

**Report of Chief Officer Parks and Countryside**

**Report to Director of Environment and Housing**

**Date: 24 November 2014**

**Subject: Enhancement Team – Employee Terms and Conditions**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. When the Roseville Factory closed in 2011, a small group of employees came across to work within the Parks and Countryside service. Some were working to the MG7J pay grade system, whilst others were working to the National Joint Council employment terms and conditions on different grades.
2. The factory close down was a time of great uncertainty especially for these employees who have similar needs and various levels of disabilities. With this in mind and to provide this new team with an occupational identity, they were given the job titles of Assistant Gardeners and were referred to as the Enhancement team.
3. This allowed time for the team to settle down into their new surroundings whilst at the same time provided the opportunity for the Parks and Countryside service to accurately assess the level of supervision required. Although the job titles of Assistant Gardeners were given, the job role that the team actually undertake is that of a General Worker that requires close supervision.
4. To implement a more consistent approach, a consultation process commenced in May 2014 where it was proposed that all employees who transferred over to the P&C service should all be working to the NJC terms and conditions and that new contracts of employment would need to be issued to reflect this change, including the job title of General Worker and by agreement to adopt the seasonal pattern of hours. Thereby bringing this group of employees in line with other P&C frontline staff.

**5. Recommendations**

The Director of Environment and Housing is recommended to note the contents of the report and give authorisation to issue new contracts of employment to all employees who transferred over from the Roseville Factory to Parks and Countryside and to approve the new seasonal hours of working to be adopted by the Enhancement team.

## **1 Purpose of this report**

- 1.1 This report considers matters arising following a recent employee consultation process in relation to the Enhancement team. It sets out the proposal for staff to be moved on to the National Joint Council (NJC) for Local Government services terms and conditions.
- 1.2 As part of this consultation process, it is proposed to adopt the seasonal pattern of working thereby bringing the Enhancement team in line with other Parks and Countryside frontline staff.

## **2 Background information**

- 2.1 Following the closure of the Roseville Factory in 2011, a group of employees including two supervisors transferred over to the Parks and Countryside service. At the point of transfer, some employees were already working to the National Joint Council terms and conditions on different grades, whilst others were working to the Manual Pay Grade system.
- 2.2 The factory close down, created great uncertainty for the employees who had very little or no experience working in an outdoor / horticultural environment, having previously worked inside a factory.
- 2.3 This group of employees also have varying levels of disabilities but do have similar needs and in order to provide them with an occupational identity during this time of uncertainty, they were given the job titles of Assistant Gardeners and were also referred to as the Enhancement Team.
- 2.4 This allowed time for the team to settle down into their new surroundings whilst at the same time provided the opportunity for the Parks and Countryside service to accurately assess the level of supervision required. Although the job titles of Assistant Gardeners were given, the job role that the team actually undertake is that of a General Worker that requires close supervision.
- 2.5 Earlier this year, a request was made by the Trade Union to bring all of the employees within the Enhancement team under the same National Joint Council (NJC) for Local Government services terms and conditions. In response to this request, the Parks and Countryside service carried out a detailed staff consultation exercise and a copy of this consultation paper is attached to this report.
- 2.6 The initial consultation commenced on 8<sup>th</sup> May 2014 where the service went through the consultation paper with the employees in the presence of representatives from the Trade Unions and Human Resources. A signer was also available for those who were hard of hearing.

- 2.7 The consultation proposals were to bring all employees within the Enhancement team under the same NJC terms and conditions, with the job title General Worker grade A1 and to adopt the seasonal hours of working.
- 2.8 Follow up meetings with each employee together with their Supervisor took place over the summer months to provide an opportunity for them to raise any individual concerns that they may have. It also enabled the service to assess the impact of the consultation proposals and to identify whether any reasonable adjustments needed to be made. Each employee was invited to bring with them a friend or Trade Union representative and an officer from Human Resources was also in attendance.
- 2.9 Due to the summer period and some employees being on long term sick or unable to arrange Union representation, these meetings did not conclude until late Autumn.

### **3 Main issues**

- 3.1 Since the employees were transferred over to the Parks and Countryside service, they have always worked under direct supervision. However, not all of the employees have the same job title.
- 3.2 Three of the nine employees are already working to the NJC terms and conditions and six are currently being paid to the MG7J pay grade system. However, none of the employees have currently adopted the seasonal pattern of working. Therefore the consultation proposals will impact on all of the employees within the Enhancement team in some form or another. The service has also given an undertaking that there is no reason that an employee should financially lose out as a result of adopting the consultation proposals.
- 3.3 Apart from two employees who are represented by their Trade Union, the remaining employees have confirmed to the service that they are happy to accept the consultation proposals and do not see or envisage any issue or concern adopting the new seasonal hours of working.
- 3.4 The trade Union position is that the two employees have 'Assistant Gardener' as their job title and as such the Trade Union request that the service considers that these employees are paid at the level of an Assistant Gardener A2 and for this to be back dated when they transferred across to the P&C service.
- 3.5 The service have considered this request and each individual employee contract of employment clearly stated that they are being paid the correct rate of pay. Both employees are currently being paid to the MG7J pay grade system and who are working under direct supervision which is also similar to other colleagues within the Enhancement team.
- 3.6 The service does not envisage any back pay related issues as each employee is being paid correctly in accordance with their current contract of employment. There is no obligation placed on any of the employees to accept the consultation proposals as the service can accommodate their existing employment terms and conditions. However, bringing the employees in line with NJC terms and conditions does meet the criteria agreed with the Trade Unions under single status pay and grade issues.

- 3.7 Should the employees accept the consultation proposals, they will work to the new seasonal hours of working and have the job title of General Worker and will be paid the top of spinal point grade A1. Those employees who are currently being paid under the MG7J pay grade system will see a slight increase in their salary if they were to adopt the new NJC employment terms and conditions.
- 3.8 Those employees who are currently being paid under the NJC terms and conditions will not see any change to their pay or grade.

#### **4 Proposal**

- 4.1 Following the consultation process it is proposed that by agreement with each employee they will adopt the new seasonal pattern of working as set out in the table below.

	<b>Summer Rota (41 hours per week) April to September</b>	<b>Winter Rota (33 hours per week) October to March</b>	
<b>Day</b>		<b>Oct, Nov, Feb &amp; Mar</b>	<b>Dec &amp; Jan</b>
Mon	07:15 – 16:45 with half hour break	07:30 – 15:30 with half hour break	08:00 – 15:30 with half hour break
Tues	07:15 – 16:45 with half hour break	07:30 – 15:30 with half hour break	08:00 – 15:30 with half hour break
Wed	07:15 – 16:45 with half hour break	07:30 – 15:30 with half hour break	08:00 – 15:30 with half hour break
Thurs	07:15 – 16:45 with half hour break	07:30 – 15:30 with half hour break	08:00 – 15:30 with half hour break
Fri	07:15 – 12:15 with no break	07:30 – 12:00 with no break	08:00 – 12:30 with no break

- 4.2 This will bring the Enhancement team alongside colleagues on the frontline within the Parks and Countryside service. Those employees who may not wish to adopt the seasonal pattern of working for any reason, can be accommodated in other areas across the Parks and Countryside service.
- 4.3 The implementation of the proposal will enable staff to have Friday afternoon off and accrue over 20 additional hours in winter which could be taken in lieu, equivalent to 3 days extra leave. The additional lieu hours could be requested to be taken off any time between October and March.
- 4.4 It is proposed that the Enhancement team will commence the seasonal pattern of working from 1<sup>st</sup> January 2015 and that with immediate effect new contracts of employment will be issued to all the employees with the job title of General Worker grade A1 working to the NJC employment terms and conditions.

#### **5 Corporate Considerations**

- 5.1 Bringing the Enhancement team in line with the NJC terms and conditions meets the criteria agreed with the Trade Unions under single status pay and grade issues.

#### **6 Equality and Diversity / Cohesion and Integration**

6.1 The service has been managing some inherited and long-standing circumstances relative to this group of staff some of which are no longer sustainable in terms of providing fair pay and equivalent terms and conditions.

6.2 An equality impact assessment screening document has been compiled and is attached to this report.

## **7. Council policies and City Priorities**

7.1 To ensure that the council is meeting its obligation to set a consistent level of pay which gives value for money but more importantly rewards workers fairly for what they do the, service wants to modernise the terms and conditions to bring these, and the rate of pay for these staff in line with the Green Book and therefore with other colleagues in the service carrying out the same work.

## **8. Resources and value for money**

8.1 The Council continues to face serious budget pressures and has experienced cash funding cuts This has also impacted on the Parks and Countryside service, with a £2.7 million budget reduction between 2010/11 and 2014/15. This equates to a reduction of 23% and further reductions are expected to be required in 2015/16 and 2016/17. There are 6 employees who are currently being paid under the manual grade pay system and the salary costs to transfer these employees to the new NJC terms and conditions of employment are set out in the table below. These figures also include on cost and pay award.

<b>Current Grade</b>	<b>Annual Salary</b>	<b>NJC Grade</b>	<b>Annual Salary</b>
MG7J	£14,900	A1	£15,900
MG7J	£14,900	A1	£15,900
MG7J	£14,900	A1	£15,900
MG7J	£14,900	A1	£15,900
MG7J	£14,900	A1	£15,900
MG7J	£14,900	A1	£15,900
<b>Total</b>	<b>£89,400</b>		<b>£95,400</b>

8.2 The additional costs based on the top of NJC Grade A1 spn 8 is within the region of £6k and can be met within existing revenue.

## **9. Legal Implications, Access to Information and Call In**

9.1 The decision maker has delegated authority under the scheme of delegation to take the decision.

## **10 Risk Management**

- 10.1 Bringing the Enhancement team under the same employment terms and conditions meets the agreement with the Trade Unions under single status and pay and grade issues. Thereby minimising a potential legal challenge.

## **11 Recommendations**

- 11.1 The Director of Environment and Housing is recommended to note the contents of the report and give authorisation to issue new contracts of employment to all employees who transferred over from the Roseville Factory to Parks and Countryside to reflect that they are working to the level of General Worker grade A1, working to the NJC employment terms and conditions with immediate affect.
- 11.2 To approve the new seasonal hours of working to be adopted for the Enhancement team.

## **12. Background documents**

Consultation document

Equality screening document