

**SUBJECT: Individual Support Service – Proposed Implementation of Revised Contractual Arrangements**

**DIRECTORATE: Social Care and Health**

**MEETING: Cabinet**

**Date: 7<sup>th</sup> December 2016**

**1. PURPOSE:**

To seek approval from Cabinet to implement revised staffing arrangements in the Individual Support Service.

**2. RECOMMENDATION:**

That Cabinet approves the creation of the following posts at Band D within the Individual Support Service:

- 7 X 7 hour
- 6 x 14 hour
- 1 x 21 hour
- 1 x 28 hour

**3. KEY ISSUES:**

**Background:** The Individual Support Service (ISS) provides support to people to access a variety of opportunities within their community; enabling integration and development of skills which further their independence. Over the last few years the service has focussed on the provision of short term support aimed at enabling people to be more independent and confident; to be active participants in all aspects of their lives and community. Some people continue to receive longer term support due to their complex needs. ISS predominantly supports people with learning disabilities but also supports other people with physical or mental health needs.

Historically all support posts within the service have been underpinned by zero hours employment contracts. This has enabled the service to flexibly adapt to the fluctuating demands from individuals and services and deliver the service within available financial resources. However, as the service has evolved, the majority of the staff team work regular and frequent hours without any contractual guarantee. It is worth noting staff have always enjoyed the same benefits as permanent employees – paid leave, accrued holiday entitlement, sick pay, etc.

It is recognised that these zero hours contracts offer little to people in terms of security and reassurance and is no longer consistent with the Council's employment approach. Furthermore the implementation of guaranteed hours contracts will ensure a more robust foundation upon which the service can

continue to operate and develop as it moves forward as part of the My Day, My Life transformation.

**Process:** In order to address this situation, managers of the service with support from Employee Services developed and implemented a robust approach, with a clear purpose, set of principles and process:

Purpose:

- To replace existing zero hours contracts with permanent contracts which offer a guaranteed level of hours to deliver the service within existing financial resources
- To improve contractual arrangements for the existing staff team
- To ensure future use of zero hours contracts is restricted to appropriate use in regard to ad hoc bank workers only.
- To harmonise staffing arrangements across the suite of My Day, My Life services.

Principles:

- Monmouthshire County Council employment policies will apply and will guide the process.
- All contractual hours will be determined through a rational, fair and robust assessment of actual average working hours
- All staff who have worked regularly will be offered permanent contractual hours irrespective of whether they hold another Monmouthshire County Council contract
- Staff who only work irregularly and infrequently will remain on zero hour contracts appropriate to bank workers
- All staff affected will be consulted and relevant trade union representatives will be involved.
- The effectiveness of the arrangements will be subject to a review at the end of the first year of implementation.

The Process:

- Each individual's actual working hours between April 2015 and March 2016 was analysed to determine average weekly hours worked
- Actual working hours included travel time, weekends, bank holidays, holidays and sickness
- A range of contracts from 7hrs per week to 28 hours per week have been identified and will be offered.
- Individual offers will be made on the basis of rounding actual average hours to the nearest appropriate contract range
- Additional flexible hours will be available on top of contracted hours
- There will be a small number of staff who work a very small number of hours per week supporting a single individual regularly; they will be placed on permanent variable hours contracts

- The new pay grade has been determined at Grade D consistent with the My Day, My Life Support Worker role and recent ISS appointments
- Detriment will apply for a two year period on contracted hours only and not to additional hours worked above contractual level.

**Staffing issues:** Informal consultation with the staff team and trade unions began in June 2016. This included a large group meeting followed by individual meetings where staff members had the opportunity to be represented by their trade union. At the individual meetings each staff member was made aware of and consulted on their proposed individual contracted hours offer. Feedback from this process was taken on board and has been reflected in this final proposal.

A further formal two week consultation period followed ending on 15<sup>th</sup> September 2016. Overall feedback from both consultation exercises has been that the proposals have been well received by the staff team, who welcome the implementation of more robust contractual arrangements. Staff have been informed that there has been a delay in submitting the recommendations to Cabinet and that the implementation of contracts will take effect, subject to approval, in January 2017.

#### 4. REASONS:

The use of zero hours contracts for regular and frequent working within ISS does not offer security or reassurance. Furthermore, replacing the existing zero hours contracts with permanent contracts will provide greater operational certainty and will enable the delivery of the service within existing financial resources.

The staff team is a well-established, experienced and skilled group, the new arrangements recognises their value and contribution and will be a positive contribution to retention.

#### 5. RESOURCE IMPLICATIONS:

The present staffing budget stands at £207,464. In terms of the proposed new contract arrangements the budget will be allocated as shown in the table below: -

| POST               | FTE  | BUDGET £ |
|--------------------|------|----------|
| 28 hour per week   | 0.76 | 22,556   |
| 21 hour per week   | 0.57 | 17,019   |
| 14 hour per week   | 2.27 | 69,028   |
| 7 hour per week    | 1.32 | 36,827   |
| Permanent variable | 2.08 | 62,034   |
| TOTAL              | 7    | 207,464  |

The permanent variable posts are for ad hoc work, for example one evening a week, which fall below the minimum 7 hour per week guarantee contract.

## **6. FUTURE GENERATIONS EVALUATION**

This is attached as Appendix One.

It should be noted that generally the proposal has positive economic and community benefits.

## **7. CONSULTEES:**

Chief Officer, Social Care and Health  
Head of Adult Services  
SCH Finance Team  
Staff team  
Trade Unions  
Employee Services

## **7. BACKGROUND PAPERS:**

None

## **8. AUTHORS:**

Ceri York, Group Manager Commissioning and Service Development  
Shelley Welton, Lead Commissioner - Transformation

## **9. CONTACT DETAILS:**

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monmouthshire  
sir fynwy

## Future Generations Evaluation ( includes Equalities and Sustainability Impact Assessments)




|   |   |
|---|---|
| <p><b>Name of the Officer</b> Shelley Welton</p> <p><b>Phone no:</b> 01600 730510<br/><b>E-mail:</b><br/>shelleywelton@monmouthshire.gov.uk</p> | <p><b>Please give a brief description of the aims of the proposal:</b></p> <p>To replace existing zero based contracts with permanent contracts which offer a guaranteed level of hours to deliver the service within existing financial resources</p> <p>To improve contractual arrangements for the existing staff team</p> <p>To ensure further use of zero hours contracts is restricted to appropriate use in regard to ad hoc bank workers only.</p> <p>To harmonise staffing arrangements across the suite of My Day, My Life services</p> |
| <p><b>Name of Service :</b></p> <p>Individual Support Service</p> <p>Social Care and Health Directorate</p>                                     | <p><b>Date Future Generations Evaluation</b> 7<sup>th</sup> November 2016</p>   |

**1. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.



| <b>Well Being Goal</b>   | <b>How does the proposal contribute to this goal? (positive and negative)</b>  | <b>What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?</b>                                      |
|--|--|---|
| <p><b>A prosperous Wales</b><br/>Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>                                 | <p>The proposal will positively contribute to this goal as it will be greater employment security for staff members.</p> <p>Guaranteed hours contracts improve people's access and opportunity to lending and mortgages.</p> <p>Permanent contracted hours will assist in retention of a skilled workforce</p> | <p>Individual meetings have been held identify any impacts (including negative ones) on people's circumstances as a result of the new contractual offer</p> |
| <p><b>A resilient Wales</b><br/>Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p> | <p>None</p>  | <p>n/a</p>  |
| <p><b>A healthier Wales</b><br/>People's physical and mental wellbeing is maximized and health impacts are understood</p>                                  | <p>Greater job security may possibly positively impact upon people's sense of well-being.</p>  | <p>On-going support to staff members through the process will be offered.</p>   |
| <p><b>A Wales of cohesive communities</b><br/>Communities are attractive, viable, safe and well connected</p>  | <p>The ISS supports people to be more engaged and active in their communities- improving the sustainability of the services will ensure the people supported are able to be connected to their communities and</p>   | <p>Services such as ISS support resilient communities by enabling active participation from vulnerable people.</p>  |

| Well Being Goal   | How does the proposal contribute to this goal? (positive and negative)  | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?  |
|---|---|--|
|   | active participants and contributors  |  |
| <b>A globally responsible Wales</b><br>Taking account of impact on global well-being when considering local social, economic and environmental wellbeing                                | In a positive way the service supports social well-being  | Ensure services are aware of key Welsh Government initiatives and connect.   |
| <b>A Wales of vibrant culture and thriving Welsh language</b><br>Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation | The service focusses on encouraging more people to enjoy participation in many different activities.  | To increase access to more community opportunities is a key driver for the service. If more people are more engaged in their communities more often or regularly participating in activities etc there are many positive benefits. |
| <b>A more equal Wales</b><br>People can fulfil their potential no matter what their background or circumstances   | The ISS service supports people with learning disabilities, physical and mental health needs to maximise their potential and to be actively engaged in their community. | All people will have opportunities to progress.  |

**2. How has your proposal embedded and prioritised the sustainable governance principles in its development?**

| Sustainable Development Principle  | How does your proposal demonstrate you have met this principle?  | What has been done to better to meet this principle?   |
|--|--|--|
|  <p>Long-term</p> <p>Balancing short term need with long term and planning for the future</p> | <p>This supports maintaining quality services and offering greater security for the staff team in both the short and long term.</p>  | <p>The implementation of the new staffing arrangements will be reviewed after one year.</p>          |
|  <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>       | <p>As part of the My Day, My Life suite of services, ISS works with many partners within the statutory, voluntary and community sector to support and enhance people's life experiences and access to opportunities.</p> | <p>Collaboration with partners and stakeholders is at the heart of the My Day, My Life approach.</p> |
|  <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>          | <p>All staff members were engaged via thorough and involving consultation processes as part of the development of the process. Trade unions were also engaged</p>  | <p>On-going engagement</p>   |



| Sustainable Development Principle  | How does your proposal demonstrate you have met this principle?  | What has been done to better to meet this principle?  |
|--|--|---|
|  <p>Putting resources into preventing problems occurring or getting worse</p>                   | <p>ISS supports people to maximise their potential to be active and engaged members of their communities; preventing reliance on services and promoting greater independence and resilience.</p> | <p>People have individual My Day, My Life plans to support this.</p>  |
|  <p>Positively impacting on people, economy and environment and trying to benefit all three</p> | <p>The benefits to people who use the service and those who work in will positively impact their contribution to the economy and society at large.</p>   | <p>A process to understand the impact of the new arrangements on the staff team was undertaken through one to one sessions with HR support.</p> |

**3. Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

| <b>Protected Characteristics</b> | <b>Describe any positive impacts your proposal has on the protected characteristic</b>  | <b>Describe any negative impacts your proposal has on the protected characteristic</b> | <b>What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?</b> |
|----------------------------------|---|--|--|
| Age                              | The new staffing arrangements will positively impact on people of all ages by providing guaranteed hours contracts                    |  |  |
| Disability                       | The service supports a range of people with disabilities who will benefit from greater service sustainability and a stable workforce. |  |  |
| Gender reassignment              | Neutral   | Neutral  |  |
| Marriage or civil partnership    | Neutral   | Neutral  |  |
| Race                             | Neutral   | Neutral  |  |
| Religion or Belief               | Neutral   | Neutral  |  |
| Sex                              | The majority of the workforce is female   | Neutral  |  |
| Sexual Orientation               | Neutral   | Neutral  |  |
| Welsh Language                   | Neutral   | Neutral  |  |

**4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note

<http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx>

and for more on Monmouthshire' s Corporate Parenting Strategy see

<http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

|                     | <b>Describe any positive impacts your proposal has on safeguarding and corporate parenting</b> | <b>Describe any negative impacts your proposal has on safeguarding and corporate parenting</b> | <b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b> |
|---------------------|--|--|---|
| Safeguarding        | n/a  |  |   |
| Corporate Parenting | n/a  |  |   |

**5. What evidence and data has informed the development of your proposal?**

- Each individual's actual working hours between April 2015 and March 2016 was analysed to determine average weekly hours worked
- Actual working hours included travel time, weekends, bank holidays, holidays and sickness
- Analysis of service delivery hours over a 24 month period
- Current budget and future MTFP projections

**6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

Positive impacts on people of ages and women in particular who are employed in the service as they will have greater job security.  
 Positive impact upon people with disabilities who are supported by the service as there will be greater sustainability therefore ensuring on-going support.

**7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

| <b>What are you going to do</b>   | <b>When are you going to do it?</b> | <b>Who is responsible</b> | <b>Progress</b> |
|---|-------------------------------------|---------------------------|-----------------|
| Speak to staff and update progress – consultations and implement new staffing contracts | Oct 16 - onwards                    | Sandra Dobbs              |                 |

**8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.**

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|---|---|
| <b>The impacts of this proposal will be evaluated on:</b> | At end of first year of implementation - January 2018- report to internal management team and DMT if needed |
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