


Agenda Item No:	5	
Committee:	Staff Committee	
Date:	26 January 2015	
Report Title:	Proposed modernisation of terms and conditions	

Cover sheet:

1 Purpose / Summary

The purpose of this report is to inform the Staff Committee of the recent review of terms and conditions, the proposed changes being recommended and working arrangements as a result; and to seek approval for the proposal.

2 Key issues

- The Council needs to respond to an ongoing funding gap in the forthcoming new financial year, plus achieve further savings over the next 3 - 4 years.
- The Council has successfully delivered £8m of savings since 2010 which is over 30% of our revenue budget through management and staffing reviews, partnership arrangements, transformation and modernisation of teams, procurement and income generation (£4.5m in staffing reviews, of which £1.5m from management)
- There is however an identified need to make further savings and this report outlines the potential savings that can be achieved from a further modernisation of employment terms and conditions.
- This further modernisation proposes changes to the current payments for mileage and subsistence, car leases, changes to the current Annual Leave Policy, and a review of the current contract of employment.
- The Council has a comprehensive framework of people policies in place, and these policies are reviewed in accordance with an ongoing programme of reviews.
- A comprehensive consultation process has also been undertaken on this proposal with CMT and also with the Staff Side group.
- This proposal generates an annual efficiency saving in the region of **£17,500**.

3 Recommendations

Members are asked to:

- Note the attached report.
- Note the associated savings, which will contribute to the Council's significant savings target.
- Approve the proposals as set out within the report.

Wards Affected	All
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Chris Seaton, Portfolio Holder for Finance
Report Originator(s)	Sam Anthony - Head of HR & OD Email: santhony@fenland.gov.uk Tel: 01354 622268
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Background Paper(s)	N/A

1.0 Background / introduction

- 1.1 The Council's Modernisation Project group was initially formed to respond to the ongoing financial challenges presented to local government. Fenland District Council chose to adopt an innovative approach to reduce annual spend and future proof the organisation which involved the modernisation of working practices and arrangements, initially on a service by service approach.
- 1.2 The Modernisation programme initially concentrated on the following service areas:
 - Refuse
 - Cleansing
 - The Workshop
 - Leisure
 - Customer Access
 - Post, Print and Stores
- 1.3 The key achievements realized to date have been:
 - **Refuse:** The implementation of new working patterns, working hours and rotas with more efficient use of the transport fleet, all achieved with no redundancies and minimal impact to customer service.
 - **Cleansing:** The implementation of new working patterns, working hours and rotas, enhancing the availability of the service, all achieved with no redundancies.
 - **Workshop:** The implementation of new working patterns, working hours and rotas to reflect the changes to refuse collection patterns, all achieved with minimal redundancies.
 - **Leisure:** The implementation of new working patterns and generic job roles, a streamlined management structure with multi-site working all achieved with minimal compulsory redundancies.
 - **Customer Services:** A rationalization of the opening hours at the One Stop Shops and, a reduction in the teams' hours all achieved without any compulsory redundancies.
 - **Print and Post Room:** The amalgamation of teams to provide a multifunctional team in a single location; with a reduction in the number of hours in the team achieved without any compulsory redundancies.
- 1.3 The Project Group has been meeting regularly and considered the potential options for organisation-wide modernisation, including potential changes to Terms and Conditions. A suite of proposed potential options was developed including estimated savings.
- 1.5 The Project Group have now developed a suite of proposals relating to more general terms and conditions. These changes mainly focus on issues relating to mileage, contract car hire and subsistence rates.
- 1.6 The Council's car, mileage allowances and subsistence overall process/policy has been in place for a number of years. The process is unnecessarily complex, and not in line with the needs of a modern local authority; and it therefore needs to be reviewed, updated and simplified. Subsistence rates have not been changed for some years.
- 1.7 The Council's current processes for:
 - claiming mileage and the rates payable for business mileage incurred;
 - subsistence rates; and
 - lease/contract cars

are drawn from a number of existing sources, such as the Employee Handbook, the Green Book, and mileage and subsistence rates (which are circulated on an annual basis).

The proposals for consultation and consideration are outlined at section 2.0.

2. Outline of Proposed Changes

The resulting proposals have been drawn from the work undertaken by a project team created to fully consider, revise and update the current arrangements in relation to mileage and subsistence. This project team was drawn from a number of different service areas (Such as internal audit and risk, procurement, insurance and lease cars, HR, finance and payroll).

- 2.1 **Mileage.** Currently the Council pays mileage at the agreed National Joint Council (NJC) rate. It is proposed to change this rate to the agreed Her Majesty's Revenues and Customs (HMRC) rates and simplify and automate the process for claiming. It will allow Fenland District Council to put in place clearer guidelines about when and where mileage expenses may be claimed. This is an approach that has been successfully adopted by many other Councils. This approach will require a change of terms and conditions, as this is currently covered by the Green Book. **The savings for this proposal are estimated to be £14,000 per annum**, plus the indirect savings achieved from simplifying the process.
- 2.2 **Subsistence.** As above the Council pays subsistence at the agreed NJC negotiated rates, and a move to HMRC rates will allow the process to be streamlined and automated. It will allow FDC to put in place clear guidelines about when and where subsistence may be claimed. This is an approach that has been successfully adopted by many other Councils. This approach will require a change of Terms and Conditions, as this is currently covered by the Green Book. **The savings for this proposal are estimated to be £3,500 per annum**, plus the indirect savings achieved from simplifying the process
- 2.3 **Removal of Car Lease Scheme.** This is a term that is referred to in the employment contract and the employee handbook; and the individual is required to sign a separate agreement. The administration of the scheme takes up a disproportionate amount of officer time (e.g. liaising with staff, lease companies, obtaining quotes, finalising arrangements and the financial accounting of the lease cars etc.); therefore **savings will be achieved in freeing up officer time by removing this process**. There will also be additional cash savings more linked to any costs the Council incurs around early termination of leases.
- 2.4 **Update the Annual Leave** policy. The existing annual leave policy does not treat all employees consistently, which does need to be addressed to ensure absolute equity across the whole Council. The revised policy is included at Appendix A, with the proposed changes highlighted.
- 2.5 **Contract Review.** It is best practice to review employment contract on a regular basis. Given the above recommendations it is timely to complete a review now.

It is therefore recommended that:

- All of the aforementioned changes are incorporated
- All special conditions are reviewed to ensure that they are fit for purpose
- Reference is made within the contract to both Confidentiality and the Code of Conduct
- Consideration of the insertion of a Payment in Lieu of Notice clause.

- The default retirement age clause is removed

3. Consultation

- 3.1 A comprehensive consultation process on the proposed new structure and working patterns has been undertaken with all staff and Staff Side. All feedback received has been fully considered. This information has been provided under Appendix B.

Staff Committee are asked to consider that this item is confidential on the grounds that it would involve the disclosure of exempt information as defined in paragraphs 1,2 and 4 of Part 1 of Schedule 12A of the Local Government act 1972 (as amended) - information that relates to an individual, or is likely to reveal the identity of an individual, or information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority and employees of, or office holders under, the authority.

This appendix has therefore been provided under a separate cover.

- 3.2 If the proposal is approved, it is proposed that a new contract will be offered to all staff to reflect these changes (all personal details –e .g. date of engagement, leave entitlement, salary, grade etc will remain the same).

4.0 Effect on Corporate Priorities

- 4.1 This proposal will assist the Council in making the required ongoing efficiency savings, and the proposal is in accordance with our Quality Organisation priority.

5.0 Conclusion

- 5.1 The Staff Committee are asked to:

- Note the attached report.
- Note the associated savings, which will contribute to the Council's significant savings target.
- Approve the proposals as set out within the report.

Appendix A - ANNUAL LEAVE POLICY

1.0 Introduction

This policy outlines the Council's approach to the provision, booking, monitoring and management of annual leave for all employees.

2.0 Policy

2.1 Annual Leave Entitlement

The leave year is from 1st April to 31st March and the details of employees' leave entitlement are provided in their written statement of terms and conditions of employment. For the purposes of booking leave the total holiday will be shown in hours as demonstrated below.

Part-time employees will receive the leave entitlement on a pro-rata basis

If a new employee joins the Council part way through the holiday year, they will receive their holiday entitlement on a pro-rata basis based on the number of days remaining in the current leave year. Employees accrue annual leave on a daily basis once they commence employment, and therefore individuals initial annual leave entitlement will depend on their start date.

When an employee has completed five or more year's continuous qualifying service, their leave entitlement will be increased as shown in the table below.

If this date occurs during the leave year they will receive the additional leave on a pro rata basis based on the number of days remaining in the current leave year

Members of staff who are absent for reasons of Sickness or Maternity Leave will accrue these days in the same way.

Annual leave entitlement 2014							
Band	Basic	Bank Holidays	Stat Days	Total Entitlement	Continuous Service Entitlement after 5 years	Total Entitlement in Hours (Full Time)	Continuous Service Entitlement after 5 years (Hours)
1	21	8	2	30	4	222	251.6
2	21	8	2	30	4	222	251.6
3	21	8	2	30	4	222	251.6
4	21	8	2	30	4	222	251.6
5	21	8	2	30	4	222	251.6
6	21	8	2	30	5	222	259
7	23	8	2	32	5	236.8	273.8
8	23	8	2	32	5	236.8	273.8
9	23	8	2	32	5	236.8	273.8
Hay 1	23	8	2	32	5	236.8	273.8
Hay 2	23	8	2	32	5	236.8	273.8
Hay 3	25	8	2	34	5	251.6	288.6
Hay 4	25	8	2	34	5	251.6	288.6

(i) Bank Holidays

There are a minimum of seven bank holidays in each year (usually eight): These days are built into the annual leave entitlement as shown above. Where the amount of bank holidays vary, the above figures will be adjusted and communicated to all staff.

Where the service area is not required to work on a particular bank holiday, and the employee is contracted to work on this day, holiday must be taken. It is the employee's responsibility to ensure that sufficient leave is available for all bank holidays.

(ii) Discretionary Holidays – Christmas Eve opening

In accordance with the Employee Handbook, the Council will elect to close the main Council offices at 12:30pm on Christmas Eve, where Christmas Eve falls on a weekday.

Provided that the employee is normally contracted to work on that day, they are entitled to discretionary leave to enable them to leave at the agreed closing time. Different service areas and Council sites may have differing arrangements according to the needs of the service, and staff should check with their managers to ensure that they are fully aware of these arrangements.

Where Christmas Eve falls on a weekend, those service areas that would usually be open (i.e. Leisure Centres) will close earlier at the discretion of the Leisure Centre Manager. Individuals, who would normally be required to work beyond this time, will be given the remaining proportion of their shift as discretionary leave.

In accordance with point 4.4 of this policy, staff may also be asked to amend their scheduled hours to accommodate changes in opening and closing times. As stated in 4.4, staff will be advised of planned changes to opening/closing time at the earliest possible opportunity.

(iii) Religious Observance Days

Religious observance days are not included in the statutory public holiday entitlement above. There is no entitlement to paid time off on these days, and employees wishing to take time off in these circumstances should use annual leave and/or existing flexible working arrangements, e.g. flexi time.

(iv) Part-time Employees

The annual leave entitlement for part time employees will be a pro rata'd amount of the full time holiday entitlement based on the number of contracted hours the staff member works. All leave will include one fifth contracted hours per bank holiday.

Where a bank holiday falls on a part time employees contracted working day, you will be required to book the total number of hours due to be worked off. If this amount is over and above the awarded hours the shortfall can be made up by using additional annual leave or flexi/pas. Please discuss with your line manager as appropriate.

(Please note this is the main policy change)

For further guidance please contact a member of the HR&OD team.

(vi) Casual Employees

Casual employees will receive their holiday entitlement retrospectively at the end of each financial year, which will be based on their actual casual hours worked in the previous 12-month period. This will normally be processed in May.

(vii) Extra Statutory Holidays

2 extra statutory days are awarded within the annual leave entitlement.

These 'extra statutory' holidays will normally be used, as agreed, to extend the Christmas shutdown. When not required for this purpose, they can be taken at the discretion of the individual employee. These are subject to the normal line management approval for holidays to ensure sufficient arrangements are made to cover any Christmas opening period.

2.2 Carrying over Holiday

Holiday may be carried over at the discretion of the line manager as follows:

- Up to 5 days annual leave can be carried forward from one year to the next, but must be taken by the end of May.
- Up to 5 days annual leave can be brought forward from the following year.
- In circumstances where the employee has been long-term sick or on maternity leave, they may be permitted to carry over more than the maximum 5 annual leave days into the next financial year. All such requests must be subject to line manager approval.

2.3 Leaving Local Government

If an employee leaves Fenland District Council, and does not transfer to another Local Authority, they will be required to take any outstanding annual leave during their notice period. They will not receive payment for untaken annual leave except where this has been approved by their manager.

If the employee does not provide the correct notice for leaving, they will forfeit their right to take outstanding holiday leave, and will therefore not receive any payment in lieu of untaken leave.

2.4 Holiday payments and gross misconduct

In cases of proven gross misconduct, the employee will be deemed to have breached their contract, and as such, payment will only be made in respect of untaken statutory holiday entitlement.

Deliberate falsification of timesheets and/or annual leave records will also be deemed as gross misconduct, and will be referred to the disciplinary policy for action.

3.0 Calculating Annual Leave Entitlement

The holiday calculator is available for use on the intranet however if you have any queries the HR team can provide further guidance on how to calculate your entitlement. For more information contact your HR team on:

HRatyourservice@fenland.gov.uk

3.1 Employees Working at Weekends and 'On Roster' time

Where employees are, as a key part of their role, required to be scheduled to work planned contractual overtime on weekends (E.g. Customer Access), or 'On Roster' time (E.g. Marine Services) they will only be permitted to book a proportion of their annual leave during these periods. This will be at the discretion of each service manager - for further details please contact your line manager.

3.2 Rounding Up

When calculating holiday in hours, it is rounded to the nearest 1/4 of an hour.

4.0 Notification Requirements

4.1 Booking Annual Leave

It is the individuals' responsibility to keep updated records of their leave entitlement, i.e. leave taken and leave remaining in a given year. This leave must be booked and authorised through

the My View system. The HR/OD team will provide a [leave card](#) to employees without access to this system and where deemed necessary by the line manager.

The individual's line manager must authorise all leave in advance, and the individual should try to provide as much notice as possible, but at least a week, of their intended leave dates. In certain service areas (such as Customer Access, Refuse and Street Cleansing) where the employee delivers a service directly to customers/the community, the requirement for advance booking of leave will be greater than one week, and this will be set by the relevant service manager.

Employees will be encouraged to book their full annual leave requirements at the earliest opportunity. In addition to this, some service areas may stipulate a maximum limit of staff that can be on leave at any one time, which may result in some leave requests being refused. For further details please contact your line manager.

The Council recognises that it is important for employees to take their leave, however it may not always be possible, because of the needs of the service, for the manager to authorise requested leave dates.

Exceptionally, and with good reason, authorisation of leave already granted may be withdrawn to meet the needs of the service, but should be negotiated with the affected employee on a case-by-case basis.

4.2 Minimum Period of Leave

There is no minimum amount of annual leave that an individual must take at any one time. However, it must as always be subject to line manager approval.

4.3 Maximum Period of Leave

The maximum period of continuous leave that an individual can take is 3 weeks' leave (pro-rata for part time employees). Requests for periods of leave longer than 3 weeks will be only granted at the discretion of the line manager.

4.4 Fixed Leave Periods

Where employees work in a service area with varying closure times during the year (e.g. Leisure Centres), they will be offered the following options when the Centre is closed:

- To take annual leave
- To work flexibly at the discretion of the Centre Manager
- To elect to have the remaining hours unpaid

Staff will be advised of any such planned changes to opening/closing time at the earliest possible opportunity.

(i) Planned Closures

There may be times where certain Service Areas are affected by planned or enforced closures which may also affect opening / closing times. Employees will be notified in advance and offered the same options as set out in 4.4

4.5 Sickness during Annual Leave

If an employee is ill during a period of annual leave, they may reclaim the annual leave days (and take them at a later date), **provided that** they obtain a Doctor's certificate for all of the days of sickness. The employee will be required to submit these certificates to their line manager immediately on their return from annual leave, having already notified their line manager of their sickness absence in the normal way, and in accordance with the Council's Sickness Absence Policy.

Please Note: Only days covered by a Doctor's certificate may be reclaimed.

If an employee is sick **before and during** a period of booked annual leave, they will receive sick pay for those days, in accordance with the Council's sick pay scheme. Again, only leave days covered by a Doctor's certificate can be reclaimed.

5.0 Payment of Annual Leave on Termination

5.1 Outstanding Leave

Employees will be required to take any outstanding leave prior to their termination date. Where this is not possible the outstanding leave calculated to the date of termination will be paid with final salary.

5.2 Leave taken in excess of Entitlement

If an employee has taken more than their leave entitlement at the date of termination, they will be required to reimburse the Council for the number of days/hours taken in excess of your entitlement. This deduction will be made from their final salary.

5.3 Annual Leave Pay Rate

Annual leave will be paid at the individuals' normal basic rate of pay, i.e. will not include non-contractual elements such as overtime (regular or otherwise). Payment will be calculated in the same manner as salary, i.e. monthly salary is paid at 1/12 of the annual salary, and each day is calculated by dividing the monthly sum by the number of days in the particular month.

6.0 Definitions

Leave Year - The Council's leave year runs from 1 April to 31 March each year.

Carry Over of Annual Leave - Holiday may be carried over at the discretion of the line manager as follows:

- Up to 5 days annual leave can be carried forward from one year to the next, but must be taken by the end of May. (pro rated for p/t employees)
- Up to 5 days annual leave can be brought forward from the following year, but must be taken between January and March. (pro rated for p/t employees)
- In circumstances where the employee has been long-term sick or on maternity leave, they may be permitted to carry over more than the maximum 5 annual leave days into the next financial year. All such requests must be subject to line manager approval. (pro rated for p/t employees)

Payment will not be made in lieu of untaken leave except in the case of termination. or by prior agreement with the line manager.

Long Term Sick - Employees who are defined as long-term sick, and have been continuously absent from work for a period of four weeks or more.

Employees Transferring from Another Local Authority - Employees are entitled to carry forward any outstanding leave in the current holiday year.

Employees Joining from a Partner Organisations – organisations covered by the Redundancy Modification Order will, for the purposes of calculating entitlement to annual leave/long service leave, will be recognised as continuous service if there hasn't been a break in service upon joining the Council.

Long Service Leave - after five years' continuous local government service an additional 4 days for bands 1 – 5 and 5 days' annual leave (pro-rata hours for part time employees) will be added to employee's annual leave entitlement. This additional entitlement commences on the

5th anniversary of your start date, and therefore will be applied on a pro-rata basis. The HR team can provide further guidance on how to calculate your entitlement. For more information contact your HR team on:

HRatyourservice@fenland.gov.uk

7.0 Review

The Human Resources team will monitor the Annual Leave Policy and Procedure to help ensure fair and consistent application. This Policy will be reviewed at intervals to ensure that it remains fit for purpose.

Please contact Human Resources for further information.

Author	Human Resources
Date	27/04/09
Status	Approved
Date of revisions (if applicable)	03/01/12, January 2015
Date agreed	27/04/09 (policy to be effective from 01/04/09)
Date for revision	
Links to other People Policies	Sickness Absence