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TRAFFORD COUNCIL

AGENDA PAPERS FOR EMPLOYMENT COMMITTEE

Date: Tuesday, 16 January 2018

Time: 9.30 a.m.

Place: Meeting Room 6, Trafford Town Hall, Talbot Road, Stretford, M32 0TH.

AGENDA	PART I	Pages
2.	STAFF TERMS AND CONDITIONS - OUTCOME OF CONSULTATION ON THE PROPOSED CHANGES TO AND EXTENSION OF MANDATORY UNPAID LEAVE	1 - 26

To consider a report of the Interim Director of Human Resources.

THERESA GRANT
Chief Executive

Membership of the Committee

Councillors B. Rigby (Chairman), M. Cawdrey (Vice-Chairman), Mrs. P. Dixon, M. Hyman, C. Hynes, D. Jarman and J. Bennett.

Further Information

For help, advice and information about this meeting please contact:

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This agenda was issued on **Monday, 8 January 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

Employment Committee - Tuesday, 16 January 2018

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TRAFFORD COUNCIL

Report to: Employment Committee
Date: 16th January 2018
Report for: Information and Decision
Report of: Deborah Lucas, Acting Director of HR

Report Title

Staff Terms & Conditions – Outcome of Consultation on the Proposed Changes to and Extension of Mandatory Unpaid Leave

Recommendation(s)

It is recommended that Employment Committee:

- **approves the proposal to extend the provision for a further year, until 31st March 2019;**
- **approves the proposal to apply an exemption to employees on grade bands below Band 3**
- **agrees to a review of the temporary arrangement towards the end of 2018**

Contact person for access to background papers and further information:

Name: Deborah Lucas
Extension: x4095

Relationship to Policy Framework/Corporate Priorities	This proposal aligns with the council's Corporate Priorities in respect to 'Low Council Tax and Value for Money' and 'Reshaping Trafford Council'.
Financial	The unpaid leave provision is required to contribute to annual savings in the region of £0.5m to support the 2018/19 budget savings.
Legal Implications:	The implementation process will be fully compliant with employment legislation.
Equality/Diversity Implications	An Equality Impact Assessment has been undertaken in line with the Equality Framework and is available to members of the committee as part of this report.
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	The implementation process may impact upon staff morale and employee engagement.
Risk Management Implications	The risks associated with these proposals are low to medium. They relate to potential industrial action and a possibility that staff may not accept the extension to unpaid leave if this is proposed. This may impact on service delivery and may also lead to litigation in relation to claims for unfair

	dismissal and breach of contract.
Health & Wellbeing Implications	As above, the proposals may impact on staff health and wellbeing; support is available via existing health management procedures.
Health and Safety Implications	None

1.0 BACKGROUND

- 1.1 Further to the extensive consultation which took place back in 2013, the Council implemented a package of changes to employee terms and conditions, effective from 1st April 2014. This review included the introduction of 3 days mandatory unpaid leave for a temporary period of two years (1st April 2014 to 31st March 2016). At the time, the proposal was that this provision would be reviewed towards the end of the two year period i.e. at the end of 2015. For the period 2014 – 2016, the total savings associated with the 3 days unpaid leave was £1.05m.
- 1.2 At the end of 2015, the mandatory unpaid leave arrangement was reviewed and a proposal was presented to the Employment Committee to extend this arrangement for a further 12 months. This proposal was agreed by Employment Committee in January 2016, with a commitment that the Council would promote a voluntary unpaid leave scheme to try and mitigate the requirement for a mandatory scheme. This scheme was promoted and resulted in the 3 day mandatory unpaid leave provision being reduced to 1.5 days, as the remaining savings were achieved via the voluntary scheme.

2.0 THE VOLUNTARY UNPAID LEAVE SCHEME

- 2.1 During the summer of 2017, the Council once again promoted the voluntary unpaid leave scheme across the workforce. This scheme ran for a period of over two months and was promoted widely via communications on the staff intranet site.
- 2.2 An analysis of take-up of the scheme was undertaken at the end of September 2017. The analysis highlighted that a total of 405 staff had applied to take additional unpaid leave, which equated to total savings in the region of £286,000. Target savings per annum for unpaid leave is £0.5m; this meant that the shortfall for 2018/19 was projected as being £214,000.
- 2.3 In order to achieve this shortfall, a proposal was then developed to continue the existing mandatory unpaid leave scheme of 1.5 days', for an extended period of 12 months, until 31st March 2019. In order to try and further mitigate the impact of the proposal on the lowest paid staff, the proposal included adding an exemption for all staff graded below Band 3.

3.0 FORUMLATION OF FORMAL PROPOSALS AND CONSULTATION

- 3.1 In order to ensure legal compliance with regard to consultation on the proposal, there was a requirement to undertake a period of statutory consultation for 45 days; this is a legal requirement because ultimately, if collective or individual agreement cannot be reached on a contractual variation, the Council is required to invoke a dismissal and re-engagement process. This reflects the

position that was taken back in 2014 when the original changes were made to staff terms and conditions and also in 2016 and 2017, when the mandatory unpaid leave provision was extended.

- 3.2 The formal collective consultation commenced on 16th November 2017, with the issue of a S.188 notice to the recognised trade unions; consultation concluded on 8th January 2018.
- 3.3 During this period, there were three formal collective consultation meetings, with trade union officials. The purpose of these meetings was to discuss the proposal, receive feedback and try and reach a collective agreement.
- 3.4 Running parallel with the collective consultation process, the Council also engaged directly with employees on an individual basis. Individual letters were issued to all staff in scope, either via e-mail or the postal system; in addition, communications were posted on the intranet via the 6-boxes. A total of three staff information and feedback sessions were held at Sale Waterside and Trafford Town Hall. The aim of these sessions was to seek feedback from staff on the proposal and also to discuss voluntary sign up to the extension, where appropriate.

4.0 OUTCOME OF CONSULTATION

- 4.1 During consultation, discussions with the trade unions were productive; however, we were unable to reach a collective agreement; this is reflective of the national stance being adopted by the trade unions in respect of changes to staff terms and conditions. Unison's view is that it is getting harder for staff to manage their finances with the cost of living increasing and low annual pay increases for the last few years. Their view is also that staff are already stretched and struggle to take leave which means that when they do, they return to a backlog of work and end up working even longer to meet demands. This is affecting staff morale. Unison's position is that we should end the mandatory leave scheme, however if this isn't possible consideration should be given to reducing it to 1 day or half a day. They also had concerns about the effect the leave was having on Social Workers in particular, which is the group of staff that had raised most concerns to them. The formal response is detailed at Appendix 1.
- 4.2 With regard to the individual consultation, out of the 1,120 employees directly impacted by the proposal, 15 employees provided formal written feedback. Of these 6 were supportive of the proposal and 9 were against the proposal. One piece of feedback was submitted on behalf of a group of employees. Three information and feedback sessions were held and a total of 5 staff attended these sessions. Therefore, in total, 20 staff provided feedback, which represents 1.8% of staff affected. A copy of the summary and the detailed feedback received is attached at Appendix 2 and Appendix 3. The main points raised by staff can be summarised as:
 - The small number of staff engaging during consultation may be due to apathy.
 - It is short-sighted trying to save £250k now when we may have to spend much more in future if the impact of mandatory leave means that the Council's Ofsted rating worsens.

- It affects moral and isn't a good way to treat employees.
- It puts pressure on service delivery.
- It can be difficult to take the leave and for some they take the leave, however end up working the hours anyway in their own time.
- The savings must have already been achieved through savings on vacancies and we have made savings through restructures.
- There shouldn't still be a scheme because it was meant to be temporary.
- There will be an effect on the recruitment and retention of staff (particularly social workers) as with previous changes to terms and conditions Trafford's don't compare favourably with other GM authorities.

4.3 Feedback and questions received from staff and trade union officials were duly considered during consultation and responses were provided via a Q&A document; this document was shared with trade union officials and also posted on the Council's intranet site.

4.4 During the consultation period, employees were given the opportunity to voluntarily sign up to the unpaid leave provision should they so wish and subject to it being approved by the Employment Committee. As at 8th January 2018, 38% of affected staff (i.e. 428 out of 1,120) had voluntarily accepted the proposal. Should the Employment Committee approve the proposal, then those staff who have not voluntarily signed up would need to be issued with notices of dismissal and re-engagement on the new terms and conditions (i.e. the temporary 1.5 days unpaid leave). During the notice period, staff would be invited to voluntarily sign up to the revised terms and conditions, in order to avoid a dismissal situation; this follows the same process as has previously been undertaken. It is proposed that prior to issuing notices, sign up is promoted via the 6 box process, in order to mitigate the total number of notice letters being issued.

4.5 For completeness, an Equality Impact Assessment of the proposal has been undertaken and is at Appendix 4.

5.0 CONCLUSION

5.1 A legally compliant statutory and meaningful consultation process has been followed in relation to this proposal and the feedback received has been reviewed and responded to.

5.2 Whilst it was not possible to reach a collective agreement with the recognised trade unions, consultation has also taken place directly with employees with a view to reaching agreement at an individual level.

5.3 Out of a total of 1,120 staff impacted and directly consulted with about this proposal, only 9 provided individual feedback which expressed disagreement with the proposal and 5 gave negative feedback at information and feedback sessions. In total this represents 1.23% of affected staff. This figure is balanced against the 428 staff who have to date voluntarily accepted the arrangement, which represents 38% of the affected staff.

5.4 Whilst it remains an ambition to achieve the unpaid leave savings on an entirely voluntary basis, this has unfortunately not been fully achievable for 2018/19 and there remains a budget gap of circa £214k which needs to be met. The

proposal that has been set out during consultation would achieve savings of circa £209k, which would leave a very small gap of £5k, which would need to be found from within existing budgets.

6.0 RECOMMENDATION

- 6.1 Although the level of individual sign up has been reasonable and the volume of negative feedback has been small, it is recognised that issues have been raised, in particular in the area of social care. This will be reviewed further at a local level to explore whether there are any potential solutions that might mitigate the concerns raised.
- 6.2 That said, it is also recognised that savings must be achieved in order for the Council to have a balanced budget. It is therefore recommended that the Employment Committee approves the proposal to extend mandatory unpaid leave of 1.5 days for one further year, until 31st March 2019.
- 6.3 It is also recommended that this arrangement (including the ongoing voluntary unpaid leave arrangement) is monitored and reviewed towards the end of 2018, with a further report back to Employment Committee at this point.

UNISON is not in a position to collectively agree the Council's proposals for an extension of 1.5 days unpaid leave for Council staff as part of the Budget savings for 2018/19. UNISON will not enter into a collective agreement which reduces the terms and conditions of its members.

UNISON is in opposition to the proposal to extend the unpaid leave and would challenge the Council on the savings figure of £250K attached to the proposal.

We know that our members are working hard to deliver services to the residents of Trafford in very difficult circumstances. Even some statutory services which deal with the most vulnerable residents are stretched to breaking point. In those services staff are struggling to take holiday owing to the volume of work. When staff return they are faced with a backlog of work and have to do additional hours to keep up. These staff feel that they are not actually getting 1.5 days unpaid leave, just being forced to not attend work one day only to work longer the next.

UNISON would ask the Council to reconsider this proposal and seek to find the budget cuts elsewhere.

SUMMARY OF STAFF CONSULTATION FEEDBACK

During the 45 day formal consultation period, which ended on 8th January 2018, employees were invited to give feedback on the proposals via the following methods:

- Via a web-based feedback from which could be accessed from work computers and also home computers.
- Via e-mail to a designated in-box:- review2018@trafford.gov.uk
- Via post, sent to the Workforce & Core Strategy Team, HR Service, 1st Floor, Trafford Town Hall.
- Through their line manager.
- Via 3 employee feedback sessions.

Out of 1,120 individuals subject to consultation, 15 employees provided formal written Feedback via e-mail or the webform. We also had 5 employees giving feedback via attending the consultation sessions, however some of them had attended to represent the views of their colleagues as well.

The feedback has been collated and reviewed. All comments have been responded to personally and Questions and Answers have been drafted from the feedback which will go on the intranet.

The full feedback received is attached at Appendix 3.

Mandatory Unpaid Leave Feedback	Supportive?
I feel that if it helps us save money then we should do this.	Yes
<p>How can you consult on something you intend to impose. It's like putting a gun to someone's head and then opening negotiations for the contents of their wallet with the clear understanding that you will take what you want at the end of the process.</p> <p>All the other employee recognition initiatives are completely overshadowed by this real valuation of your employees - I think it's a despicable way to treat loyal employees.</p> <p>I guess after Trafford has mugged it's employees again we will have another communication from the director and leader of the Council thanking us for our loyal dedication and hard work. Really!</p>	No
I am happy for the mandatory leave scheme to be extended for a further year.	Yes
I do like the mandatory unpaid leave, I wouldn't mind the 3 days again.	Yes
<p>I am extremely disappointed that this has been proposed for yet another year. I understand the need to make savings but just how are the effects on a front line service being taken into account.</p> <p>Access Trafford is the front face for the council and our staffing levels have been greatly reduced & as such the continuation of this scheme is a real blow for us.</p> <p>The generous leave allowance we receive makes it difficult enough to provide the excellent service that is expected but this just makes things even harder for us.</p> <p>Every year I have stressed this but never received any feedback. I am a frontline manager and trying to keep the balance for staff to take their leave effectively & still continue to provide a 1st class service is becoming extremely hard.</p> <p>I would be very grateful to hear how this has been taken into account.</p>	No
<p>I am opposed to any mandatory or voluntary unpaid leave. In my team it is virtually impossible to take leave.</p> <p>It is a further tax on working people.</p>	No
<p>The Council can look into other sources of savings in order to achieve their goals to balance the budget. These savings can be made through several services by not wasting moneys on unnecessary processes.</p> <p>It is not the staff responsibility to pay money from their wages to keep their jobs. This mandatory unpaid leave has put pressure on all departments to deliver the Council's services. To resolve this issue, increase the number of voluntary days for staff to take unpaid leave as lots of employees are happy to take large number of days of unpaid leave.</p>	No
<p>I think this is a very positive proposal.</p> <p>I would also like the option of having up to 10 days unpaid leave to be continued as this really contributes to my work life balance and wellbeing.</p>	Yes
I accept the proposal.	Yes
<p>My feedback is simply that there is a cost as well as a saving to the mandatory leave. Bearing in mind that our statutory work and other enabling activities (e.g. service</p>	No

<p>meetings/supervision/CPD) are a constant, the mandatory leave has a direct impact on</p> <ul style="list-style-type: none"> • Earning capacity because our revenue capacity is determined by our contracted hours over and above statutory/enabling activities • An increased need to hire associate psychologists at a per diem rate to create some additional capacity. <p>In practice the mandatory leave may represent a cost to the EPS not a saving.</p>	
<p>Under advice of my Union, I cannot currently sign this.</p> <p>Unison have advised me that they are of the opinion that this scheme should be voluntary rather than compulsory, and that there will be further meetings and negotiations regarding this.</p>	No
<p>Just wanted to give feedback in that I disagree with extending the unpaid leave and propose that it ends at the end of March next year as previously agreed.</p>	No
<p>Last year I bought additional days for personal reasons but I do not require these additional days this financial year, therefore I did not put in for any further additional days. I will therefore go back to Trafford's original plan of 1.5 days unpaid leave if that remains in place.</p>	Yes
<p>The mandatory unpaid leave proposal for 2018/19 is yet again a continuation of a proposal which was billed as "temporary" when it was first introduced in 2014. If this is agreed once again, and continues into 2019, this will have been in force for 5 years. That can hardly be considered a temporary measure, and the authority should have the decency to call it what it actually is: a pay cut. The freeze on local authority wages is set to continue, and with rising inflation, real term wages continue to decrease - the lifting of this enforced pay decrease would at least help to alleviate some of the pressure currently felt by staff on their pay packets.</p> <p>If it is to be argued that many people like the scheme as it gives them flexibility and the opportunity for additional leave, then this is covered by the voluntary scheme which anyone can access. No member of staff should be forced to take additional leave for less wages. Also, it is my understanding that the Authority is set to receive additional income from business rates and new investments made by the Council. Could some of this not be used to allow staff to be paid the full salary as agreed in their employment contracts?</p> <p>I strongly oppose these proposals, and although the Authority has made some piecemeal attempts to engage with staff again this year with a small number of bulletins on the intranet, it is clear that these proposals are now considered as something permanent, hence the reducing engagement by staff with every year that passes.</p> <p>Please scrap this proposal.</p>	No
<p>Association of Educational Psychologist (AEP) Members Questions for HR regarding the Changes to Terms and Condition of Employment consultation process.</p> <p>Following a meeting held on Monday 11th December 2017 attended by members of the AEP in Trafford to discuss the consultation on changes to terms and conditions of employment, while recognising the current financial context within both Trafford and nationally regarding the need to make savings, we would like to raise the following points.</p> <ul style="list-style-type: none"> • Members who have transferred to Trafford from other LA's have had to forgo benefits enjoyed in their previous employment i.e. essential car use allowance, free car parking facilities at their main place of work. The mandatory unpaid leave is on top of this loss of benefits. This is a potential disincentive for 	No

recruitment and retention of staff.

- We are not aware of any compensation for lost pension contributions as a result of the mandatory leave arrangements.
- As a traded service there is a potential for missed opportunities to sell our services to schools (we calculate that 66% of the mandatory leave time is a lost opportunity for us to sell time).
- We wish to offer our support to other colleagues within the council who are also impacted by the mandatory leave arrangements and for who this may represent a significant financial impact.

In addition we would like to raise the following questions.

- While we understand that the proposed arrangement for 1.5 days mandatory leave is for a 12 month period we would like to ask if there is an envisaged end point to mandatory leave.
- We would like to know the reason that some employees are exempt from the mandatory leave arrangements.

Mandatory Unpaid Leave information & feedback session
Wednesday 13th December

1 employee attended (from Transformation and Resources) with Colin Moss and Scott Caplan (Unison) and Kate Sturman, Workforce Strategy Officer.

Commented that colleagues didn't seem to know about the information sessions. KS advised that they had gone on the 6 boxes and also an e-mail had gone to Directors and heads of service asking them to cascade it as we are aware that a section of the workforce don't have access to the system.

Comment that we need to include in the feedback how many staff came to the sessions as it may be that people aren't attending due to apathy. We should do an anonymous survey on this.

In some previous consultations exercises (not necessarily for mandatory leave) people not directly affected haven't been included but then further to feedback and changes to the proposal, other staff have moved into scope, but hadn't been included in the consultation which seems unfair.

It took a long time after the introduction of mandatory leave to look at a voluntary scheme for staff.

Why do we need to make the £0.5million savings from staff as there will be savings from all of the restructures that we've had. Also why do £0.5 million of savings need to come from staffing budgets – how was this figure arrived at?

What are the reductions in staff numbers over recent years, say since 2014? KS said that the figure may not be straight forwards as have to adjust for services moving out such as the transfer to Amey.

This is now the 5th year of mandatory unpaid leave and economically things are getting more difficult with increasing costs. Ideally there shouldn't be mandatory unpaid leave or we should reduce the number of days.

We should stop the scheme at the moment – it could always be reintroduced in future if required.

Why has it been called temporary as it is now moving into the 5th year so it is a weak argument that it is temporary? For staff with this length of service with the Council it has been permanent not temporary. What is the average employment duration of a Trafford Council employee?

Extending mandatory unpaid leave is a cop-out as it is the lowest line of resistance.

Staff costs must have decreased this year compared with last year with reduced staff numbers and so the savings must have been made already rather than having a mandatory leave scheme extension to make savings on employee costs.

Issue that mandatory leave of 1.5 days shows on MiTrent record for 2017/18 and also for 2018/19 so it looks like it has already been decided. Explained that this is a systems issue as annual leave shows for 2 years at the same rate.

Mandatory Unpaid Leave information & feedback session
Monday 18th December

2 employees attended (Children's Social Workers) with Colin Moss and Scott Caplan (Unison) and Kate Sturman, Workforce Strategy Officer.

Staff from children's social working team explained that it is very difficult for them to take the leave as they have problems trying to fit in annual leave as there is a lot of sickness and TOIL to be taken. It can also be difficult for part-timers to take the leave.

When they take time off work the case load remains and they still need to do the same amount of work so it is an additional pressure. If they take the mandatory leave days off they will end up having to work more to get through case load and claiming TOIL.

There are retention issues with social workers within the Council and this may make the position worse as a social worker going to another authority won't have the mandatory leave pay deduction – also they will get Essential Car User allowance which they don't all at Trafford.

The intensity of work is getting unmanageable.

It is frustrating as they can see the pay deduction but they struggle to actually take the time off that they are paying for.

KS explained that some services have an exemption to the mandatory leave and this is through the head of service – their service could consider discussing this with line management.

Mandatory Unpaid Leave information & feedback session
Wednesday 3rd January

2 employees attended (Independent Reviewing Officers) and Kate Sturman, Workforce Strategy Officer and Debbie Quinn, Head of HR Business Partnering.

The comment was made that not many staff knew about the sessions and that maybe a direct e-mail to all staff could have gone out. It was explained that messages had gone on the 6 boxes and also cascade e-mails through the management chain but it would be considered in future.

There was the view that the lack of attendance might be due to apathy.

The feeling is that with consultations views are put forwards but not acted upon, i.e. managers go through the consultation but don't change anything. DQ stated that changes have been made further to various consultations.

It is a positive step that Band 1 and 2s are exempt from the mandatory leave.

For some staff it can be viewed that additional leave is good however a lot see it as a pay cut and IROs, amongst other staff had already had a pay cut with the removal of the Essential Car User Allowance. Making staff take a further 1.5 days of unpaid leave in the wider picture is short-sighted.

Trafford Council historically was a small friendly authority and decent to work for. Not it is one of the least attractive. There are figures to back this up in terms of not getting as many job applications as we did previously and an increase in turnover. In Children's services there were steady teams and they now have a high turnover. Newly qualified social workers will see that car mileage isn't as good as other authorities and also the unpaid leave to be taken off salary and it may put them off.

There could be a possible knock on effect in a couple of years which could affect the most vulnerable in the borough, i.e. children and those with disabilities. Ofsted may criticise the services and then Elected Members will want to throw money at the services. Finding the £250k shortfall now could end up costing £1.5 million to be Ofsted compliant.

The instability of social care staff dealing with cases isn't good for users as we know that having continuity of support is best.

The Council has reneged on the deal of 3 days unpaid leave for 2 years.

The impact of the unpaid leave will be more heavy on young, newly qualified social workers.

There has been an effect on morale and staff are pressured so we are shooting ourselves in the foot. Social Workers are working long hours and for many the 1.5 days will be absorbed into the work they do so they won't actually get the additional time not working.

The savings must already have been made on vacancies as we bring in agency staff. There has been mismanagement as we are spending on agency.

Social Workers will struggle in March to use their leave up. They will ask to carry it forwards or may take it and then work at home in the evening to get their work done. Because Social Workers are so passionate about supporting kids, many will put them first over taking leave.

There has been an increase in absence and the cost of sickness due to stress caused by lack of resources.

If staff worked to rule, everything would crumble.

Social Workers at Trafford are the lowest paid and they get better terms and conditions at other Councils.

If we lose the Ofsted rating it will further affect the attractiveness of Trafford. Whatever happens with the Ofsted rating we will need money to improve and it is likely to be more than £250k.

At Rochdale it is estimated that they needed £8 million to get them to good.

At the moment the changes are affecting the younger staff leaving but it could start to affect the older more experienced Social Workers and IROs. Other authorities have protected caseloads which we don't.

If we need to save this money is there any other way we could find it? We shouldn't have a further 1.5 days of unpaid leave but if there has to be unpaid leave for another year, would a lower level be considered, i.e. 1 day or half a day?

EQUALITY IMPACT ASSESSMENT – TRAFFORD COUNCIL

A. Summary Details		
1	Title of EIA:	Extension to Mandatory Unpaid Leave 2018/2019
2	Person responsible for the assessment:	Deborah Lucas, Acting Director of Human Resources
3	Contact details:	0161 912 4095 deborah.lucas@trafford.gov.uk
4	Section & Directorate:	Human Resources, T&R
5	Name and roles of other officers involved in the EIA, if applicable:	Kate Sturman
B. Policy or Function		
1	Is this EIA for a policy or function?	Policy <input checked="" type="checkbox"/> Function <input type="checkbox"/>
2	Is this EIA for a new or existing policy or function?	New <input type="checkbox"/> Existing <input checked="" type="checkbox"/> Change to an existing policy or function
3	<i>What is the main purpose of the policy/function?</i>	To detail employees' terms and conditions of employment with the Council, i.e. what they will receive in return for working for the Council.
4	Is the policy/function associated with any other policies of the Authority?	Annual leave policy
5	Do any written procedures exist to enable delivery of this policy/function?	The 'Green Book', The Constitution, Contract of Employment
6	Are there elements of common practice not clearly defined within the written procedures? If	No

	yes, please state.	
7	Who are the main stakeholders of the policy? How are they expected to benefit?	Employees – the proposed extension to mandatory unpaid leave and the scheme to purchase additional leave are being driven by a need to make significant budget savings within the Council over the course of the next financial year (2018/19). It is hoped that the changes will achieve in the region of £0.5m in savings per annum. If the monies are not found in this manner they will need to be found elsewhere, which may mean further service reorganisation/cuts leading to redundancies in addition to those that have already been undertaken and any planned.
8	How will the policy/function (or change/improvement), be implemented?	<p>In terms of the extension to mandatory unpaid leave, there has been a period of formal consultation, during which we tried to reach collective agreement with our Trade Unions. Unfortunately agreement could not be reached so we shall continue to ask employees to voluntarily sign up to the changes. Where employees do not sign up there will be a process whereby we will give them notice of the termination of their contract and offer immediate re-engagement with the new contract.</p> <p>With regards the scheme for purchasing additional leave, this has again been supported by the unions as a means of achieving savings through voluntary measures. However the scheme doesn't need collective or individual agreement as it is a voluntary scheme. As a result of offering the voluntary scheme for 2018/2019, the proposal for implementing mandatory leave has remained at 1.5 days as was the level in 2017/2018.</p>
9	What factors could contribute or detract from achieving these outcomes for service users?	Possible resistance from staff due to concerns about impact on workload, TOIL, pay and the service that they deliver.
10	Is the responsibility for the proposed policy or function shared with another department or authority or organisation? If so, please state?	This is being led by the HR Service, however owned by the organisation with final sign off to be given by Elected Members.

C. Data Collection

Page 17	<p>1 What monitoring data do you have on the number of people (from different equality groups) who are using or are potentially impacted upon by your policy/ function?</p>	<p>The extension to unpaid leave will affect all Council employees except teachers and those who come under the purview of a school governing body (i.e. are directly employed by a school) because such employees are under the control of the School Governing Body and not the council. Apprentices will also be excluded.</p> <p>There are also some staff groups that have received an exemption, these are on the basis that they were either providing direct services to SEN/children or are in a trading position – they are: Catering Operations; Cleaning Support; Trafford Transport Provision; Sanyu Daycare Centre; Partington & Carrington Children’s Centre, SEN Teaching Assistants and the CCTV service. These tend to be females on lower pay bands. It has also been proposed that employees on bands 1 and 2 are exempt as they are the lowest earners. Of the staff who will now be exempt on this basis, 21 are female and 7 are male (75/75 split) which very closely reflects the workforce gender split (76/24).</p> <p>Currently 1,120 employees are subject to mandatory unpaid leave. Employees who have elected to take Voluntary Additional Leave in excess of 1.5 days for the annual leave year 2018/19 are not included in these figures, as they have elected to take additional leave on a voluntary basis.</p>
2	<p>Please specify monitoring information you have available and attach relevant information*</p>	<p>Workforce monitoring data on the staff subject to mandatory unpaid leave is provided at Appendix 1 below.</p>
3	<p>If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data?</p>	<p>N/A</p>

**Your monitoring information should be compared to the current available census data to see whether a proportionate number of people are taking up your service*

D. Consultation & Involvement

1	Are you using information from any previous consultations and/or local/national consultations, research or practical guidance that will assist you in completing this EIA?	<p>We have undertaken employee consultation and have collated all feedback.</p> <p>Out of 1,120 employees subject to the consultation – only 15 provided individual feedback which equates to 1.3%. Of the small number that did provide feedback 6 agreed with the proposal and 9 didn't.</p> <p>The main concerns raised in the feedback included: short-sighted to save money now when the cost may be larger in the long-term; affects morale; pressure on service delivery; difficult to take the leave and some end up doing the work anyway; savings already achieved through vacancies; will affect recruitment and retention. There were no particular comments relating to the protected characteristics.</p>
Page 18	Please list any consultations planned, methods used and groups you plan to target. (If applicable)	<p>We have undertaken consultation via communications on the intranet and individual letters to all staff affected and we have held information and feedback sessions. Employees have been able to submit feedback during the consultation period in several ways. The level of both individual feedback and those attending the sessions was very low.</p>
3	**What barriers, if any, exist to effective consultation with these groups and how will you overcome them?	<p>It can be more difficult to engage with staff who do not have access to e-mail or the council's intranet system. However we have given several routes for staff to give feedback: a web form that can be accessed using any computer, i.e. not just a work computer; hard copy feedback posted to HR and through line management. These have been detailed in a letter that was sent to all employees involved in the consultation.</p>

***It is important to consider all available information that could help determine whether the policy/ function could have any potential adverse impact. Please attach examples of available research and consultation reports*

E: The Impact – Identify the potential impact of the policy/function on different equality target groups

The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will also need to assess whether that negative potential impact is high, medium or low

	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
<p>Gender – both men and women, and transgender;</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 19</p>	X – low	X – low		<p>The gender profile of the staff subject to mandatory unpaid leave is: female 70.2% to male 29.8% which is similar to the Council wide gender split of 76 female and 24% male. There will therefore automatically be more women affected by the proposal. It should be noted that a significant number of women work in those services that are exempt from the proposal, such as Catering, Cleaning, Children’s Centres and SEN Teaching Assistants.</p> <p>As women still tend to have greater child-care commitments than men the additional leave may help with caring responsibilities if the days can be taken during school holidays. This may therefore have a positive impact. However it is also a good opportunity for male staff with childcare commitment to have greater flexibility.</p> <p>For staff with other caring responsibilities, such as parents, this may be positive, giving them more flexibility.</p>
Pregnant women & women on maternity leave			X	No likely impact. When on maternity leave, staff are not subject to the mandatory unpaid leave payments so it has no effect during this period.
Gender Reassignment			X	No likely impact.
Marriage & Civil			X	No likely impact.

Partnership				
Race- include race, nationality & ethnicity (NB: the experiences may be different for different groups)			X	No likely impact.
Disability – physical, sensory & mental impairments	X – Low impact			There may be a slight positive impact for staff who have a disability as they may need more time off work than employees without a disability so the additional unpaid leave and option to buy additional leave may be supportive of this need.
Age Group - specify eg; older, younger etc) Page 20		X – Low impact (younger and older employees)		On average the younger element of the workforce are more likely to be on lower salaries than the older element, which means that the financial implications of all of the proposals may have a greater impact on these employees. However with the introduction of the exemption for employees on bands 1 and 2 and the existing exemption for Apprentices this is somewhat mitigated. There may be an impact on pension benefits for the older element of the workforce due to the loss of pay, however this is mitigated by the APC provision to buy back any loss of pension.
Sexual Orientation – Heterosexual, Lesbian, Gay Men, Bisexual people			X	No likely impact.
Religious/Faith groups (specify)	X - low			All staff in scope will be required to take the mandatory leave but are entitled to choose when to take it, so they may be able to use these days for religious holidays other than the statutory/Christian holidays.

As a result of completing the above what is the potential negative impact of your policy?

High ⑤

Medium ④

Low X

F. Could you minimise or remove any negative potential impact? If yes, explain how.

Race:	N/A
Gender, including pregnancy & maternity, gender reassignment, marriage & civil partnership:	N/A
Disability:	N/A
Age:	There may be an impact on pension benefits for the older element of the workforce due to the loss of pay. However, to some extent this can be mitigated by the APC provision to buy back any loss of pension. During the period when staff are subject to mandatory unpaid leave, the Council will write to employees to give them the opportunity to make an APC and the Council will pay 2//3 of the cost provided the employee makes the request within the agreed timescales.
Sexual Orientation:	N/A
Religious/Faith groups:	N/A
Also consider the following:	
1	If there is an adverse impact, can it be justified on the grounds of promoting equality of opportunity for a particular equality group or for another legitimate reason?
2	Could the policy have an adverse impact on relations between different groups?

3	<p>If there is no evidence that the policy <i>promotes</i> equal opportunity, could it be adapted so that it does? If yes, how?</p>	<p>Staff subject to mandatory leave will have additional time off work, which gives more flexibility for home/family commitments. This is useful for those with caring commitments, however those without caring commitments may also appreciate the time to pursue interests.</p> <p>We have received 405 applications for Voluntary Additional Leave, which demonstrates that a high volume of staff welcome the opportunity to have greater flexibility to balance the demands of their personal/caring commitments against their workplace commitments.</p>
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G. EIA Action Plan

Recommendation	Key activity	When	Officer Responsible	Links to other Plans eg; Sustainable Community Strategy, Corporate Plan, Business Plan,	Progress milestones	Progress

Please ensure that all actions identified are included in the attached action plan and in your service plan.



Signed
Lead Officer Kate Sturman
Date 3rd January 2018



Signed
Acting Director of HR Deborah Lucas
Date 8th January 2018

Equalities Monitoring of staff subject to mandatory unpaid leave

Gender Breakdown

Gender	% of staff
Female	70.2
Male	29.8

Ethnic Origin Breakdown

Ethnic Origin	% of staff
Asian or Asian British Bangladeshi	0.2
Asian or Asian British	0
Asian or Asian British Indian	1.3
Asian or Asian British Kashmiri	0
Asian or Asian British other Asian	0.2
Asian or Asian British Pakistani	2.2
Black or Black British African	1.3
Black or Black British British	0.3
Black or Black British Caribbean	2.0
Black or Black British Other Black	0.2
Chinese or Other Chinese	0.4
Mixed Other Mixed	0.6
Mixed White & Bangladeshi	0
Mixed White & Black African	0.4
Mixed White & Black Caribbean	0.6
Mixed White & Indian	0.4
Mixed White & Pakistani	0.2
Prefer not to state	2.2
White British	54.6
White Irish	1.5
White Other White	1.3
White Polish	0
White Other White European	0.4
Blank	29.7

Disability Breakdown

Disability	% of staff
Declined to specify or left blank	42.3
Disabled	3.9
Non-disabled	53.8

Sexual Orientation Breakdown

Sexual Orientation	% of staff
Bisexual	0.9
Declined to specify or left blank	38.5
Gay	1.0
Heterosexual	58.4
Lesbian	1.2

Religion Breakdown

Religion	% of staff
Agnostic	0.4
Atheist	1.9
Buddhist	0.1
Christian	34.8
Hinduism	0.4
Judaism	0.3
Muslim	3.1
No Religion	20.3
Other	2.3
Prefer not to state	4.9
Sikh	0.3
Blank	31.2

Age Breakdown

Age	% of staff
19 and under	0
20-29	8.2
30-39	26.0
40-49	28.8
50-59	28.9
60-69	7.8
70+	0.3

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