

REPORT FOR: EMPLOYEES' CONSULTATIVE FORUM

Date of Meeting: 30 January 2019

Subject: Response to an Employees' Side Report on Matters Arising from the ECF Equalities Report 2017-18

Key Decision: No

Responsible Officer: Alex Dewsnap, Divisional Director of Strategic Commissioning

Portfolio Holder: Councillor Adam Swersky, Portfolio Holder for Finance and Resources

Exempt: No

Decision subject to Call-in: No

Wards affected: N/A

Enclosures: Appendix 1 – Summary of the recommendations from the Taylor Report (Good Work) last updated 21st December 2018.
Appendix 2 – Harrow Council Annual Equalities Report Supporting Employee Diversity Data 2017-2018 (pages 75, 76 & 87)

Section 1 – Summary and Recommendations

This report sets out the Council's response to a report received from UNISON entitled 'Housing Directorate'.

Recommendation:

That the report be noted.

Reason: (For recommendation)

To allow consideration of the response to the employees' side report.

Section 2 – Report

This report outlines the Council's response to the Employee's side paper, addressing the issues raised and supplying additional information where necessary.

Response by paragraph in the trade union report:

Summary and decision requested by the trade unions

That the Leader and Opposition Leader provide unequivocal written commitment to the Unions that they will ensure that the rules of the organisation apply equally to all including the most senior levels and that a failure to comply with the rules of the organisation enacts personal consequences at all levels of the employment structure without fear or favour.

That the employer namely Harrow Council fully endorses and adopts the Governments Taylor review on the modern workplace without reservation.

Without these actions Harrow Council will remain in a time loop with the same old antediluvian culture, which has existed unabated and unimproved for decade upon decade.

Background

Contractual Overtime

The restructure of the waste services teams launched in November 2018 identified that there were office based staff still receiving contractual overtime when working a 36 hour week. This should have ceased as part of the Single Status Agreement implemented in Harrow between 2004 and 2007 and have

been addressed in a previous restructure. For Waste Services, this issue will be addressed in the service restructure with the payments removed. There are 26 staff at G7 and above in the Community directorate that still receive contractual overtime including Waste Services. All of the payments are being investigated to establish whether payments are justified and if not they will be removed.

As a result of this issue being raised in Waste Services, payments to 6 staff in Adult Services were investigated. These payments, however, are for an approved additional one of hour of work being undertaken each week. The continuing need for this additional hour's work is under investigation and the payments will be removed if no longer justified.

In terms of detriment to manual workers, over 250 manual workers currently receive contractual overtime. Whilst office based staff should not have continued to receive these payments and have gained an advantage, there has been no detriment to manual workers that are justified in receiving contractual overtime.

The Taylor Report – the Review of Modern Working Practices (Good Work)

Attached at appendix 1 is a summary of the Government's response to the recommendations from the review of modern working practices, last updated on 18th December 2018. Whilst not all of the recommendations are applicable to Harrow Council, for example some relate to the operation of Employment Tribunals, the HMRC and the Department for Business Energy and Industrial Strategy, the review is welcomed and the Government have accepted many of the recommendations and are taking forward some recommendations through other work such as part of Improving Lives: the future of Work, Health and Disability. The Council will fully comply with agreed recommendations when these are implemented by the Government.

Peer Reviews and independent reports

The Employees Side Report states that countless peer reviews and independent reports over the years have highlighted the appalling management culture with Harrow Council. From a review of recent reports, this assertion is not supported by the findings of these inspections/reviews.

The latest Ofsted Report of Children's Services in October 2018 stated that;

'There is strong corporate leadership in Harrow to improve outcomes for children and their families who need help or protection. Since the previous inspection of children's services in 2017, there has been a sustained commitment to improving the quality of social work practice. Senior leaders know the service well, as reflected in the recent self-evaluation. A comprehensive suite of performance data informs this knowledge.'

The Ofsted Report of Children's Services in March 2017, rated management as good stating;

'A strong and energetic senior management team with a sense of direction, robust governance arrangements and clear lines of accountability is having a positive impact on the way in which services are designed, developed and delivered. This is helping children to achieve good outcomes.

The local authority knows itself well. Senior leaders have a clear understanding of strengths and areas for development, and are making intelligent use of qualitative and quantitative data to address shortfalls and raise standards. Learning from audits is acted on and the quality of practice is improving.

The LGA Peer Review in June 2016 stated that

Staff are enthusiastic and passionate, and are keen to deliver on behalf of local people. There is widespread acceptance that there is a need to be more efficient and do things differently, and there is a willingness to rise to that challenge and be flexible. There has been a positive change in culture and the new senior management team has added to that positive culture.

MG Graded Staff

The Employees Side report is inaccurate in terms of stating that MG graded staff are by and large required to work the hours required for business needs. The contractual requirements are;

- (i) You are required to work a standard working week of 36 hours. You can, on the whole, organise your own working hours in a manner consistent with carrying out your duties and responsibilities, subject to the needs of the service. However, your average minimum must be 36 hours, and you are required to work additional hours if necessary to discharge the duties of the post and as such, flexibility is needed in working practices.
- (ii) Overtime and enhanced payments are not payable.
- (iii) Honoraria payments for undertaking additional or onerous duties are not payable other than in very exceptional circumstances (at the discretion of the relevant Chief Officer).

In terms of the comment relating to Housing Management staff, compressed hours were agreed for two managers some years ago and will be reviewed as part of the Housing Management restructure.

Harrow Council Annual Equalities Report Supporting Employee Diversity Data 2017-2018 (pages 75, 76 & 87)

The relevant pages of the report are attached at Appendix 2. From the Employees Side Report the focus appears to be on data on page 76 of the report concerning leavers by pay band in the following categories; ill health, early retirement, compulsory and voluntary redundancy and dismissals. This data shows no leavers or few leavers (by percentage) in some categories for the higher pay bands 4 to 6.

Low percentages would be expected for the higher bands due to low staffing numbers in these pay bands. For example pay band 6 only includes 11 employees and Pay Band 5 only includes 41 employees.

For compulsory and voluntary redundancies, a comparison by pay band would only be relevant if redundancies equally impacted across the pay bands which was not the case in the redundancy exercises which took place in 2017/18.

For ill health dismissals and early retirements, the percentages are high in the lowest pay band but this could be as a result of the nature of the duties undertaken.

From the comments in the Employees Side Report, concerning equal application of rules it is assumed that the focus is on dismissals and an equitable application across the pay bands.

For dismissals including probation, pay band 4 which is for MG1 to MG3 did have 11.11% of the cases, whereas in pay band 3 which is G9 to G11 there were no dismissals.

The highest number of dismissals is in pay band 2 (G4 to G8) which is the pay band with the highest number of staff. Based on this data, a conclusion that rules are not applied across pay bands cannot be supported.

Legal Implications

The contractual overtime payments that are no longer justified will require legal input to agree arrangements for termination of these payments

Financial Implications

Savings will accrue from the removal of contractual overtime where no longer justified.

Equalities implications / Public Sector Equality Duty

Any equality implications may arise from discussion at the meeting in terms of leavers.

Council Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

Section 3 - Statutory Officer Clearance

Name: Dawn Calvert	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 24 January 2019		
Name: Hugh Peart	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 24 January 2019		

Section 4 - Contact Details and Background Papers

Contact:

John Kitching
Employee and Customer Relations Manager

John.kitching@harrow.gov.uk

Background Papers: None.