COUNCIL AND TRADE UNION JOINT COMMITTEE

Date: Thursday, 26th January, 2017
Time: 7.00pm.
Venue: Council Chamber, Ealing Town Hall.

(Employee Side: Pre-meeting, Council Chamber - available from 6.00pm)

MEMBERS:

Council's Side: Councillors: Bell (Chair), Hynes, Johnson, Martin and Alex Stafford.

Employees’ Side: Sukhminder Kalsi (Vice-Chair), Mary Lancaster, Vinny Jones, Steve Matheson, Diana Ohanian, Mark Reynolds, Cheryl Shawcross, Adam Smith, Toni Taylor and Fred Williams.

AGENDA

1. Election of Chair and Vice-Chair
2. Apologies for Absence
3. Urgent Matters
   Any urgent matters that the Chair has agreed should be considered at the meeting.
4. Matters to be Considered in Private

5. Declarations of Interest
To receive any declarations of personal and prejudicial interests in any of the items to be considered at the meeting, and any notifications of dispensations.

6. Minutes (13.10.16)
To agree that the minutes of the previous meeting of the Joint Committee held on 13th October, 2016 is a true and correct record.

7. Matters Arising From the Minutes of the Previous Meeting

8. Non Standard Workers (NSW’s), Interims & Consultants and Agency Workers (AW’s) (Report by the HR Business Partner)

9. Local Agreements - ‘Dangerous Structures’ - ‘On-call rota payment’ (Report by the Director of Regeneration & Planning)

10. Local Agreements - ‘Re-ablement Service’ - Adult Services, LBE (Report by the HR Business Partner)

11. Employee Side Items
   - Update on the Council’s Budget, savings and proposed reorganisations.
   - Consultants, interims and agency staff (non-standard workers).
   - ‘Future Ealing’
   - Equalities update
   - Pensions – Late Retirement

12. Workforce Equalities Update
(Report by the HR Business Partner)

13. Health and Safety Issues/Update
(Standing Item - Verbal update to be provided at the meeting)

14. Date of Next Meeting
Thursday, 20th April, 2017.

PAUL NAJSAREK
Chief Executive
18th January, 2017
NOTE: In the event of an emergency your attention is drawn to the evacuation instructions displayed on the wall by the entrance to the Council Chamber. First aid advice will also be found here.
AGENDA ITEM : 6

COUNCIL AND TRADE UNION JOINT COMMITTEE
Thursday, 13th October, 2016
MINUTES

PRESENT:

Council Side: Councillors: Hynes, Johnson and Raza.
Employees’ Side: Sukhminder Kalsi, Mary Lancaster, and Mark Reynolds.

OFFICERS PRESENT:
Laurie Lyle - Committee Administrator.
Liz Chiles - Assistant Director of Core Human Resources & Organisational Development.
Andrew Scully - Human Resources Business Partner.

1. Election of Chair and Vice-Chair
(Agenda Item 1):

It was unanimously agreed that Councillor Bell be elected as Chair, and Sukhminder Kalsi be elected as Vice-Chair of the Council and Trade Union Joint Committee, for the remainder of the municipal year 2016-2017.

2. Apologies for Absence
(Agenda Item 2)

An apology for absence was received in advance of the meeting, from Councillor Bell.

In the absence of Councillor Bell, the Vice-Chair, Sukhminder Kalsi presided over the meeting.

The Chair welcomed Liz Chiles, the recently appointed ‘Assistant Director of Core Human Resources and Organisational Development to the meeting. The Chair said that he looked forward to working with Liz Chiles on the Joint Committee, and welcomed her contributions.

3. Urgent Matters
(Agenda Item 3)
There were none.

4. Matters to be Considered in Private
(Agenda Item 4)
There were none.

5. Declarations of Interest
(Agenda Item 5):
There were none.
6. Minutes (20.04.16)  
(Agenda Item 6):  

Resolved: That the minutes of the previous meeting of the Joint Committee, held on 20\textsuperscript{th} April, 2016 be agreed as a true and correct record.

7 Matters Arising From the Minutes of the Previous Meeting  
(Agenda Item 7)

There were none.

8 Non Standard Workers (NSW), Interims & Consultants & Agency Workers (AWS) (Agenda Item 7)  

The Chair proposed and it was agreed, that this item be considered in conjunction with agenda item 10: ‘Employee Side item 2’: “Consultants, Interims and Agency Staff.”

Andrew Scully, HR Business Partner, presented a report which provided the Joint Committee with an update on the Council’s use of Non Standard Workers (NSWs), Agency Workers (AWs) and interim consultants.

He said that the most recent review of NSW’s, interims and consultants and agency workers had taken place on Friday, 30\textsuperscript{th} September 2016.

He said that the current numbers of interims and consultants employed by the Council are set out in in paragraph 3.1, table 1, appendix 1 and Section 4 of the report. He further advised that the current numbers of Agency Workers employed by the Council are set out in paragraph 3.2, table 2 and Section 4 of the report.

He said that the financial cost to the Council of engaging consultants for the first quarter of 2016/2017 was £0.198M, and Ealing Council’s annual all-inclusive agency spend under the contract with ‘Commensura Limited,’ for Quarter 1 2016/2017 was £5.957M.

The Chair thanked Andrew Scully for his presentation of the report, and invited Members to comment and ask questions.

Liz Chiles said that the Council will shortly be moving from its current operations with Commensura, and the Council were undertaking a line by line review of its use of ‘Agency Workers.’

She said that the Council were also currently looking into the use of ‘limited status’ agency workers, in respect of the Council’s provision of social care.

The Chair said that he welcomed the review of agency workers, and hoped that the Trade Union’s would have some input to the process as things develop.

The Chair said that he was concerned that the costs of agency workers appears to be on the rise, and he hoped that in future agency worker costs workers will be regulated.
Mary Lancaster said that she was concerned that the numbers of agency staff employed by the Council had continue to go up, and that some agency workers were being kept on by the Council for far too long.

In response to a question from the Chair, Liz Chiles gave an undertaking to publish an updated list of Agency Workers employed by the Council in 2016.

In response to a question from Mary Lancaster concerning the current deployment of Agency Workers hired by the Council, Liz Chiles advised that areas of the Council that have recently taken on agency workers include; ‘Regeneration and Housing,’ ‘Social care Brighter Futures,’ ‘Waste Contract.’

She added that agency workers taken on by these respective Council departments had been hired to fulfil specific roles, and it was hoped that the use of agency workers in the Council will reduce over a period of time.

Mary Lancaster said that she also had concerns involving the plight of the Council’s redeployees. Many of whom had expressed to her their confusion regarding their current situations, and who now seek reassurance on exactly where they stand with regards to applying for Council jobs.

In response to a further question by Mary Lancaster, Liz Chiles advised that the figures in the report had been collated and compiled following contact with various service departments in the Council.

Liz Chiles said that some of the information in the report is anonymised, however, she would be happy to meet with Mary Lancaster outside of the meeting, to provide her with further details if required.

In closing the discussion on this item, the Chair thanked the officers for their report, and said that he thought it would help to facilitate things if Trade Union representatives met with officers outside of the meeting, to go through the figures quoted in the report in more detail, and to discuss whether agency staff and consultants are still doing work which could be performed by full time established posts.

Resolved: That the Joint Committee note the contents of the report, in particular;

(i) The updated information in respect of Interims and Consultants contained in paragraph 3.1, table 1, appendix 1 and Section 4 of the report;

(ii) The updated information in respect of Agency Workers contained in paragraph 3.2, table 2 and Section 4 of the report.
9. **Local Agreements**  
(Agenda Item 9):

Andrew Scully presented a report which provided details of two local agreements and formal amendments to the contracts of employment in relation to Engineers and Close Circuit TV (CCTV) employees, that have recently been agreed between the Council and respective recognised Trade Unions.

**Resolved**: That the report be noted.

10. **Employee Side Items**  
(Agenda Item 10)

   (i) **Overall Budget, and Budget Savings**

   Councillor Johnson addressed the Joint Committee and provided Members with a brief update of the Council’s current financial position.

   Councillor Johnson said that she believes the Council remains in generally good financial health, and that on the whole, Council services have been delivered to a high standard, despite the challenging financial environment that all London Councils have had to face recently.

   She said that the Council intends to find a further £3m in savings for each of the next three years, and that the Council will continue to do its best to implement an extensive and efficient value for money programme which will improve services, and identify significant on-going savings, both in the current and future years, and this will be achieved through strong financial management.

   She said that currently the Council was looking at individual departments to identify any additional savings that can be made, and these savings will be highlighted in a report scheduled for submission to the November 2016 Cabinet meeting.

   She said that the Cabinet report will also examine in more detail the current pressures in the ‘Children and Adults department, and in temporary Housing.

   Councillor Johnson advised that the Government’s ‘Autumn Statement’ is expected in November 2016, and is likely to contain a number of policy amendments that will impact upon public finances, and local government budgets.

   Councillor Johnson said that it was too early to speculate on exactly what impact the Autumn statement is likely to have on Ealing Council’s finances, as more detail is likely to emerge over time. However, it is expected that overall, borrowing figures will be worse than forecast in the March 2016 budget, and subsequently there will be little or no increase expected in relation to local government funding of items such as social care.
Mary Lancaster said that this was proving to be a very difficult period for workers in the Council’s Children and Adults Services department, who remain under the constant threat of redundancy and this makes people in this department, anxious and fearful, and their morale is being affected accordingly.

(ii) **Consultants, Interims, and Agency staff (non-standard workers)**
This item was taken alongside item no. 8 above.

(iii) **Management Tier Review Update:**

The Chair said that he was concerned that in many Council departments, the management structure remains the same, despite management tier reviews having been undertaken previously.

The Chair said that he felt that it was unfair that in the majority of cases it appears that it is those staff at the lower end of the pay scale that ultimately lose their jobs, in comparison to managers and higher paid staff.

Councillor Johnson responded by saying that the administration had implemented management tier reviews in 2012 and in 2014, and a further management review is being proposed for November, 2016.

The Chair said that he was disappointed that despite the Trade Unions being advised years ago that the administration’s optimum is to have just four layers of management from the Chief Executive to front line staff, and there should be no more than five direct reports to each manager, this does not appear to be happening across the Council.

Liz Chiles advised that a management tier review is being planned for the new year, however, prior to then a series of consultations will take place sometime in November 2016. She said that there were also resource implications in HR, as well as an impending HR restructure that had resulted in the delay of the management tier review.

11. **Workforce Equalities Update**
(Agenda Item 9)

There were none.

Andrew Scully advised that an update report on the Council’s workforce equalities programme will be submitted to the next meeting of the Joint Committee in January, 2017.

12. **Health and Safety Issues/Update**
(Agenda Item 10)

There were none.
13. **Date of Next Meeting**  
(Agenda Item 11)

It was noted that the next meeting of the Joint Committee, is scheduled to take place on Thursday, 26th January, 2017.

    
    Chair

The meeting ended at 7.50pm.
Contains Confidential or Exempt Information | NO
---|---
Title | Non Standard Workers (NSWs), Interims & Consultants and Agency Workers (AWs)
Responsible Officer(s) | Liz Chiles, Assistant Director of HR & OD
Author(s) | Andrew Scully, HR Business Partner
Portfolio(s) | Councillor Yvonne Johnson, Finance and Performance
For Consideration By | Council and Trade Union Joint Committee
Date to be Considered | Thursday 26th January 2017
Implementation Date if Not Called In | Not applicable
Affected Wards | None
Keywords/Index | Non Standard Workers (NSWs), Interims, Consultants, Agency Workers (AWs)

**Purpose of Report:**
To provide a further update on Non Standard Workers (NSWs), Interims & Consultants and Agency Workers (AWs)

1. **Recommendations**
   1. That the contents of this report are noted.

2. **Reason for Decision and Options Considered**
   2. This Committee has previously received reports on Non Standard Workers (NSWs), Interims & Consultants and Agency Workers (AWs) and have requested further update reports.

3. **Key Implications**
   3.1. Non Standard Workers (NSWs), Interims & Consultants and Agency Workers (AWs) are part of Ealing Council’s “flexible workforce” and make a contribution to service delivery and improvement projects, e.g. capital projects, necessary for the Council to continue to deliver Value for Money (VFM).

   3.2. The number of interims and consultants as at January 2017 is 63 as summarised in the table below:
### Directorate

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<th>Directorate</th>
<th>Number of interims and consultants</th>
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<td>Cross cutting</td>
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<td>Children, Adults and Public Health</td>
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<td>Environment and Customer Services</td>
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<tr>
<td>Regeneration and Housing</td>
<td>24</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>63</strong></td>
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#### 3.3. Information on agency workers and the hours worked by agency workers engaged through the Council’s contract with Comensura is shown in the table below:

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<td>Council-wide</td>
<td>621 (equivalent to 433 Full Time Equivalent {FTE} posts based on the actual hours worked in the 5 week month of March 2012).</td>
<td>691 (equivalent to 564 Full Time Equivalent {FTE} posts based on the actual hours worked in the 4 week month of March 2013).</td>
<td>611 (equivalent to 548 Full Time Equivalent {FTE} posts based on the actual hours worked in the 4 week month of March 2014).</td>
<td>576 (equivalent to 550 Full Time Equivalent {FTE} posts based on the actual hours worked in the 4 week month of March 2015).</td>
<td>642 (equivalent to 470 Full Time Equivalent {FTE} posts based on the actual hours worked in the 4 week month of February 2016).</td>
<td>635 (equivalent to 488 Full Time Equivalent {FTE} posts based on the actual hours worked in the 4 week month of November 2016).</td>
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<td>9</td>
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<td>Environment and Customer Services</td>
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<td>215</td>
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<td>108</td>
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<tr>
<td>Regeneration and Housing</td>
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<td>120</td>
<td>120</td>
<td>119</td>
<td>149</td>
<td>147</td>
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#### 3.4. Details of the roles being undertaken by agency workers and the agency worker assignments and new roles where an agency worker is being sought are
added to the information about redeployment opportunities on a weekly basis and
circulated to redeployees who are under notice of dismissal on the grounds of
redundancy.

Contract changes.

3.5. For information the contract for the provision of agency workers changed from
Comensura Limited to Adecco with effect from Monday 9th January 2017.

IR35 changes.

3.6. In addition and again for information there are proposed changes to the rules
concerning off payroll workers in the public sector which will come into force on 6th
April 2017. The changes to the regulations relate to workers who choose to operate
through a limited company vehicle (known as IR35 ) have a clear policy intent that
those working in the public sector should pay income tax and national insurance
where they are undertaking roles that might in other circumstances be filled by an
employee. The changes are necessary because there has been wide-spread non-
compliance with the proper rules and so workers have not been paying the tax that
the law requires and tax revenue to the tune of £400m per annum is lost due to this
non-compliance.

The new requirements

Workers engaged through their limited company to undertake roles within a public
sector organisation, either directly or through an agency, will be required to
undertake an online assessment which will determine whether they should be paid
through Pay As You Earn (PAYE). If the tool indicates that the worker should be
paid on PAYE, there is no option for the authority to do otherwise. Income Tax,
National Insurance (NI) and Employers’ NI contributions (and the apprenticeship levy
in some cases) will be deducted and paid to Her Majesty’s Revenue and Customs
(HMRC).

Approach

London Boroughs have discussed the impact of the changes and are agreed on a
number of principles:

- People in the public sector should pay the appropriate amount of income tax ,
  NI etc.

- Since the underlying tax regime hasn’t changed, if people are now assessed
  as liable to PAYE, they probably should have been on PAYE before.

- If they had been applying the rules properly they will be paying the same
  amount of tax etc. now as they should have been paying before.

On this basis, London Boroughs consider that there is no reason why rates or costs
should go up on introduction of these changes on 6th April 2017. London Boroughs
think that it is right that workers within the scope of these regulations should pay
taxes in the same way as our employees.

London Boroughs recognise that workers who haven’t been paying the proper taxes will, if assessed as liable to PAYE, receive less “take home pay”. London Boroughs will not increase rates to compensate for this because these deductions should have been made previously by the limited company.

London Boroughs consider that most roles they engage through agencies should under the proposed arrangements be assessed as requiring to be paid on PAYE and will therefore be instructing agencies to do so. This approach will ensure consistency and simplicity, and avoid different boroughs authorities adopting different approaches, which might lead to a competition between boroughs on rates according to whether PAYE was being deducted or not. It will also reduce the bureaucratic burden of administering these new requirements.

Given the likelihood of most roles being subject to PAYE, Boroughs also consider that any new starters in these roles should immediately commence on PAYE rather than changing on 6th April 2017.

London Boroughs are committed to working with their agency suppliers to ensure a smooth implementation of the new arrangements.

4. Financial

4.1. Ealing council’s annual all-inclusive agency spend under the contract with Comensura Limited for 2016-17 Quarters 1, 2 and 3 was £18.605M

4.2. The financial cost to the council of engaging consultants for 2016-17 Quarters 1, 2 and 3 was £0.770M

5. Legal
Legal issues around NSWs and Aws are complex and are often determined by individual circumstances.

6. Value For Money
It is essential to ensure that there is Value for Money in respect of the spend on consultants, interims and agency workers.

7. Sustainability Impact Appraisal
None.

8. Risk Management
None.

9. Community Safety
None.

10. Links to the 6 Priorities for the Borough
None.
11. Equalities, Human Rights and Community Cohesion
Nothing specific.

12. Staffing/Workforce and Accommodation implications:
Throughout.

13. Property and Assets
There are no property implications.

14. Any other implications:
None.

15. Consultation
None.

16. Timetable for Implementation
Not applicable.

17. Appendices
None.

18. Background Information

## Consultation

<table>
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<tr>
<th>Internal</th>
<th>Name of consultee</th>
<th>Post held</th>
<th>Date sent to consultee</th>
<th>Date response received</th>
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<td>Liz Chiles</td>
<td>Assistant Director of HR &amp; OD</td>
<td>23rd December 2016</td>
<td>4th January 2017</td>
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<td>Maria Campagna</td>
<td>Strategic Finance Partner - Corporate</td>
<td>23rd December 2016</td>
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<td>Matthew Hopson</td>
<td>Finance Manager – Financial Control and Banking</td>
<td>23rd December 2016</td>
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## Report History

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Report no.: Report author and contact for queries:
Andrew Scully, HR Business Partner. 020-8825-6930.
Purpose of Report:
The Committee is asked to note the proposed local agreement reached with the council’s recognised trade unions in respect of an ‘out of hours’ payment for certain employees working on the dangerous structure rota in Building Control.

1. Recommendations
It is recommended that the Committee note the proposed local agreement for surveyors on the dangerous structures out of hour’s rota.

2. Reason for Decision and Options Considered
2.1. This report and the attached appendix 1 ask the committee to note the improved service resilience and staff retention implications gained through this local agreement in respect of an ‘out of hours’ payment for surveyors on the dangerous structure rota in Building Control.

3. Key Implications
3.1 A local agreement has been proposed in respect of an ‘out of hours’ payment for certain employees on the Dangerous Structure rota in Building Control and the detail of this agreement are contained in the attached appendix 1.
4. Financial
   4.1 Costs are set out in the attached appendix 1 and will be met within budget provision

5. Legal
   5.1 Maintaining the Dangerous Structures out of hour’s service ensures that Building Control meets the statutory requirements of the London Building Act 1939

6. Value For Money
   6.1 As part of the business case for the introduction of the local agreement value for money and benchmarking were considered and formed parts of the decision making process.

7. Sustainability Impact Appraisal.
   7.1 Not applicable

8. Risk Management
   8.1 Increasing the ‘out of hours’ allowance will ensure that Building Control meets the statutory requirements of the London Building Act 1939 and ensure the safety of residents

9. Community Safety
   9.1 providing dangerous structures an ‘out of hours’ servicer ensures the public remain in a safe environment.

10. Links to the 6 Priorities for the Borough
    10.1 Increasing the ‘out of hours’ allowance will contribute to ensuring a safer built environment within the borough.

11. Equalities, Human Rights and Community Cohesion
    11.1 An Equality Analysis Assessment (EAA) was not necessary.

12. Staffing/Workforce and Accommodation implications:
    12.1 The agreement is specifically in relation to staffing and relevant payments.

13. Property and Assets
    13.1 There are no property implications.

14. Any other implications:
    14.1 None.

15. Consultation
    15.1 There was reasonable consultation with employees and the council’s recognised trade unions on the informal proposal of the agreement.

16. Timetable for Implementation
    16.1 From 1st Feb 2017

17. Appendices
    17.1 Appendix 1 – Dangerous Structure- Out of Hours rota payments
18. Background Information
18.1 Appendix 1 – Dangerous Structure- Out of Hours rota payments

Consultation

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<td>Proposals amended following comments regarding TOIL and bank holidays included in Appendix 1</td>
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<td>Proposals amended following comments regarding TOIL and bank holidays included in Appendix 1</td>
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Report History

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<td>Sean Cummins Surveying Services Manager Ext 9686 <a href="mailto:cumminss@ealing.gov.uk">cumminss@ealing.gov.uk</a></td>
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Local Agreement on introduction of an Out of Hours payment for Team Leaders in the Reablement Service

This paper and the attached document confirms the local agreement between the Council and the Employee Side, as part of the contract of employment (amendment to the standard Contract of Employment) for the specified groups of staff. The payments and terms set out in this agreement are agreed on an exceptional basis and without prejudice.

All other LB Ealing terms and conditions stated in the Statement of Main Terms and Conditions of Employment remain unaltered.

For management side

Signature

Date 14 December 2016

Print Name JACKY YATES

For Employee side

Signature

Date 15 December 2016

Print Name MARY ? LANCASTER
Appendix 1

Reablement Service Out of Hours Management Proposal for Change

Background

The London Borough of Ealing’s Reablement Services provide care and support to residents of the borough following periods of inactivity due to illness, bereavement or other trauma. This is a statutory duty and it is a regulated service registered by the Care Quality Commission (CQC). The service operates between 7.30 am and 9pm seven days per week, including bank holidays. The service manager is the Registered Manager for the service and Stephen Day, Director Adults’ is registered with CQC as the Responsible Person. The service is inspected by CQC annually and the report is published. The report in 2016 rated the service as Good.

It is a requirement by the CQC that support for carers is in place during the time that the service operates. There are four Team Leaders who provide the management cover for customers and carers during and outside of normal office hours, working shifts to accommodate the needs of the service. They must have access to Frameworki (LBE customer database) and Staffplan (the rostering system for carers) A Surface Pro tablet is provided to each team leaders to access these via Secure Global Desktop, Additionally the Registered Manager is available at all times the service operates supported by the Head of Service. The current system of Team Leaders covering out of office hours was approved by CQC in the recent inspection.

The Reablement Service is very busy and has approximately 100 customers at any one time. There are 65 Reablement Carers most of whom are part time workers. The Team Leaders including when working outside of office hours, are required to respond on a regular basis to a number of circumstances including:

- A Reablement Carer finding a customer dead
- A customer who is seriously ill and requires emergency medical care.
- A hospital admission that had not been notified to the Reablement Service resulting in concern about the customer’s safety. This involves trying to locate the customer and sometimes asking the Police to force entry into their home.

These situations take considerable time to resolve and this requires frequent adjustments to the rota to ensure that customers receive a good service. This is also the case when a member of staff is away ill at short notice. Management cover out of hours often involves considerable direct work with the customer as many incidents are outside of the carers’ skill set and competence. There is also compulsory reporting to CQC on certain types of incident.

Reablement Team Leaders are also required to support the safe discharge of patients from hospitals and avoid admissions to hospital at week-ends. They work with the Homeward (intermediate care) social workers and the Out of Hours Hospital Social Work Service and liaise with the hospital Discharge Coordinators. This is a
CCG priority and the Reablement service is key to the Better Care Fund (BCF) initiative.

**Role of the Reablement Team Leader in the Out of Hours Service.**

1. To provide management cover to carers and deal with enquiries/emergencies
2. To undertake home visits in the event of a customer death or a customer not responding to the carer's visit.
3. In the event of a breakdown in organised care from an external care agency to intervene and visit the customer to assess need and to provide an emergency service if necessary.
4. To triage all referrals and where necessary organise appropriate support for a customer. This is most often in the event of a discharge from hospital or a GP request for support at home to avoid hospital admission.
5. Provide a support service to the Ealing Emergency Duty Team which operates outside of office hours, in complex situations including checking on a customer's welfare and safety in their home.
6. Contact the Registered Manager for further advice where appropriate or escalating to the Head of Service for Older People in the event that the Registered Manager is unavailable.
7. To update all records immediately as the systems operate in real time.

**Previous arrangements**

This system was put in place on a temporary basis in 2000 at a time when the Reablement Service had 11 managers and before the requirement for registration with CQC. The Team Leaders managed the out of hours service from 7 am to 9 pm weekends and bank holidays and from 7 am to 9 am and 5 pm to 9 pm each weekday on a rota basis and time off in lieu of time worked was given.

**Reasons for the change**

With the deletion of 8 posts in May 2015 this was no longer viable as the day service could not be covered to the required level and with regard to the safety of staff and customers. The system resulted in Reablement Team Leaders being away from the office during the usual working day. The result of which would be that the service would not meet the requirements for Registration.

**Change required**

At present the Reablement Team Leaders are covering the service on goodwill on the understanding that the arrangement will be regularised. They are receiving an honorarium payment equivalent to the level of increase to salary proposed. During the restructuring the Team Leaders agreed to a 19% increase in salary. They have indicated that they will not continue to provide a service on the basis of an honorarium for an indefinite period and have advised that will cease to undertake the duties.

The proposal is that in addition to the Team Leader basic pay, an additional 19% of basic pay will be paid for the additional working hours. This would be part of salary
and therefore paid monthly. The amount is based on each Team Leader covering the service for one week in four and in the absence of colleagues taking annual leave being unwell or on a training course. Any additional cover required through leave or sickness would not attract an additional payment.

Paying an additional 19% of the annual salary for four team leaders would have a cost implication of £35,285 per annum.

The Registered Manager is an Executive Member of the Integrated Care Council and has researched the situation with regards to covering out of hours management requirement with other providers. She concluded that it is difficult to compare the amount a statutory agency pays as most other councils have outsourced their services and they have more staff who work a standard week on a shift basis. A neighbouring Council does however have a comparable model to that of Ealing and approved a 19% increase in salary. It is on that basis that the Ealing Reablement Team Leaders considered this amount a fair increase. The actual level of work is in excess of this:

Calculation

Each Team Leader does an additional 5.5 hours per day so 27.5 hours per week plus 27 hours at weekend. This is 54.5 hours per week for 1 week in 4. This is 13.62 hours per week and an additional 39% of hours. It does not take into account the 11 Bank Holidays, cover for sickness, annual leave and training.

A salary increase of 19% rather than 39% saves the council £37,142.

Possible Alternative Arrangements:

1. Engage the services of an external agency provider to provide the care and support. This would result in 54.5 hours per week needing to be covering with an approximate cost of £70,850 per year. The agency staff would need to work from Perceval House. They would not have the continuity with customers that the Team Leaders have and the service offered would suffer. This would also put in question the Registration of the service. The Care Quality Commission inspect against 5 key areas and in this circumstance Quality and Safety are unlikely to be achieved. As this would have safety and financial implications this is not recommended.

2. Employ an additional 2 Team Leaders to cover week - ends at a cost of £92,857.

Conclusion

As evidenced the option that complies with the CQC Registration requirements and is the most cost effective option for the council is to increase the Team Leader salary by 19% at a cost of £35,285 per annum

This additional salary can be funded from the Reablement budget as this proposal was taken into account in the restructuring and is currently paid as an honorarium.
This proposal would be reviewed after six months and annually thereafter to ensure that it is meeting the needs of Ealing Council, staff and customers.

This proposal is supported by Jacky Yates, Head of Service for Older People and Stephen Day, Director of Adult Services.

Anne McAdam
Service Manager

December 2016
Purpose of Report:
For the Committee to note, for information, a local agreement reached with the council’s recognised trade unions in respect of an ‘out of hours’ payment for certain employees working in the Reablement Service in Adult Services.

1. Recommendations
1.1 That the contents of this report and the attached appendix 1 are noted.

2. Reason for Decision and Options Considered
2.1 This Committee has previously received and notes, for information, local collective agreements agreed following consultation with the council’s recognised trade unions. This report and the attached appendix 1 ask the committee to note the local agreement agreed in respect of an ‘out of hours’ payment for certain employees in the Reablement Service in Adult Services.

3. Key Implications
3.1 A local agreement has been agreed in respect of an ‘out of hours’ payment for certain employees in the Reablement Service in Adult Services and the detail of this agreement are contained in the attached appendix 1. Following agreement, the payment was introduced in September 2016.
4. Financial
4.1 Costs are set out in the attached appendix 1 and will be met by the employing department.

5. Legal
5.1 Legal issues around local agreements are complex and are often determined by individual circumstances. The Reablement Service is a regulated service registered with the Care Quality Commission (CQC). Providing support for carers during the time that the service operates is a CQC requirement. The introduction of ‘out of hours’ cover ensures that the Reablement Service meets this requirement.

6. Value For Money
6.1 As part of the business case for the introduction of the local agreement value for money was considered and formed part of the decision making process.

7. Sustainability Impact Appraisal.
7.1 Not applicable

8. Risk Management
8.1 Introducing the ‘out of hours’ allowance will ensure that the Reablement Service meets the requirements for registration with the Care Quality Commission.

9. Community Safety
9.1 Providing ‘out of hours’ cover ensures service users receive an effective service and remain safe.

10. Links to the 6 Priorities for the Borough
10.1 Introducing the ‘out of hours’ allowance will contribute to ensuring service users are safe and that a fair and accessible service is provided.

11. Equalities, Human Rights and Community Cohesion
11.1 An Equality Analysis Assessment (EAA) was not necessary.

12. Staffing/Workforce and Accommodation implications:
12.1 The agreement is specifically in relation to staffing and relevant payments.

13. Property and Assets
13.1 There are no property implications.

14. Any other implications:
14.1 None.

15. Consultation
15.1 There was reasonable consultation with employees and the council’s recognised trade unions on the introduction of the agreement.

16. Timetable for Implementation
16.1 Not applicable
17. Appendices
   17.1 Appendix 1 – Local Agreement on Introduction of an ‘Out of Hours’ Payment for Team Leaders in the Reablement Service.

18. Background Information
   18.1 Local agreement on terms and conditions of service 1st September 2001
## Consultation

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## Report History

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Report no.: Report author and contact for queries:
Gill Jennings, HR Business Partner, Children, Adults and Public Health gjennings@ealing.gov.uk ext 7121
Contains Confidential or Exempt Information | NO
---|---
Title | Workforce Equalities Update
Responsible Officer(s) | Liz Chiles, Assistant Director of HR & OD
Author(s) | Andrew Scully, HR Business Partner
Portfolio(s) | Councillor Yvonne Johnson, Finance and Performance
For Consideration By | Council and Trade Union Joint Committee
Date to be Considered | Thursday 26th January 2017
Implementation Date if Not Called In | Not applicable
Affected Wards | None

Purpose of Report:
To provide an update to the Committee on progress with embedding effective approaches to equality and diversity across the Council, including responses to the requirements of the Equality Act 2010 and Public Sector Equality Duty (PSED)

1. Recommendations

- Note the continued progress made to ensure the Council meets its requirements under the Public Sector Equality Duty and Equality Act 2010;
- Note that the Council’s Workforce Diversity data has been updated and will be published on the Council’s public website (paragraph 3.1.);
- Note that the Council is a “Disability Confident Employer” (paragraph 3.2.);
- and
- Note the information in respect of Gender Pay Gap reporting (paragraph 3.3.).

2. Reason for Decision and Options Considered
This report is a standing item to the Joint Committee.

Our approaches to equalities are designed to respond effectively to the requirements of the Equality Act 2010, and to enable people to take well-evidenced decisions to meet the needs of local communities, whilst ensuring maximum value for money and the optimal use of Council resources.
3. **Key Implications**

3.1. **Council workforce diversity data.**
The Council’s workforce diversity data which is published on the public website at:

https://www.ealing.gov.uk/downloads/download/2042/council_employee_equalitie_s_data_summary

has been refreshed and the updated information will shortly be published on the public website. This will be further developed to take into account the requirements of the ‘Gender Pay Gap Reporting Regulations’ referred to below in paragraph 3.3.

3.2. **Disability Confident Employer**
Ealing Council is a “Disability Confident Employer”. The “Disability Confident Employer” scheme has replaced the Positive about Disability ‘Two Ticks’ scheme. A “Disability Confident Employer” symbol appears on adverts to show that the Council encourages applications from disabled people.

3.3. **Gender Pay Gap Reporting: Private and Voluntary Sector Regulations Published.**
The Government has published the draft regulations which will implement the mandatory gender pay gap reporting requirement for private and voluntary sector employers with 250 or more employees. At this, the regulations which will apply to public sector bodies, including local authorities, have not yet been published. However, in most material respects those public sector regulations are expected to mirror the private and voluntary sector ones, and on an initial review their contents are consistent with the proposals the Government consulted on for the public sector.

Although the regulations are due to come into force in April 2017 authorities will not have to publish any gender pay gap information in that month. Instead they have to collect the relevant pay data as of the pay period in which 5th April 2017 falls, the ‘snapshot’ date, and they then have a year to calculate and report the gender pay information, based on average hourly rates of “ordinary pay” for men and women. They will also have to report bonus pay (not applicable to Ealing Council), paid in the 12 months prior to the snapshot date.

Based on the draft public and private sector regulations the categories of pay included in “ordinary pay” are:

- Basic pay;
- Allowances;
- Pay for piecework;
- Pay for leave (save for the exclusion set out below); and
- Shift premium pay (which means the difference between basic pay and higher rate paid by the employer for work during different times of the day and night).
However, “ordinary pay” does not include:

- Overtime pay;
- Redundancy pay/sums referable to termination of employment;
- Pay in lieu of leave; or
- Remuneration provided otherwise than in money (for example through a salary sacrifice scheme).

Based on the draft public and private sector regulations bonus pay is defined as:

“Any remuneration that –
(a) is in the form of money, vouchers, securities, securities options, or interests in securities [which]
(b) relates to profit sharing, productivity, performance, incentive or commission”

Finally, it is expected that the definition of employee on whom employers will have to report will be based on that used in section 83 of the Equality Act 2010. Therefore, it will include not only those employed under a contract of employment, but also those engaged under a contract of apprenticeship or a contract personally to do work. Therefore, many ‘casuals’ will be included.

4. Financial
There are no direct financial implications arising from this report. Ensuring an effective and efficient approach to equalities will help to ensure the organisation uses its resources in this area in a value for money way by making sure services and policies are targeted to meet local needs effectively. Work to ensure we comply with legislation will also ensure that the risk of incurring any future legal costs in this area are minimised.

5. Legal
Implementation of the arrangements and proposals set out in this report are in response to the requirements of the legislation referred to throughout, most notably the requirement to comply with the Equality Act 2010 and the general and specific Public Sector Equality Duties associated with this.

The Equality and Human Rights Commission (EHRC) is currently responsible for ensuring compliance with specific duties. It has powers to issue a compliance notice to any public body it believes has failed to comply with specific duties and can apply to the courts for an order requiring compliance. Unlike the general Equality Duty however, the specific duties cannot be enforced by judicial review. However, claims for breach of the general Equality Duty may lead to judicial scrutiny of the council's broader equalities policies including policies on equality assessment, data collection and consultation.

6. Value For Money
The proposals set out in this report aim to meet our duties in as value for money way as possible, making the most of existing information, objectives, strategies, measurement and reporting, while retaining the value of ensuring that our
decisions are based on robust needs assessments that take into account the range of needs locally.

Promoting equality and diversity in services and employment practice, and ensuring we conduct effective consultation and engagement to understand our communities and enable their say in decision making, are key components of ensuring resources are appropriately targeted and directed towards priority issues and opportunities, and are therefore a critical element of the Value for Money agenda.

7. Sustainability Impact Appraisal
None.

8. Risk Management
The proposals set out in this report take into account the risks associated with legislation on these issues, notably those of legal challenge and failure to meet local demand (and associated inefficiency and reputational risk), and propose recommendations for meeting requirements and needs of local people balanced with the need to respond in a value for money way, making the most of the limited resource available and aiding the effective allocation of future resources.

9. Community Safety
Good equality and diversity and engagement practices contribute to building inclusive, fairer, stronger and safer communities, for example by strengthening public confidence in the police and enabling communities to work with statutory partners to fight crime; improving intelligence shared between the community and those fighting crime and anti-social behaviour; and addressing under-reporting of certain crimes such as hate crime. Proposals around objectives in this report include specific reference to prioritising reducing discrimination and harassment, and supporting people to get on well together locally, both of which will further community safety and strength.

10. Links to the 6 Priorities for the Borough
Meeting requirements of the Equality Act cut across all our Corporate Priorities and are essential to the full achievement of our goals to deliver effective and secure public services, safe, clean and prosperous borough for all groups in our communities, taking into account all local needs. The values of putting results for our residents first, and delivering world class customer service, involve balancing community interests, understanding and meeting the needs of all groups in our communities, and building stronger and more cohesive communities.

Delivering services that meet local people’s needs, based on accurate assessments of need, priorities and current provision, will be essential to delivering value for money in the future and will depend in part upon a balanced approach to the needs of all groups, including those covered by equalities legislation.

11. Equalities, Human Rights and Community Cohesion
All of the proposed actions set out above are intended to further effective action on equalities locally, including a range of actions that develop and are supported
by action to further community cohesion. We will work in partnership to achieve our objectives and priorities and make the most of the strength of many of our community groups and projects already existing to achieve our goals, taking account of the needs of those currently underrepresented and developing actions to further their needs as appropriate.

12. **Staffing/Workforce and Accommodation implications:**  
   No direct implications at this stage.

13. **Property and Assets**  
   None

14. **Any other implications:**  
   None.

15. **Consultation**  
   Not Applicable.

16. **Timetable for Implementation**  
   Not Applicable.

17. **Appendices**  
   None.

18. **Background Information**  
Consultation

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