

MANCHESTER UNISON

BRIEFING NOTE TO BRANCH MEMBERS

GREEN BOOK PART 3 TERMS & CONDITIONS

Introduction

In 2005 the Joint Trade Unions (UNISON, GMB and Unite) and Manchester City Council came to an Agreement on the Implementation of Single Status & Job Evaluation. This was following separate ballots amongst members of each union. UNISON members overwhelmingly accepted the Agreement in this ballot. The other trade unions also recorded convincing majorities in favour of the Agreement.

The 2005 Agreement further committed all parties to jointly look at a number of terms and conditions set out in Part 3 of the NJC National Agreement on Pay & Conditions of Service (commonly known as the 'Green Book').

The 2005 Agreement also adopted a new system of grading of 10 new grades. Each grade contained an additional increment at the top of the grade that would be awarded when the employee could demonstrate that they could carry out the full range of duties for their post. Whilst the 2005 Agreement enshrined this principle, it was agreed that the criteria for this would be jointly developed between the Council and the Trade Unions as part of the discussions on Part 3 terms and conditions.

For a number of various reasons, negotiations on the above items did not actually commence until late last year.

Scope of Discussions

At the outset of negotiations, we got together with the other trade unions and the Council to determine which areas would form part of future negotiations. It was obvious that a number of current arrangements would need to be reviewed, particularly in light of the need to ensure equality and consistency across the workforce. There are a number of different arrangements currently in place for different groups of staff and these need to be harmonised across the whole of the workforce to ensure equality. There are also a number of current terms and conditions that have not been reviewed for some

considerable time and would benefit from a review to ensure that they are fit for purpose. We therefore agreed to jointly review the following areas:

- ◆ Overtime rates
- ◆ Annual Leave
- ◆ Standby and call-out payments
- ◆ Flexibility Payments eg Shift Allowances and payments for work done in the evening and weekend as part of the normal working week
- ◆ Criteria for Competency Increment (as per 2005 Agreement)
- ◆ Review of Flexible Working Hours Scheme

Negotiations

Negotiations on the package of issues have been ongoing since late 2008. UNISON has been represented throughout these discussions by Tony Caffery, Branch Secretary, and Jane Slater, Assistant Branch Secretary. The negotiations have been difficult at times, with the Employers Side and the Trade Union Side having differences in terms of their aspirations. However, both sides have worked hard to resolve the differences between us.

We have now reached a conclusion in these negotiations. The Employers Side have tabled what they believe to be their 'best and final' offer in terms of the items under discussion.

The UNISON representatives also believe that this offer now represents the best that can be achieved by negotiation.

UNISON is committed to fully consulting with members on this final package. Below, we set out exactly what is contained within this final offer and we now intend to seek the views on this package from UNISON members through a formal ballot.

Overtime Rates

The current arrangements for the payment of overtime are that hours worked be paid at time and a half for weekdays and Saturdays and double time for Sundays and Bank Holidays. There is currently a bar on overtime payments at the top of the old Scale 6 at Spinal Column Point 28, with staff above this grade receiving equivalent time off in lieu.

The Employers opening offer was to rationalise this to pay time and a half for all overtime worked, with a bar on overtime payments at the top of the new Grade 5 at SCP 26.

UNISON argued very strongly that this was not acceptable as we were not prepared to accept payment of just time and a half for Sunday and Bank Holiday working. Furthermore, we did not believe the bar on overtime payments should be lowered to the top of Grade 5. Following detailed negotiation the Employers Side moved significantly from their opening position. The final offer is as follows:

- ◆ Time and a half for weekdays and Saturdays
- ◆ Double time for Sundays and Bank Holidays
- ◆ A bar on overtime at the top of the new Grade 6 at SCP 31 with staff above this grade receiving equivalent time off in lieu.

We believe that this represents an acceptable outcome, particularly when considering that the bar on overtime payments has actually been set higher than current arrangements.

Annual Leave

Currently, the amount of leave to which an employee is entitled is linked to their grade and length of service. Additional leave is granted for length of service after 5 years and 20 years, and employees receive more leave at the higher grades.

The current entitlement is as follows:

Up to 5 Years Service

Spinal Column Points	Basic Leave	Extra statutory Leave	Total Days
4 - 21	20	2	22
22 - 28	22	2	24
29 - 49	23	2	25
Above 49	25	2	27

After 5 years service

Spinal Column Points	Additional Days Leave	Total Days
4 - 21	5	27
22 - 28	5	29
29 - 49	5	30
Above 49	5	32

After 20 years service

Spinal Column Points	Additional Days Leave	Total Days
4 - 21	5	32
22 - 28	4	33
29 - 49	4	34
Above 49	3	35

This arrangement clearly favours those employees who are paid more. This throws up a number of obvious questions: Why should employees be given more leave entitlement simply because they are on a higher grade? Why should somebody on Grade 6 automatically receive more leave than somebody on Grade 3?

In determining Annual Leave entitlements for the future we believed it was right to pursue a more equitable distribution of annual leave across all grades, and seek a settlement that does not discriminate against the lower paid.

However, UNISON was equally clear that we were not prepared to see some members lose annual leave and so we were particularly keen to deliver protection arrangements for current entitlements.

There was one other aspect of this issue that informed our thinking: the current arrangements reward long service with additional leave after 20 years. Very few employees actually reach this level of service, and we believe that such an arrangement potentially discriminates against women as, in general, women have more career breaks than men.

The proposed new arrangements for annual leave are as follows:

Annual leave will be harmonised at a basic 25 days for all staff, up to and including Chief Officers, with a further 5 days leave awarded after 5 years service. This will give a maximum leave entitlement of 30 days after 5 years service with no further service and/or grade-related increases thereafter.

Under this proposal all staff currently receiving less than 25 days annual leave (2,650 employees) will see an immediate increase in their leave entitlement. There are currently over 6,500 employees who receive less than 30 days annual leave.

However, in terms of protection of current leave entitlements, the proposal is that existing

staff will have their existing leave entitlement protected. This would only change were the employee to accept a new contract of employment of their own volition.

We believe that this proposal is a step forward. Large numbers of members will see an immediate increase in their leave entitlement but no existing staff will see any reduction in their leave entitlement.

Standby and Call-Out Payments

A limited number of Council staff are required to be on 'Standby' outside of normal working hours. Essentially, this means that they can be required to come into work at short notice if needs arise. For this, they are paid a standby allowance. They are paid this sum if they are required to come into work or not – the payment is made because of the inconvenience of being ready to attend work at short notice.

Currently, there are a large number of separate arrangements across departments. In the interests of fairness and equality, these payments should now be standardised across the Council. The Council has calculated that the average payment currently is £1.21 per hour of standby.

However, in future it is proposed that standby payments be harmonised across all services at above this average rate, with a new rate, applicable to all, of £1.25 per hour of standby.

Call-out payments are paid to employees when they are actually required to attend work at short notice outside of normal working arrangements. It is proposed that staff will be paid the appropriate overtime rate for hours worked if they are called out.

We believe that the above represents an improvement on current arrangements.

Flexibility Payments

At present there is a standard 6.7% flexibility payment, dating back to 2003, paid to those employees who are contractually required to work scheduled hours between 06.00 – 22.00 hours Monday to Sunday as part of their normal working week. For this 6.7% payment staff can be required to work up to 26 weekend occurrences (one occurrence equals one Sat or one Sun) and up to 23 weeks of late working. One weekend occurrence is equal to one week of late working. There is currently the ability to use a mixture of both weekend and late working occurrences, effectively giving a maximum of 49 occurrences of flexible working.

There are currently around 1,800 employees who work such shift patterns and receive the 6.7% flexibility payment.

However, there are a wider variety of working patterns across the Council – some which exceed the parameters of the current 6.7% flexibility payment - and an analysis of all these patterns has demonstrated that there are variations in allowances paid and inconsistencies in how allowances are applied.

It is clear that the original parameters established are not broad enough to capture the range and frequency of all the different non-standard working patterns required.

It was therefore proposed by the Employers Side that the current myriad of shift allowances and weekend enhancements and the current flexibility payment be replaced by an expanded flexibility payment arrangement, with 4 different levels of payment depending on the level of flexibility required.

The proposed future arrangements are as follows:

Proposed Band	Number of instances of either: i. Individual instances of weekend working and/ or: ii. A week (i.e. five working days) of evening shifts extending beyond 8.00pm	Flexibility Allowance as percentage of salary (%)
1	Up to 50	6.7
2	51 – 100	10
3	101 or more	15
4	Services operating a 24/7 continental pattern	20

We have carried out a detailed analysis of these proposals and, based on current working arrangements, around 84% of staff currently working flexibly would gain financially through this arrangement, around 12% would remain broadly the same, and only 4% would suffer any overall detriment. Of the 4% who would potentially lose under the new arrangements, a significant proportion have been found to be being paid incorrectly at present, being in receipt of other allowances as well as a flexibility payment. A full list of those staff who would receive a flexibility payment under these arrangements indicating the level they will receive and whether they are ‘winners’, ‘stay the same’, or ‘losers’ will be posted in spreadsheet form * on the Council’s Intranet and will also be posted on UNISON’s website at unisonmanchester.org

*(The spreadsheet is a working document compiled from information provided by services/departments. The information is based on typical/representative working patterns over a period of time, generally a year, where working patterns were not repetitive. A comparison was then made between what job holders were paid previously and where they might fit in the proposed model showing whether posts 'win', 'lose' or 'stay the same'. The status of 'win', 'lose' or 'stay the same' has been determined by whether giving the employee an inclusive allowance would mean they receive more, less or the same amount as previously received.)

We believe that this proposal will represent a significant improvement for the overwhelming majority of staff currently working a non-standard working pattern.

Competency Increment

As stated above, the 2005 Agreement, which was approved in a ballot of members, contained proposals to develop criteria for an assessment to be made of whether an employee could carry out the full range of duties for their post before progressing to the additional incremental point within their grade. No proposals have been agreed since 2005 and so all staff reaching the final incremental point since that time have progressed as normal.

The Employers Side finally came up with proposals for how this scheme might work in Dec 2008. These proposals were rejected out of hand by the trade unions. They were based on work that is already being developed for senior managers and were intended to assess staff on a number of 'behaviours', as set out below:

Draft Behaviours

- ◆ Taking responsibility, assuming empowerment to ensure delivery of outcomes
- ◆ Using processes, systems and frameworks effectively
- ◆ Challenging and tackling poor performance
- ◆ Supporting others to achieve
- ◆ Aspiring to the highest standards
- ◆ Demonstrating innovation and taking calculated risks to raise the bar
- ◆ Demonstrating empathy
- ◆ Ensuring that work is focused on making a positive impact for customers and in neighbourhoods
- ◆ Operating as one team, across all parts of the council and partners
- ◆ Positively promoting the City
- ◆ Sharing information and communicating
- ◆ Encouraging inclusion

The proposals were, in our opinion, totally unworkable and could not be applied to all posts on a consistent manner. We also pointed out that they bore no relation to what the trade unions believed any potential scheme should look like, and bore no relation to the type of scheme we had previously discussed and that the trade unions had balloted members on as part of the 2005 Agreement.

We maintained that any scheme should more closely match the Trade Unions expectations of how a potential scheme might work, and we set out a number of parameters:

- ◆ The Scheme must be capable of being applied to all posts
- ◆ The Scheme should not be overly complicated or time-consuming
- ◆ The process by which the Scheme is applied must be fair, consistent and transparent
- ◆ The Scheme should not impinge on other Council procedures e.g. Capability Procedure
- ◆ A right of appeal must be built into the process
- ◆ Where an employee is deemed to be unable to demonstrate an ability to carry out the full range of duties for their post they must be supported, through an appropriate action plan including the provision of training, to ensure they will be able to meet the competency criteria within an agreed timescale

The employers subsequently dropped these proposals and invited the trade unions to work further with them in developing a scheme along the parameters above. We have since jointly developed a more acceptable scheme which is based on supporting employees to meet the competency criteria.

The proposed scheme is set out below:

PROPOSED COMPETENCY SCHEME

1. This Scheme is designed to ensure that employees who have been in post for at least 3 years can demonstrate that they have reached an acceptable level of competency in performing the full range of duties for their post.
2. Following progression on to the penultimate spinal column point for their grade (normally in April) the employee will meet with their line manager to establish criteria for assessment based upon the main duties and responsibilities for their post as set out in their job description.

3. The line manager will then meet with the employee to conduct an assessment to establish whether the employee can perform the full range of duties of their post. The outcome of this meeting must be recorded in writing and signed off as a correct record by the line manager and the employee, with both parties retaining a copy of the record of the meeting.
4. All employees who can demonstrate such an acceptable level of competency will progress to the final incremental point within their grade when this increment becomes due in the following April.
5. If it can be established that the employee can not perform the full range of duties of their post then the line manager must prepare an action plan, in consultation with the employee, to address any shortfall, including the provision of additional support and training where necessary.
6. The action plan is intended to assist the employee to improve competency levels. Where actions are proposed to assist this process, such actions will be linked to reasonable timescales that will allow the employee to improve.
7. It will be the responsibility of the line manager to arrange any additional support or training where such a need has been identified.
8. Progress against the action plan will be jointly reviewed by the employee and line manager after 3 months to ensure that the employee is on target to meeting criteria previously agreed to demonstrate competency in the full range of duties for their post, and to ensure that the employee is receiving the necessary support and training to achieve this.
9. If, at this stage, it is agreed that the employee can demonstrate an acceptable level of competency s/he will progress to the final incremental point within their grade when it becomes due in the following April.
10. If, at this stage, it is demonstrated that the employee cannot demonstrate an acceptable level of competency in the full range of duties for their post, the action plan will be reviewed to determine what additional support can be provided to assist the employee to gain an acceptable level of competency.
11. After a further 3 months (6months after the initial assessment), the employee will again meet with their line manager for a further formal assessment. The

outcome of this meeting must be recorded in writing and signed off as a correct record by the line manager and the employee, with both parties retaining a copy of the record of the meeting.

12. If, at this stage, it is agreed that the employee can demonstrate an acceptable level of competency s/he will progress to the final incremental point within their grade when it becomes due in the following April.
13. If, at this stage, it is demonstrated that the employee cannot demonstrate an acceptable level of competency in the full range of duties for their post then the final incremental point will be withheld for that year, pending a further assessment.
14. If the employee is not satisfied with the outcome of the assessment they have the right to appeal against the assessment. The appeal will be heard by the manager of the employee's line manager. The appeal must be lodged in writing within 10 days of receipt in writing of the outcome of the assessment. The appeal will be heard within 28 days of receipt of the appeal. The outcome of the appeal will be confirmed in writing to the employee. There is no further right of appeal.
15. The employee may be represented at the appeal hearing by a trade union representative or friend.

We believe that this proposed scheme is far more in line with the expectations of the Trade Unions than the original proposals from the Employers Side. The proposed scheme is strongly linked to supporting the employee to achieve acceptable levels of competency through agreed action plans including support and training, and offers a number of opportunities to be assessed well in advance of any increment potentially being withheld. Crucially, there is also an appeal stage where the employee can be represented by a trade union representative and all previous stages must be supported by written evidence.

We believe, in any event, that the overwhelming majority of staff who have been in post long enough to reach the final increment within their grade should be able to demonstrate that they can perform the full range of duties of their post. Where the employee cannot demonstrate this they will be fully supported and additional training will be provided. Please note that the scheme will not be applied retrospectively – only those employees who have not yet reached the final incremental point in their grade will be assessed. Those employees who have already reached the top of their grade will not be assessed.

Review of Flexible Working hours Scheme

The Flexible Working Hours Scheme (commonly known as the Flexi-time scheme, and not to be confused with the Flexibility Payments scheme outlined above) has been in operation since 1974 and has changed little since then. The Trade Unions believe that the scheme is outmoded and needs to be updated to take into account changes in lifestyle, working patterns and the need to offer better work/life balance for employees. We are particularly keen to see improvements to the scheme, such as greater flexibility for employees in terms of start and finish times, and the ability to earn more than one 'flexi' day per month.

Initial discussions on improvements to the Flexible Working Hours scheme took place, and these initial discussions were encouraging from the Trade Unions point of view. However, it was agreed by all parties that a full review of the scheme should take place as part of the Town Hall Refurbishment Project, which is already looking at significant organisational change.

Our aspirations for these discussions remain the same: we will be seeking significant improvements to the current scheme to better reflect the needs of our members and to aid better work/life balance.

Conclusion

The negotiations on this package have been lengthy and sometimes difficult. However, we believe that the package represents a fair and reasonable way forward.

- ◆ We have made significant gains in terms of annual leave provision with large numbers of employees gaining without anybody losing any of their current entitlement.
- ◆ We have achieved an actual increase in the scope of those that can receive overtime payments
- ◆ We have negotiated standby payments at above the average payments currently made
- ◆ We have negotiated a system of Flexibility Payments by which the overwhelming majority of those employees working non-standard patterns will gain financially
- ◆ We have negotiated a Competency Increment Scheme that has support and training for employees at its heart
- ◆ We will soon start work on delivering improvements to the Flexible Working Hours Scheme

The package detailed in this note represents the best that can be achieved by negotiation. It is now up to UNISON members to decide whether they wish to accept this package via a formal ballot. The Branch Executive Committee, made up of stewards from across all Council services, has met to consider this package and agreed unanimously to recommend that members vote in favour of accepting this package. We would therefore urge you to vote in favour of the proposals in this ballot.

Tony Caffery
Branch Secretary

Jane Slater
Assistant Branch Secretary