

BCC final Rota – features

- 1 The proposed rota model introduces split shift working but remains Working Time Directive (WTD) compliant (ensuring enough breaks between shifts);
- 2 The current model reduces number of contracts available in order to accommodate a 30 hour option – there is an inevitable compromise between numbers of contracts and hours assuming that the total contracted hours required to provide the service remains broadly stable. Where staff work in the morning and return in the evening, fewer evening contracts are required;
- 3 The proposal assumes an increase from Grade 2 to Grade 3. This is based on Trade Unions agreeing a single new Job Description reflecting the work required by BCC and its commissioners; to be carried out in a normal, modern Enablement Service of the type proposed by BCC. The move to Grade 3 would increase the cost of the paybill by c£300k each year and would give individual staff an annual pay increase of around 6%. These numbers are incorporated into the modelling;
- 4 BCC has increased hours by over 380 hours p/w (including the additional 10 posts at 23 hours each) above the business case (July 2018) rota hours. This is a significant compromise and represents the limit of reasonable productive time (caring and non-caring).
- 5 BCC has agreed to Trade Union requests to enable employees to claim in-work benefits at the 16 and 30 hour thresholds (mindful of the fact that BCC is a 100% Universal Credit pilot and that thresholds do not exist under Universal Credit for new claimants or those with changed circumstances);
- 6 BCC has listened to union arguments about travel time and expenses and agreed that staff can use a ‘hub’ approach whereby their commute is to their nearest BCC hub and not to their first customer location, this reduces costs for employees and ensures compliance with BCC travel and expenses policy;
- 7 BCC has listened to the Union’s position regarding the proposed 1 hour break between 11:00am and noon. This has been amended in the proposal to now be a half hour break with half an hour non-caring time;
- 8 BCC has also proposed a range of mitigation payments (set out below) compensating staff for lost hours (where they remain in the service and are not redeployed elsewhere within BCC).

BCC final Rota - Mitigations

- 9 BCC recognises the impact of these proposals on staff, the majority of whom are lower paid female workers. BCC continues to do everything it can to mitigate the impacts of these changes on its workforce. Mitigation measures proposed include:
 - a. The increase to a Grade 3 role (subject to the outcome of Job evaluation)
 - b. A payment based on hours lost and length of service, described as 'redundancy for hours lost'. This will tend to average the equivalent of 3 – 6 months' pay;
 - c. Access to other full-time roles within Adult Social Care or the wider Council via the Lateral Movers Programme which involves staff indicating a preference but without risk to their existing job. At present, up to 30 vacancies are being held at Grade 2 for this purpose;
 - d. Access to other full-time roles within Adult Social Care or the wider Council via the Priority Movers Programme which involves staff at risk of redundancy being placed in a pool against BCC vacancies (after the close of consultation);
 - e. Access to the Flexible Retirement Scheme which allow workers over 55 years of age to reduce their hours and access pension benefits. Of the 199 workers, 87 are 54 years of age or older and there is likely to be considerable interest;
 - f. Redundancy payments to those staff who determine the available rota does not provide a suitable alternative employment option;
- 10 All staff will also be offered a comprehensive package of support to secure alternative employment:
 - a. Career transitions skills workshops
 - b. Personal Assistant training to support transition into direct payment roles
 - c. Access to priority mover vacancies, including roles covered by agency
 - d. Application skills, CV clinics, Interview skills, Job search, self-employment
 - e. Time off to seek alternative employment
 - f. Jobs fair with internal and external employment opportunities available
 - g. Support from the Jobcentre Plus to secure alternative employment

- 11 over 40 Vacancies in ASCH (at 4th January) – potential alternative employment opportunities:

Vacant Posts as at 4th January

ECSH Lateral Moves Grade 2	x2
Driver Carer Vacancy Grade 2	x10
Senior Care Assistant vacancy	x1
Care Assistant Vacancy Grade 2	x15

Current Care Centre VR Requests

Grade 3	x7
Grade 3 Night	x1
Grade 2	x4
Grade 2 Night	x4

There are also potential vacancies in the LD Enablement service pending the outcome of redeployment trials.

Appendix C

Enablement - chronology of key events – updated 15/01/18

Between November 2017 and February 2018 Officers met with Unison Officials seeking to resolve the previous dispute on 13 occasions. In addition, management attended ACAS for three facilitated sessions and supported a Self-Roster exercise with considerable staff and management time in March 2018.

In relation to the July 2018 Business case the following activity has been recorded -

<u>Date</u>	<u>Event</u>
9 July 2018	Consultation commences
16 July 2018	TUs issued with s188 letter (formal notification of potential redundancies)
16 July 2018	TUs issued with Business Case and Cabinet report for Enablement redesign
16 July 2018	TUs given presentation from the Head of Service
18 July 2018	Notice of industrial action. Industrial action scheduled for 31 July – 1 August, 9 – 11 August, 19 – 22 August, 28 August – 1 September
26 and 27 July 2018	Mediation meeting held with Trade Unions
30 July 2018	Scheduled staff consultation meetings (cancelled due to dispute)
1 August 2018	Scheduled staff consultation meetings (cancelled due to dispute)
9 August 2018	Scheduled Trade Union consultation meeting (cancelled by Unison due to dispute)
13 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
14 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
15 August 2018	Scheduled Trade Union consultation meeting
17 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
20 August 2018	Scheduled Trade Union consultation meeting (cancelled by Unison due to industrial action)
21 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)

22 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
23 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
24 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
28 August 2018	Notice of industrial action. Industrial action scheduled for 12 – 16 September, 24 – 28 September, 5 – 9 October 2018.
30 August 2018	Scheduled Trade Union consultation meeting (cancelled by Unison due to industrial action)
3 September 2018	Trade Union close of consultation meeting – consultation extended
4 September 2018	Trade Union consultation meeting
7 September 2018	Trade Union consultation meeting
10 September 2018	Trade Union consultation meeting
11 September 2018	Trade Union consultation meeting
12 September 2018	Trade Union consultation meeting
13 September 2018	Trade Union consultation meeting
14 September 2018	Trade Union consultation meeting
18 September 2018	Trade Union consultation meeting
20 September 2018	Trade Union consultation meeting
28 September 2018	Trade Union consultation meeting - consultation extended
October 2018	Individual 1-2-1 meetings with staff commenced
12 October 2018	Staff briefing letter sent to all staff
15 October 2018	TUs object to the briefing letter
16 October 2018	Amended staff briefing letter sent out to all staff
16 October 2018	Notice of industrial action. Industrial action scheduled for 2 – 6 November 2018, 14 – 18 November 2018 and 25 – 29 November 2018
18 October 2018	Amended staff briefing letter

22 October 2018	UNISON raised concerns regarding the expression of preference form that was being offered to staff at the end of the one to one meeting, on the basis that the form included the alternative proposal rota hours
23 October 2018	UNION members were sent a message that management were asking staff questions that had not been agreed as part of the expression of preference form
24 October 2018	Revised expression of preference form with no reference to rota hours sent out to all staff
29 October 2018	Meeting with Leader and TUs – consultation extended
30 October 2018	Update letter sent out to all staff
5 November 2018	Meeting with Leader and TUs
9 November 2018	Enablement briefing note
12 November 2018	Meeting with Leader and TUs – consultation extended
23 November 2018	Meeting with Leader and TUs – consultation extended
28 November 2018	Management and Unison meeting to review rota proposal
29 November 2018	Management and all TU meeting to review rota proposal
5 December 2018	Meeting with Leader and Unison – consultation extended to 14 December 2018
11 December 2018	Notice of Industrial Action, Industrial action scheduled for 25 December 2018, 26 December 2018, 28 December 2018, 1 January 2019, 5 January 2019, 7 January 2019, 15 January 2019 and 19 January 2019.
18 December 2018	Initial meeting with ACAS
20 December 2018	Meeting with Unison
20 December 2018	Notice of additional Industrial Action - scheduled an additional date of 13 th January 2019.
3 January 2019	Meeting with ACAS
7 January 2019	Meeting with all Trade Unions to update developments

9 January 2019	Meeting with ACAS
10 January 2019	Notice of further Industrial Action, scheduled – 25 & 26 January 2019; 3, 4, 9, 12, 17, 22 and 23 February
15 January 2019	Meeting with ACAS – cancelled

Unison Demands

October 2017 dispute – Unison demands

1. That there will be no compulsory redundancies in the enablement service.
2. That the rota being proposed by management is withdrawn and a self-roster system is negotiated with the union and staff.
3. That a joint working group consisting of UNISON and staff from all grades is set up to review the suggested service changes to ensure that the service works for the future.

BCC agreed to these demands However, in 2018 a Unison alternative proposal included assumptions about staff redundancy.

January 2018 dispute - Unison further demands

1. Meetings with elected members
2. Management attend ACAS talks to resolve the dispute
3. Staff and service data, time and facilities to conduct the self-roster pilot

BCC agreed to these demands

May 2018 dispute (prior to the publication of a business case in July 2018) – ‘over the changes to the home care enablement service which may involve’

- the imposition of compulsory redundancies
- a new rota
- a reduction in contracted hours
- privatisation of the service
- the loss of paid travel time for the first and last calls

Through various channels and in consultation in August, Unison made the following additional demands to mitigate the impact of the business case rota proposals:

1. Regrade Enablement Assistant to a Grade 3
2. Increase rota hours

BCC agreed to these demands subject to a single Job Description being evaluated at the appropriate Grade.

November 2018 - further demands:

1. All the hours freed by VR / flexible retirement / redeployment etc are available to use to increase the hours available to those that want to stay
2. BCC is prepared to negotiate a shift system that will incorporate all of the hours that are needed, so that losses of hours are minimised or eliminated.
3. BCC will agree a solution for staff currently working in Extra Care Sheltered Housing ("the courts") that want to work as Enablement Assistants

Unison feedback on the management rota proposal on 10th December resulted in a further request to management to:

4. Reinstate 526 hours included in the Option 2 rota
5. Analyse impact on all staff across the rota options
6. VR decisions are expedited

In addition to the disputes regarding the redesign of the service, Unison also pursued a collective grievance in relation to travel time, and a further dispute regarding mileage payments when management advised all staff that mileage claims must be compliant with BCC travel and expenses policy.

1. Travel time Grievance Hearing decision of 13th November 2017; appeal dated 20th December 2017.
2. 12th June travel time grievance appeal outcome (not upheld) communicated 24th July 2018.
3. Dispute resolution meeting regarding mileage payments heard 15th May 2018.
4. Dispute resolution appeal heard, and not upheld 23rd May 2018.

Appendix E

Staffing Data and indicative impact

- 1) The data below is based on 194 contracts in the final offer rota – The analysis below is based on broad assumptions about staff preferences – until management can seek formal preferences from staff it will be impossible to determine individual impact.
 - a. There are 198 staff (at 16/01/19, and assuming all current VR requests result in departures in early 2019);
 - b. The average age of employees in the service is 51.6 years but 87 people (44%) are aged 54 or over which is relevant for flexible retirement/ redundancy packages (can apply if aged 55 or over);
 - c. The average length of service is 15.5 years which is an important driver of any mitigation payments;
 - d. The average hours working by the 199 staff is 29.1 hours. Only 27 (13.6%) people currently work a full 36.5-hour week;
 - e. The average salary paid to the 199 people in post is £14,862 per annum based on an average 29.1 hour week;
 - f. The number of people impacted based on the most recent staffing data developed (and shared with Unison on 20th December 2018) indicates -
 - a. Gaining financially - 23 gain additional hours and benefit from the G3 uplift
 - b. Losing financially, but by less than 15.8% - 112 with an average loss of £1,620 or 10.0%
 - c. Losing financially but by more than 15.8% - 59 with an average loss of £2,977 or 21.4% (the main group impacted are those whose hours fall from 30 or 29 hours to 23 hours)
 - d. At risk of redundancy (eligible for redeployment/priority mover) - 5.

2) Illustration of individual impacts:

Notes –

- 2.1 The analysis below was prepared by ranking employees with their current hours and is subject to individual preferences impacting on availability of contracts.
- 2.2 Small changes could make a significant difference to individuals – if 10 staff vacate 30 hour contracts, and 10 staff vacate 23 hour contracts the average

annual loss per employee (before taking into account any mitigation) reduces from £1,822 to £1,147 per employee.

- 2.3 23 staff would see a permanent increase in salary.
- 2.4 In addition to the 23 above, 19 staff would see no loss of income until June 2020 (as a result of mitigation payment offsetting salary reduction).
- 2.5 **42 employees (20% of the workforce) will see no impact on pay until June 2020**

Employee A (largest reduction for a current full time worker) –

- 36.5 hours currently at GR2 SCP 19, moving to a 30 hour contract GR3 SCP 20.
- Loss in salary of £3,156 per year.
- Mitigation payment of £1,360, would suffer a loss of £1,796 in total in the first 12 months, commencing at implementation on 1st June 2019.

Employee B (typical reduction for a current full time worker) –

- 36.5 hours currently at GR2 SCP 17, moving to a 30 hour contract GR3 SCP 20.
- Loss in salary of £2,382 per year.
- Mitigation payment of £655, would suffer a loss of £1,727 in total in the first 12 months, commencing at implementation on 1st June 2019.

Employee C (largest reduction for a worker with current contract between 18-25 hours – largest loss for any employee) –

- 25 hours currently at GR2 SCP 17, moving to a 16 hour contract GR3 SCP 20.
- Loss in salary of £ £4,100 per year.
- Mitigation payment of £696, would suffer a loss of £3,403 in total in the first 12 months, commencing at implementation on 1st June 2019.
- If there a single employee moved out of the 30 or 23 hour category (through redeployment, VR, flexible retirement) this employee would be offered a 23 hour contract which would result in a loss of salary of £300 per year

Employee D (typical reduction for current contract between 18-25 hours) –

- 21.5 hours currently at GR2 SCP 17, moving to a 16 hour contract GR3 SCP 20.
- Loss in salary of £ £2,310 per year.

- Mitigation payment of £367, would suffer a loss of £1,942 in total in the first 12 months, commencing at implementation on 1st June 2019.

Appendix F**Indicative implementation timeline – DRAFT**

Activity	Start Date	End Date
Formal Trade Union meeting to close consultation	1 st February	
Preference forms issued to staff	W/C 4 th February	18 th February
Preference forms response analysed	18 th February	20 th February
Outcome of preference process communicated to stakeholders	20 th February	
Invitations to compulsory redundancy dismissal meetings (BCC policy requires 10 days notice)	21 st February	
Selection process (where required)	W/C 4 th March	22 nd March
Employee dismissal meetings	W/C 4 th March	22 nd March
Employee notice period (12 weeks) – Employees registered as priority movers – accessing job search development activity, exploring redeployment opportunities, attending jobs fairs etc.	W/C 4 th March	14 th June
COT3 signing for staff who move to new contracts and accept a mitigation payment	W/C 11 th March	22 nd March
Induction – Training & Induction for staff appointed to new role/rota	W/C 27 th May	14 th June
Recruitment – Advertise roles on the new rota	W/C 1 st April	W/C 15 th April
Implement new Rota, job description and working practices (1 month redeployment trial period commences)	W/C 3 rd June	