

SUBJECT: YOUTH OFFENDING SERVICE – PROPOSED IMPLEMENTATION OF REVISED CONTRACTUAL ARRANGEMENTS

MEETING: Single Member Decision

DATE: 13th December 2017

DIVISION/WARDS AFFECTED: All

NON-PUBLICATION

(Insert appropriate non-publication paragraph if necessary and complete attached certificate – paragraphs of exemption are contained within the constitution)

1. PURPOSE:

1.1 The purpose of this report is to seek single member decision approval for the revision of contractual arrangements within the Youth Offending Service.

2. RECOMMENDATIONS:

2.1 To make all existing temporary posts in the Service permanent with the exception of the vacant Business Support and Information Assistant Post.

2.2 To provide approval for the YOS Manager to advertise the vacant Business Support and Information Assistant Post on a two year fixed term basis.

2.2 To provide approval for the YOS Manager to offer fixed term employment contracts to Sessional Workers working regular hours.

3. KEY ISSUES:

3.1 Monmouthshire and Torfaen Youth Offending Service (YOS) was established in 2000 as a statutory function of the Crime and Disorder Act 1998. The primary purpose of the service is to prevent offending and re-offending by children and young people (aged 10-17 years). The Crime and Disorder Act 1998 requires every local authority area to establish a Youth Offending Team (YOT) with the co-operation of Police, Health and Probation.

3.2 The YOS budget is made up of contributions from statutory partners as well as a number of grant funding streams including the:

- Promoting Positive Engagement for Young People (at risk of re-offending) Fund (formerly the Youth Crime Prevention Fund) from Welsh Government.
- Youth Justice Grant from the Youth Justice Board for England and Wales
- Community Safety Fund from the Office of the Police and Crime Commissioner

3.3 There have been a number of temporary posts established over the years that are supported by grant funding, namely:

- 1x Senior Practitioner post
 - 1x Social Worker post
 - 6x Support Worker posts
 - 3x Parenting Worker posts
 - 2x Business Support & Information Assistant posts
- See appendix a) for breakdown*

3.4 Employment legislation stipulates that:

- anyone who has worked for the same employer for two years or more has the same redundancy rights as a permanent employee
- employees on a fixed term contract for four years or more may automatically become a permanent employee

3.5 Despite there being a number of employees occupying these positions for several years they continue to hold temporary contracts of employment that are renewed on an annual basis following confirmation of grant funding. On occasion, this has necessitated renewing contracts for a shorter period e.g. three months whilst awaiting confirmation of funding which has been known to be delayed into the new financial year. This can understandably cause considerable anxiety for employees occupying these positions and there is a risk that they will seek alternative employment for longer-term financial security. In addition to this, fixed term contracts are often less appealing for those seeking employment opportunities and can result in difficulties attracting high calibre candidates. This was recently evidenced when the YOS failed to appoint into a vacant temporary Business Support & Information Assistant Post.

3.6 The temporary nature of grant funding and the requirement to re-apply on an annual basis has been the business justification for maintaining temporary contracts of employment. The YOS has a financial reserve managed by the Local Management Board. This reserve was originally set up to help meet any staff costs linked to redundancies as a result of a loss of grant funding. If there were to be a reduction in grant funding this would necessitate a whole service review rather than simply making those in temporary contracts redundant. All staff listed in appendix a) would be entitled to redundancy pay whether they are transferred to permanent contracts or not.

3.7 In addition to the temporary contracts, the YOS employ a pool of Sessional Workers on a casual basis. As a result of reductions in funding, the YOS have sought to reduce the call upon Sessional Workers. The graph below illustrates the salaries and expenses for Sessional Workers over the past five years.



3.8 Despite a significant reduction in the use of Sessional Workers in 2016/17, the pool of Sessional Workers has also reduced significantly resulting in a small number of workers working regular hours without any contractual guarantee. It is recognised that these

contracts offer little to people in terms of security and reassurance and is no longer consistent with the Council's employment approach.

- 3.9** Where Sessional Workers are working regular hours, it is proposed that they are offered a fixed term contract of six months duration based upon the average hours worked (see *appendix b*) for breakdown of Sessional Worker hours for 2016/17). This will provide the YOS with the time to review the existing capacity and demand and further explore the possibility of increasing our pool of volunteers to manage reparation and Unpaid Work activities where Support Workers cannot manage this in the team. The YOS are experienced in recruiting volunteers, as we are required by legislation to recruit Community Panel Members to facilitate Referral Order panels. Sessional Workers who work irregularly will continue to be employed on a casual basis.

4. OPTIONS APPRAISAL

- 4.1** In addition to the recommendations outlined within this report, the following options have been considered:

4.2 Option 1 – Do nothing

There are no benefits and a number of disadvantages to continuing with the existing contractual arrangements. The disadvantages are as follows:

- Low staff morale
- Potential to lose experienced and valued employees who may leave the Service to seek greater financial security
- Difficulty recruiting. Fixed term contracts can seriously compromise the quality of potential applicants

4.3 Option 2 – End all temporary contracts on the 31st March 2018

The Posts affected support a range of grant funded projects designed to prevent offending and re-offending by children and young people. These projects are well established and have contributed to a significant reduction in the number of first time entrants into the Youth Justice System.

In September 2016, the YOS underwent a whole service restructure achieving full year savings of £155,000 in order to address an identified budget deficit. All Posts were considered within the service restructure.

If there were to be a reduction in grant funding this would necessitate a further whole service review rather than simply making those in temporary contracts redundant. All staff listed in appendix a) would be entitled to redundancy pay whether they are transferred to permanent contracts or not.

5. EVALUATION CRITERIA

5.1 An evaluation assessment has been included at Appendix A for future evaluation of whether the decision has been successfully implemented.

6. REASONS:

6.1 The recommended revised contractual arrangements will harmonise contractual arrangements across the service, increase staff morale and improve our recruitment potential. The offer of fixed term contracts to existing Sessional Workers on casual contracts is in line with Public Services Commission guidance and consistent with the Council's employment approach.

7. RESOURCE IMPLICATIONS:

7.1 There are no resource implications in relation to existing employees.

8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

8.1 The significant equality impacts identified in the assessment (appendix d) are summarised below for members' consideration:

No significant negative impacts have been identified having completed the Future Generations Evaluation. The restructure looks to harmonise existing contractual arrangements across the service.

9. CONSULTEES:

9.1 **Employee Services**
YOS Local Management Board
Youth Offending Service
SCH Workforce Leadership Group
Unions – Unison and GMB
Finance
SLT

9.2 The proposals were discussed at the YOS Local Management Board meeting on the 19th September 2017. The recommendations in point 2 above have been amended to reflect the views of the Local Management Board.

9.3 All YOS staff were informed of the recommendations at a whole service meeting on the 25th October 2017. Those on temporary contracts were invited to attend a consultation meeting on the 1st November 2017 and Sessional Workers on the 8th November 2017. Individual consultation slots were offered to all staff directly affected by the recommendations. The formal consultation period ended on the 22nd November 2017. No changes were made to the recommendations as a result of comments received during the consultation period. Please see appendix c for a list of questions raised by employees during the consultation period and management responses to questions raised.

**10. BACKGROUND PAPERS: Appendix a) Temporary Contracts
Appendix b) Sessional Workers – Hours Worked
Appendix c) Management response to consultation
Appendix d) Future generations evaluation**

11. AUTHOR: Jacalyn Richards – Service Manager

12. CONTACT DETAILS:

Tel: 01495 768330

E-mail: jacalynrichards@monmouthshire.gov.uk

Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

Title of Report:	Youth Offending Service – proposed implementation of revised contractual arrangements
Date decision was made:	13th December 2017
Report Author:	Jacalyn Richards – Service Manager

What will happen as a result of this decision being approved by Cabinet or Council?

What is the desired outcome of the decision?

The recommended revised contractual arrangements will harmonise contractual arrangements across the service, increase staff morale and improve our recruitment potential. The offer of fixed term contracts to existing Sessional Workers on casual contracts is in line with Public Services Commission guidance and consistent with the Council's employment approach.

What effect will the decision have on the public/officers?

The decision will not affect the service provided to the public. Those currently occupying temporary contracts will have greater job security as a result of the revised contractual arrangements. Those currently occupying casual contracts will have the option to transfer to a fixed term contract and enjoy the 'employment rights' associated with this.

12 month appraisal

Was the desired outcome achieved? What has changed as a result of the decision? Have things improved overall as a result of the decision being taken?

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

Think about what you will use to assess whether the decision has had a positive or negative effect:

Workforce stability

Ability to recruit to vacant BSIA Post

12 month appraisal

Paint a picture of what has happened since the decision was implemented. Give an overview of how you fared against the criteria. What worked well, what didn't work well. The reasons why you might not have achieved the desired level of outcome. Detail the positive outcomes as a direct result of the decision. If something didn't work, why didn't it work and how has that effected implementation.

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

No resource implications.

12 month appraisal

Give an overview of whether the decision was implemented within the budget set out in the report or whether the desired amount of savings was realised. If not, give a brief overview of the reasons why and what the actual costs/savings were.

Any other comments

