



## General Purposes Committee

**Thursday 13 September 2012 at 7.00 pm**  
Committee Room 4, Brent Town Hall, Forty Lane,  
Wembley, HA9 9HD

### Membership:

#### Members

Councillors:

Butt (Chair)  
R Moher (Vice-Chair)  
Beswick  
Brown  
Cheese  
Hirani  
Kansagra  
Long  
Lorber  
J Moher

#### first alternates

Councillors:

A Choudry  
Jones  
Arnold  
Beck  
Sneddon  
Van Kalwala  
Colwill  
Al-Ebadi  
Hopkins  
Chohan

#### second alternates

Councillors:

Krupa Sheth  
Kabir  
Mrs Bacchus  
Matthews  
Allie  
Aden  
BM Patel  
Naheerathan  
Hunter  
S Choudhary

**For further information contact:** Anne Reid, Principal Democratic Services Officer  
020 8937 1359, [anne.reid@brent.gov.uk](mailto:anne.reid@brent.gov.uk)

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[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)

**The press and public are welcome to attend this meeting**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
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<b>1</b>	<b>Declarations of personal and prejudicial interests</b>	
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Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

<b>2</b>	<b>Minutes of the previous meeting</b>	1 - 4
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<b>3</b>	<b>Matters arising (if any)</b>	
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<b>4</b>	<b>Deputations (if any)</b>	
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<b>5</b>	<b>Flexible working</b>	5 - 18
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This report provides details of the proposed flexible working policy and procedure. This will replace all current flexible working arrangements and provides an improved offer for staff.

**Wards Affected:**

All Wards

**Contact Officer:** Cara Davani, People and Development

Tel: 020 8937 1909

[cara.davani@brent.gov.uk](mailto:cara.davani@brent.gov.uk)

<b>6</b>	<b>Review of staff benefits</b>	19 - 26
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Following GP Committee approval of Brent's draft collective agreement on harmonised terms and conditions of employment in June 2012, the outcome of the trade union ballots is now known. Universal agreement was not obtained. This report sets out the recommended approach for harmonisation in light of this.

**Wards Affected:**

All Wards

**Contact Officer:** Cara Davani, People and Development

Tel: 020 8937 1909

[cara.davani@brent.gov.uk](mailto:cara.davani@brent.gov.uk)

## 7 Disciplinary policy

This report seeks approval to amendments to the existing disciplinary policy.

*(report to follow)*

### **Wards Affected:**

All Wards

**Contact Officer:** Cara Davani, People and Development

Tel: 020 8937 1909

cara.davani@brent.gov.uk

## 8 Appointments to Sub-Committees / Outside Bodies

## 9 Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near The Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE GENERAL PURPOSES COMMITTEE Monday 25 June 2012 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors Al-Ebadi, Cheese, Hirani, Kansagra, Lorber and J Moher

Apologies for absence were received from: Councillors Beswick, Brown and Long

1. **Declarations of personal and prejudicial interests**

None made.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 21 May 2012 be approved as an accurate record of the meeting.

3. **Matters arising**

None.

4. **Deputations**

None.

5. **Market Factor Supplement Payment - Approved Mental Health Practitioners (AMHP's)**

The interim head of Human Resources, Cara Davani, informed the Committee that the Approved Mental Health Practitioners (AMHP's) who worked in Brent Mental Health Services received a market factor supplement of £1,542. However the AMPH's who worked in the Emergency Duty team and the Review Team did not receive this supplement. She stated that Brent had found it increasingly difficult to recruit into these two teams and that there had been several unsuccessful recruitment campaigns in the past two years. She added that by paying the supplement it would also help Brent to retain the ten members of staff who currently worked in the Emergency duty and Review teams.

After being questioned whether the supplement of £1,542 was subject to tax and National Insurance, Cara Davani stated that it was and that therefore she would amend paragraph 4 of the report to reflect this within the financial implications.

RESOLVED:

that the annual allowance of £1,542 be paid to all the Council's AMPH's as a Market Factor Supplement Payment.

## 6. **Review of Employee Benefits**

The interim Head of Human Resources, Cara Davani, explained to the Committee that the Employee Benefits Review was now in the third and final phase. The final phase involved moving all staff across to one, standardised, contract. She stated that after extensive negotiations with the Trade Unions, both unions were now in agreement with the Review. GMB had already balloted their members who had voted in favour of the review, and Unison were awaiting legal advice before balloting their members regarding the Review.

She then informed the Committee that all members of staff would work a 36 hour week under the new core contract. It had been calculated that this would affect around 500 members of staff. She also detailed that a working day would mean between 6am-10pm which would provide workers with greater flexibility and allow Brent to offer a better service to its customers. She also stated that the new contract would standardise night time working, weekend working, travel and subsistence, mileage rates and lump sum allowances.

The final phase would also include all staff members moving to the Outer London GLPC pay spine and all permanent staff being paid at least the London living wage. Schools were also being encouraged to ensure all their permanent staff were being paid at least London Living wage.

Cara Davani then explained that overtime payment was not being reviewed within this Employee Benefits Review as overtime arrangements had recently been altered quite significantly.

It was noted that most of the proposed changes would take effect from the 1 October 2012, however in order to reach a collective agreement it had been agreed that some of the changes would not be brought in until 1 April 2014.

Cara Davani concluded that these changes were estimated to cost the Council £135,000 this financial year however she stated, that the savings would far outweigh this initial cost.

It was explained that the increased productivity of all staff working 36 hours a week could not be quantified and that was therefore why it was noted as a notional saving within the report.

The question was raised as to why the Council would not be compensating staff who were expected to work at the weekends as working at the weekends impacted significantly on family life. Cara Davani explained that staff who worked a standard week of Monday to Friday would be paid additional money for working at the weekend. It was staff members who worked at the weekend as part of their normal working week who would be losing their weekend enhancement to ensure harmonisation.

Councillor J Moher thanked Cara Davani and HR for their comprehensive report. There was then a discussion regarding the Employee's Joint Consultative Committee, a joint meeting between union representatives and councillors as employers attended by Human Resources representatives. J Moher expressed the view that a meeting of the Employee's JCC should have been called to consider this Review to ensure that it was subject to proper scrutiny. He therefore proposed that the Employees' JCC be reconvened to meet at regular intervals. The Committee were in agreement that the Employee's JCC should meet in the future.

In response to a question from members on the assumption of increased productivity following from the introduction of a 36 hour working week, the Interim Director advised that this could not be quantified and therefore it was noted as a notional saving within the report.

RESOLVED:

- (i) that agreement be given to the draft collective agreement which is subject to the outcome of the trade union balloting process;
- (ii) that approval be given to the changes to terms and conditions of employment as set out in the draft collective agreement;
- (iii) that it be noted that this committee is in favour of the Employees' JCC being reconvened and for it to meet on a regular basis.

**7. Appointments to Sub-Committees / Outside Bodies**

None.

**8. Any Other Urgent Business**

None.

The meeting closed at 7.30 pm

M BUTT  
Chair

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## General Purposes Committee 13 September 2012

### Report from Director of Finance and Corporate Services

Wards affected:  
ALL

## Flexible Working Policy

### 1.0 Summary

- 1.1 This report provides details of the proposed flexible working policy and procedure. This will replace all current flexible working arrangements and provides an improved offer for staff.

### 2.0 Recommendations

- 2.1 GP Committee is asked to agree the draft policy with effect from 1<sup>st</sup> October 2012 to coincide with the introduction of the new employment contract for all employees.
- 2.2 To note that the flexible retirement policy will be amended due to legislative changes.

### 3.0 Detail

- 3.1 Brent is committed to providing excellent, publicly accountable services that give real value for money. The way in which we deliver services needs to change. This is driven by customer demands, developments in areas such as mobile and web technology, and the Council's business, estates, IT and people management strategies.
- 3.2 Brent's new Core Contract recognises the principles of flexible working as standard and will have implications for most staff on working times and where they work.
- 3.3 The new flexible working policy formalises flexible working across the Council; supports the statutory right of eligible employees to apply for flexible working; and outlines to managers and employees how Brent will support and handle flexible working.

- 3.4 The key points to note are that the new policy:
- Replaces all existing flexible working policies and arrangements;
  - Encourages managers and employees to develop new ways of working that meet service requirements;
  - Ensures customer demands and service delivery standards are met wherever possible;
  - Replaces the need for employees to formally apply for flexible working. Flexible working will be the norm for most staff in Brent and will be negotiated between an employee and their manager, subject to service requirements.

3.5 The policy is underpinned by a strong focus on performance management, given that employees will be working and delivering services in different ways. Employees subject to capability reviews will not be eligible for flexible working.

3.7 All flexible working patterns will be subject to regular review.

#### **4.0 Flexible retirement**

4.1 The flexible retirement policy is currently being amended to accommodate an exit strategy and no access to severance. Some legislative changes need to be accommodated.

#### **5.0 Implementation date**

5.1 It is recommended that the policy becomes live on 1<sup>st</sup> October 2012 to coincide with the introduction of the new Core Contract. A communications plan has been developed to support roll out of the policy and guidance for managers to support implementation of new arrangements.

5.2 A review period – during which managers will proactively be asked to work with employees to identify new ways of working – will run from 1<sup>st</sup> October to 1<sup>st</sup> December. Any appeals against proposed new ways of working will be heard from 1<sup>st</sup> January until 31<sup>st</sup> March 2013 and will be concluded before the move into the new Civic Centre.

#### **7.0 Financial Implications**

7.1 There are no specific financial implications.

#### **8.0 Legal Implications**

8.1 The policy is underpinned by the 2002 Employment Act.

8.2 The policy is non-contractual and may, subject to applicable legislation, be amended or withdrawn by Brent at any time.

#### **9.0 Diversity Implications**

9.1 The policy provides a consistent flexible working offer for Brent staff, alongside harmonized terms and conditions through the employee benefits review.

## **10.0 Staffing/Accommodation Implications**

- 10.1 This policy supports the move to the Civic Centre and creates a workforce which is flexible.

### **Background Papers**

Draft Flexible Working Policy is appended to this report.

### **Contact Officer**

Cara Davani

Interim Head of Human Resources

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## **Flexible Working Policy and Procedure**

### **September 2012**

#### **Introduction**

Brent is committed to providing excellent, publicly accountable services that give real value for money and to improving customer service standards and satisfaction.

The way in which we deliver services is changing: our new ways of working in the Civic Centre and other buildings; the move to self service; greater emphasis on performance management; together with the changing needs and demands of the people we serve, require a fundamentally different approach to working and doing business. As a result, Brent will further encourage a culture of flexible working that benefits both staff and customers.

Brent actively supports staff at all levels of the organisation to maintain a healthy work-life balance. The Council's Flexible Working Policy is available to everyone who works at Brent and managers must ensure that it is implemented effectively and equitably. The policy has been reviewed and presented in a way that makes it easily accessible and managers are asked to actively promote it within their team(s) and encourage staff to consider the the options for working flexibly.

#### **Our approach**

In the future, our people will want and will need to work more flexibly, partly because our customers expect it and partly because, as a modern, hi-tech, high-performing Council, the technology will enable it.

Our business strategy encourages Brent's customers, partners and residents to do more business online. Using mobile and web technology, more of our services will become e-enabled. For most people, their initial point of contact with the Council will be online.

The move to the Civic Centre means that many staff will now be able to work remotely and in a way that better meets the needs of each service. With access to the Civic Centre from 6am to 10pm each day, staff members and their manager will be able to agree how best they can manage their own time to balance individual work-life needs. Desk sharing as well as routine home and mobile working will become more common, particularly as the Civic Centre will be unable to accommodate all staff at all times.

Our IT strategy supports this shift. Mobile technologies such as smartphones, data pens and tablets will allow staff in the field to access key customer data and complete transactions at the point of contact. As a result, staff will be more self sufficient and able to carry out tasks remotely.

Our people management strategy acknowledges the impact that flexible working will have on the relationship between employees and managers. Performance will be measured on

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outcomes and results, not presence. And poor performers may have flexible working options amended or reduced. Line managers of staff subject to capability procedures will determine whether they have flexible working arrangements available to them.

## **Policy statement**

### **Policy summary**

Brent's Core Contract reflects the principles of flexible working as the norm.

Flexible working has implications for most staff on working times and where they work. Our flexible working policy is service led and in line with contractual and statutory requirements. It applies to full time and part time employees across all roles, divisions and locations. The policy:

1. Sets out new service expectations for flexible working practices across the Council
2. Supports the statutory right of eligible employees to apply for flexible working
3. Outlines to managers and employees how Brent will support and handle flexible working.

In introducing this policy, we aim to:

1. Continually improve the services we provide to our customers, both internally and externally
2. Change expectations from the public for services, both in how they are provided and the times at which they are available
3. Retain and motivate skilled and experienced employees
4. Increase productivity and service delivery across the organisation.

Due to the requirements of the different services and roles in Brent, employees in certain roles may be more limited in their ability to work flexibly. The degree of flexible working will be determined by the differing business requirements across the organisation.

This policy is non-contractual and may, subject to applicable legislation, be amended or withdrawn by Brent at any time. This policy replaces all previous forms of flexible working arrangements and options, except where staff have statutory rights. Flexi-time will no longer be available for staff at PO6 and above, but it will remain as an option for staff below this grade.

All flexible working arrangements agreed between an employee and their line manager are subject to annual review or more frequently subject to service demands. Arrangements may not revert back to previous terms and conditions without the express agreement of the Council.

An employee wishing to alter their working arrangement for a temporary period of time, for example, to provide care for a terminally ill relative, should discuss this with their line manager. Both the employee and line manager will work with their People and Development Advisor to accommodate a temporary flexible working arrangement wherever possible. This will be an informal arrangement, not covered by this policy.

### **Managing flexible working arrangements**

Successful flexible working needs to be properly managed. It is based on agreed performance and outcomes between all parties involved so it is critical that the individual, their manager and team colleagues are all clear about how they will work with each other and support one another in making this happen.

Employees will need to adapt their ways of working to ensure that they can carry out their job effectively in the new working arrangement.

Line managers will be accountable for maintaining and improving performance levels and will support team members to manage their own working pattern and for dealing with under-performance in a timely and effective way. Further guidance is available on implementing flexible working arrangements.

### **Legislation**

This policy is underpinned by the 2002 Employment Act which grants the statutory right for employees (agency workers are not eligible) with 26 weeks service to request flexible working if they:

- have or expect to have parental responsibility of a child aged 17 or under, or a disabled child under 18 (this includes biological parents, legal guardians, adoptive and foster parents and spouses, civil partners or partners of these, as long as they have parental responsibility for the child)
- are a carer who cares, or expects to be caring, for an adult who is a spouse, partner, civil partner or relative; or, who although not related to them, lives at the same address

Only one application can be made under the statutory provisions in any twelve-month period (12 months will be counted from the day the person responsible for approving the application receives it).

Brent will consider flexible working arrangements to support reasonable adjustments for disabled employees in accordance with the Equality Act 2010, including arrangements outside the scope of this policy where appropriate.

## Definitions and general information

### Employees

Brent recognises four categories of employees:

- **Mobile workers**, who spend the majority of their working time away from the office, delivering community-based services
- **Office-based workers**, who spend the majority of their working time in Council buildings including the new Civic Centre. The Council operates a policy of hot desking or location independent working, where employees do not have their own desks, but are allocated work space according to their needs
- **Non office-based workers**, who do not work in Council buildings, for example staff working in Brent's parks or day care centres
- **Flexible workers**, the majority of Brent employees, who (with appropriate guidance and IT support) can work from a range of locations including home. The Council does not expect any of its employees to work entirely from home

### Flexible working

Flexible working involves variations to one or more of the following:

- Work location;
- Times and hours of work;
- Number of hours worked.

Line managers will work with their team to determine how services are provided, ensuring appropriate cover is put in place at the busiest periods during the day and will endeavour to accommodate individual preferences on start and finish times, providing it does not adversely impact on services provided. Line managers will retain the ultimate discretion, in line with business needs, in respect of when hours are worked.

The opening times of the Civic Centre are 6am to 10pm. As many employees do not have fixed working hours, they are able to manage their working time flexibly. It is likely that they will therefore work more hours on some days than others, for example, to deliver a piece of work. Employees will work with their managers to ensure that their contracted hours are managed, including where staff work a weekend as part of their normal working week.

Employees working six hours per day or more must take a lunch break of at least 30 minutes, up to a maximum of two hours. The break must not be taken at the beginning or end of the day to shorten the working day.



In addition, Brent also offers employees a range of flexible work options. These include but are not limited to:

### **Flexible remote working (working from home)**

Home working is available to all employees for up to two days per week. Employees may need to alter the days they work from home in order to accommodate business needs. Employees working from home must complete the checklist which ensures that Health and Safety and insurance issues are complied with. Managers must make sure that employees have completed the checklist prior to home working arrangements being agreed.

### **Part-time working**

Part-time working is an agreed regular pattern where an individual works fewer hours per week than a full-time employee (36 hours per week or 40 hours for senior managers).

### **Job sharing**

Job share is when a full-time equivalent role is shared between two people. Similar to part time, the two individuals working in a job share arrangement will agree with their line manager the percentage of role and number of days they will each work. In some cases there may be an overlap between the job sharers. The impact on entitlements is the same as for part time working.

The job share arrangement can be established from the creation of a new role or can be requested by the role incumbent. In either circumstance, the line manager and/or individual should discuss the option with their HR Advisor.

Brent reserves the right to reject a request for job sharing where it is not possible to recruit a job share partner to the other part of the role and where the role cannot be undertaken part time as an alternative. If one of the job share partners resigns or gets promoted, Brent reserves the right to end the arrangement if the remaining job share partner cannot find a replacement and the role is full-time.

### **Flexi-time**

Flexi-time is a form of flexible working that allows employees to accumulate additional hours that can be exchanged for the equivalent amount of time off. Flexi-time can be accumulated across the 6:00 am to 10:00 pm working day and can be exchanged for up two working days per calendar month.

Individuals who have agreed flexi-time arrangements with their line manager are still required to attend pre-arranged work commitments such as meetings. Services must be maintained throughout the day.

Employees at grade PO6 and above are not entitled to flexi-time however may be entitled to TOIL where managers deem it appropriate.

### **Time off in Lieu (TOIL)**

TOIL arrangements must be agreed in advance with line managers. TOIL must not exceed one day per month.

### **Compressed hours**

Compressed hours are where an employee works their standard full time hours over a shorter period, for example over four days . An employee can also apply to work a nine day fortnight. This option must be discussed and agreed at Assistant Director level and is likely to only be agreed in exceptional circumstances. An employee who is granted compressed hours is not entitled to Flexi-time.

### **Term-time working**

An employee can request to work during term time only. The individual reduces the total number of days they work in a year by not working during school or college holidays.

Term time working must commence at the beginning of a term in order to synchronise annual leave and pay calculations. These dates, including the timing of annual leave days, will be agreed between the individual and their line manager.

To make this option feasible, their needs to be a significant lull in workload during the school or college holiday periods or sufficient resources in the team to accommodate the extended periods of non-working.

People and Development Advisors can provide advice on how a move to term-time working will affect entitlements.

### **Annualised hours working**

Annualised hours are where the period of time an employee works is defined over a whole year. Employees agree with their manager and commit to a number of hours and an agreed pattern of working over a twelve-month period as determined by the needs of the service. Salary is paid in equal monthly instalments regardless of the number of hours worked in a specified period.

### **Employment breaks**

Subject to the needs of the service, employees may take a break in employment (without pay and benefits) of between three months and twelve months to look after family, friend, to travel, do voluntary work or undertake full time education or training.

### **Buying and selling annual leave**

Employees, subject to the needs of the service and the service unit's budget, may buy additional annual leave or sell their annual leave where they foresee that they will not be able to use all their leave in that leave year or that they would value the increased income.

### **Flexible and early retirement**

Flexible retirement is where an employee continues working for Brent in a reduced capacity but starts to draw part or the whole of his/her pension. As flexible retirement is not cost neutral to Brent, it must not be detrimental to the interests of the Council. Brent's flexible retirement policy is currently subject to review.

Early retirement between the ages of 55 and 59, together with early payment of pension benefits is at the Council's discretion. However, employees can retire voluntarily at any point between the ages of 60 and 64 and choose to start drawing their pension immediately.

Flexible and early retirement can impact on the level of pension benefits. Advice and guidance should be sought from the Pensions Team in People Services (need to insert link).

### **Roles and responsibilities**

#### **Employees**

Employees are required to adhere fully to the provisions set out in this policy and procedure and must ensure that any change to their working arrangement does not impact on their ability to achieve their own and the team's objectives, and to meet service delivery.

Employees must maintain an open and honest dialogue with their line manager to ensure that the arrangement continues to work effectively for the whole team.

Any significant change in circumstance must be notified to their line manager at the earliest opportunity.

#### **Line managers**

Line managers are required to apply this policy proactively, fairly and consistently within their teams to support Brent's culture of flexible and new ways of working and commitment to reduce reliance on office accommodation.

Line managers are responsible for considering statutory and formal requests for flexible working.

### **Directors, Assistant Directors and service heads**

Directors, ADs and service heads are required to ensure that flexible working is used to its full potential and used fairly and consistently across the Council and to promote this policy in full.

### **People and Development**

The People and Development Team can advise on this policy and its implementation. The Assistant Director People and Development is responsible for considering appeals where the decision maker was the Director.

### **Trades unions**

The role of the trades unions is to represent the views and interests of their members on this policy and associated procedures, as a need arises, and to advise and represent individual members as appropriate.

## **Requesting flexible work patterns**

### **Before requesting flexible working options**

Individuals wishing to request a change in the way they work will need to think about the type of flexible working they wish to ask for and whether it can be accommodated within their service or business area. If not, they should consider how further changes might work in practice; they will need to be able to provide a clear, justified case to support their request, particularly taking into account the potential grounds for refusal. It is recommended that employees discuss a range of different options with their line manager.

If employees are unsure if they have the statutory right to apply for flexible working they should discuss with their line manager.

### **Making a request for flexible working**

Following discussions with their line manager, employees should make a submission to their line manager in writing. Any arrangements may be changed in accordance with business needs.

### **Timescales**

Where a request for flexible working is made, it must be considered by the line manager within 28 days and a decision made. An employee is entitled to representation if a meeting is convened to discuss the request. If the employee wishes to appeal against the manager's decision, they must do so within 14 days.

### **Considering a request for flexible working**

Line managers must consider each request in accordance with the provisions of this policy and procedure. They should review the request with the individual, taking into account the impact on the service and team before making their decision

Managers can decline requests if the proposed working pattern is considered to be against the business interest or may prevent service or business objectives being met. For statutory requests refusal must fall within one (or more) of the following grounds:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

Managers must be able to objectively justify their decision. Before declining requests for flexible working, managers may wish to consult their People and Development Advisor.

As any agreed change under the statutory application process (and some non-statutory applications,) will in most cases represent a permanent variation to the employee's contract the manager must seriously consider whether the arrangement can be accommodated long term. Managers should carry out regular reviews to ensure that service demands are being met and that all staff are being treated equitably.

### **Requests for flexible working outcomes**

WThe line manager will be responsible for communicating the decision to the employee.

Where a pattern of flexible working is agreed, line managers should confirm with the employee the new working pattern, the date that the new arrangements take effect, and any time limitations and additional review dates.

Where a request is refused, the reasons for refusal must be clearly set out in writing, and the individual must be informed of the right of appeal.

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Any statutory request for flexible working that is accepted will constitute a contractual change to the employee's terms and conditions. All agreements are subject to annual review.

Agreed working arrangements will commence on the agreed date once confirmation of approval has been received in writing, and/or once appropriate arrangements are in place with regard to frequent remote working, or job share.

Where an approved request results in a permanent variation to the employee's contractual terms, the working arrangement will be reviewed on an annual basis as part of the performance appraisal process to ensure that they continue to meet personal and business needs, and that there are no health and safety or well-being concerns.

Permanent variations may revert at the request of the employee if the business needs can accommodate the reversion (or an agreeable alteration) or at the request of the Council if service needs require.


### **Appeals**

An appeal must be made in writing, within 14 days of the date an employee receives written notice that their request had been rejected, or their arrangement is to be altered/reverted. They will need to set out the grounds for making the appeal and ensure that it is dated. The notice of appeal must be sent to the employee's line manager's manager (or the Assistant Director People and Development if the Director was the decision maker), who will be responsible for considering and responding to the appeal in writing within 14 days of receipt of the appeal letter.

For statutory requests, a meeting must be held with the individual to discuss their appeal. This meeting must take place within 14 days of receiving the appeal and the employee will be given an option of two dates. The employee has the right to be accompanied by a trade union representative or work colleague. The person considering the appeal will then have a further 14 days to inform the employee of the outcome of their appeal in writing.

If the appeal is upheld, the person hearing the appeal will liaise with the original decision maker who will communicate the new working pattern and start date of the new arrangements to the individual and their line manager, and notify People and Development.

There is no further right of appeal under any Council procedure.

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT' at the top and 'COUNCIL' at the bottom in a circular arrangement.</p>	<p><b>General Purposes Committee</b> <b>13 September 2012</b></p> <p><b>Report from Director of</b> <b>Finance and Corporate Services</b></p>
<p>Wards affected: ALL</p>	
<p><b>Employee Benefits Review</b></p>	

## 1.0 Summary

- 1.1 Following GP Committee approval of Brent's draft collective agreement on harmonised terms and conditions of employment in June 2012, the outcome of the trade union ballots is now known. Universal agreement was not obtained. This report sets out the recommended approach for harmonisation in light of this.

## 2.0 Recommendations

- 2.1 GP Committee is asked to agree to the implementation of the harmonisation package as set out in the detail of the report.

## 3.0 Detail

- 3.1 GP Committee agreed for officers to pursue a collective agreement to implement the harmonisation of terms and conditions as set out in the previous report. The terms of the collective agreement previously sent to this Committee were agreed by the trade unions at regional and local level as being the best which could be achieved through negotiation. Both unions balloted their members as to whether to enter into a collective agreement. The GMB voted in favour of entering into the agreement. Unison on a turnout of 60 members (out of a membership in excess of 1000) voted not to enter into the agreement with 40 members rejecting the proposals. Such a low turnout suggests that the majority of Unison members did not consider the issue sufficiently significant to vote as proposals only impact on a small number of staff.
- 3.2 Discussions are currently underway with regional Unison officials who following legal advice had in fact recommended that their members accepted the proposals. Regrettably the letter which accompanied the ballot papers did not reflect this position saying instead that Unison could not recommend acceptance. This was compounded by the Unison branch secretary being on annual leave during the ballot which meant

that staff did not have access to a trade union representative for clarification purposes whereas GMB had been available during the balloting process. Furthermore since the Unison ballot has taken place we have made two changes to compensation arrangements which further benefit staff: i) offering compensation to libraries staff for removal of 5% enhancement for weekend working and ii) increased compensation for staff on scale 4 and above for increase from a 35 to a 36 hour week. In view of these factors Regional Unison officials are now considering a possible re- ballot however this may not be the preferred course of action.

3.3 Both trade unions have indicated that if the new terms and conditions were implemented without a collective agreement this would not be a matter that they would consider to be so serious that industrial action would follow, notwithstanding Unison's disagreement. GMB has voted to accept the terms of the collective agreement and therefore expects Brent to progress the harmonisation arrangements as outlined in the draft collective agreement but we cannot enter into a collective agreement in the absence of acceptance from Unison. Unison has indicated that given the ballot was so small in terms of numbers who voted that industrial action would not be an option and they had no intention to ballot for it and the expectation would be that Brent would proceed with issuing revised contracts of employment as planned on 1 October 2012. Neither union anticipate staffing issues arising as a result.

3.4 In light of the GMB's agreement and Unison's neutrality on industrial action Members are asked to agree to the recommendation above which will be implemented on no less favourable terms than those outlined in the collective agreement, which includes compensation arrangements for affected staff. This would defer implementation of the new arrangements to 1 January 2013 instead of 1 October 2012. This approach has already been adopted by London Borough of Harrow and some other London Boroughs.

#### **4.0 Financial Implications**

4.1 Implementation will be deferred until 1 January 2013 in line with our contractual obligations. This will mean that savings achieved in 2012/13 will be reduced from £379,697 to £198,848.

4.2 The decision to offer compensation arrangements to library staff and to improve the compensation offer to staff increasing their working week incurred an additional cost of £72,924.

#### **5.0 Legal Implications**

5.1 Implementing the terms of the proposed collective agreement can be achieved legally, in two ways. Firstly, by a formal Collective Agreement being entered into with the trade unions recognised for collective bargaining purposes. To achieve a formal Agreement it is necessary to obtain the agreement of both GMB and Unison. If both unions do not agree then a formal Agreement cannot be entered into at all, even with the membership of the GMB who have voted in favour of the proposals.



5.2 If any further ballot fails to return a mandate for the Agreement, then the other manner of implementation that is available is to undertake a change management exercise. This would be an administrative exercise which would involve informing affected staff of the date on which the new terms and conditions would come into effect and the nature of those new terms and conditions. It is theoretically open to any affected staff member to challenge the implementation and leave the Council's employment. However, there is very little risk of this happening in practice as the nature and extent of the changes are not particularly significant at an individual level. Further, any legal claim that could be initiated is unlikely to be successful as there has been a full and thorough process of consultation and the substantive rationale behind the change is to eliminate pay inequalities and the potential for claims of Equal Pay being made against the Council, which is likely to be considered to be an appropriate justification for the changes being made.

## **6.0 Diversity Implications**

6.1 There are no additional diversity implications arising from this report.

## **7.0 Staffing/Accommodation Implications**

7.1 The main body of this report deals with staffing matters and there are no further implications other than those already set out.

## **Background Papers**

Previously agreed terms of the collective agreement.

## **Contact Officer**

Cara Davani  
Interim Head of Human Resources

Draft

Outline Collective Agreement – updated compensation/buyout arrangements

The proposals below apply to all staff employed on Brent council contracts with the exception of those staff in Facilities Management who will transfer out of the council after October 1<sup>st</sup> 2012 and will transfer on their current terms and conditions. Should Facilities Management remain within the Council then the new terms and conditions proposed in this document will apply.

Item	Proposal	Compensation proposed	Cost of compensation	Savings 2012-13	Savings 2013-14	Savings 2014-15
Contract	One Council draft contract agreed and reissued to all staff by 1 October 2012. Statement in contract to assert that the majority of staff will continue to work Monday to Friday. This will not impact on the majority of staff who currently work Monday to Friday.	N/A	N/A	N/A	N/A	
Working Week	From 1 October all staff to work 36 hours a week. The normal working week will be between 6am and 10 pm. Part time staff will be required to increase their working hours to reflect the 36 hour working week. Part time staff who are	Scales 1-4 will receive a payment equal to 1 additional hour each week for 6 months.  Sc5-PO4 will receive a payment equal to 1 additional hour each week for 3months	£88,000	Notional saving £250,000	Notional saving of £500,000	No

Item	Proposal	Compensation proposed	Cost of compensation	Savings 2012-13	Savings 2013-14	Savings 2014-15
	unable to work additional hours will retain existing hours on a reduced rate of pay	PO5 and over – no compensation				
Weekend Working	<p>From 1<sup>st</sup> October 2012 Saturday plain time. Sunday time and a half. From 1 April 2014 Saturday and Sunday plain time.</p> <p>All staff appointed from 1 October 2012 will be appointed on plain time for any weekend working.</p> <p>Libraries 5% enhancement withdrawn as at 1 October 2012.</p>	<p>Based on amount of weekend earnings in 2011/12 People earning between: £2,500 - £3,500 receive £900 £1,500-£2,499 receive £700 £500-£1,499 receive £500 £200-£499 receive £75</p> <p>As above payment will be based on the amount of weekend earnings in 2011/2012.</p>	<p>Total cost £26,025</p> <p>Total cost £20,000</p>	<p>£20,000</p> <p>£20,000</p>	<p>£40,000</p> <p>£40,000</p>	<p>£25,000 saving on Sunday working</p>
5 over 7 working week	Brent's working week will be five days over seven with effect from March 2013. This will not impact on the majority of staff who currently work Monday to Friday.	N/A	N/A	N/A	N/A	
Night Work	Time and one third for all hours worked between 10pm and 6am with effect from 1 October 2012.	0	0	£1,500	£3,000	
Subsistence	No subsistence for breakfast, lunch & tea. £15 allowance for evening meal when staying overnight (not taxable) with	0	0	£200	£400	

Item	Proposal	Compensation proposed	Cost of compensation	Savings 2012-13	Savings 2013-14	Savings 2014-15
	effect from 1 October 2012. Any associated travel will be claimed at HMRC mileage rates. Managers will have discretion within their budgets to cover the costs of people attending conferences or service related visits to other authorities					
Irregular Hours	No irregular hours payments with immediate effect.	Compensated and costed as part of the legacy agreements	N/A	N/A		
First Aid	To be reviewed as part of the move to the Civic Centre March 2012.	N/A				
On Call/ Standby	£75 per session (Mon-Sun) no overtime for non-attendance. Council overtime rates paid when called out. With effect from 1 October 2012.	0	0	£2,000	£4,000	
Mileage	HRMC mileage rates with effect from 1 October 2012.  Lump sum payments cease with effect from 1 October 2012.	0  Affected staff still can continue to receive lump sum until 31/3/2013 <u>or</u> receive 1 year lump sum payment on 1 October 2012.	0  £41,000	£40,500	£81,000  £41,000 less the cost of mileage claims	
Outer London GLPC Pay Spine	Implement with effect from 1 October 2012.		N/A	£735	£1,470	
London Living Wage	Implement for all permanent staff (excluding schools) or	This will be applied by moving any member of staff onto a spinal point	£9,226 (full year cost of	0	0	

Item	Proposal	Compensation proposed	Cost of compensation implementing)	Savings 2012-13	Savings 2013-14	Savings 2014-15
	<p>staff with contracted hours with effect from 1 October 2012. Brent Council will recommend schools apply the London Living Wage.</p>	<p>which equates to a payment of at least £8.30 per hour if currently receiving under this rate.</p>				

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