours.

### *Libraries:*

#### Under Proposal 1

In year 1, the addition to the budget is £4514. This represents the total cost of the additional increment (£5678), minus the amount of enhancement for two employees (£1164). (See 5.15).

In year 2, the addition to the budget is reduced to £1626 since five of the employees will have reached the top of the scale and no incremental progression will apply to them at that time.

In year 3, the addition to the budget is reduced to £804 since a further employee will have reached the top of the scale.

In year 4, there is a saving to the Council of £7861, and each year thereafter, since all the enhancements cease. The remaining employees reach the top of the scale at that point.

#### Under Proposal 2

There is no increase in the level of budget expenditure, compared with the present level of expenditure. This proposal would still have to be funded at the rate of £8536 per annum, since enhancements continue to be paid, as at present.

## 6.4 Legal

The Council is committed, through the Collective Agreement of March 1999, to single status of terms and conditions for all employees.

Any arrangement to phase out enhancements will need to be part of a Collective Agreement and thereby incorporated into individual employment contracts.

Home Carers will be given the opportunity to take up guaranteed hours. There will be no obligation for employees to change existing working patterns.

## 7. **Conclusions**

7.1 The introduction of guaranteed hours for Home Carers is in keeping with the commitment given in the Collective Agreement of March 1999.

7.2 The Council is committed, through the Collective Agreement of March 1999, to single status of terms and conditions for all employees.

- 7.3 Enhancements for weekend working for those in Libraries on grades MK7 need to be phased out in a way that balances consideration of the effect on the employees, the financial implications and equality issues.

Background Papers: Collective Agreement March 1999