


WORCESTERSHIRE COUNTY COUNCIL

RECORD OF OFFICER EXECUTIVE DECISION

TITLE:*	<i>Working Hours – Phase 1</i>
Decision Taken By:	<i>Paul Robinson, Chief Executive</i>
Cabinet Member	<i>Cllr Simon Geraghty, Leader</i>
Decision Made*	<i>To reduce contractual working hours by 2 hours per week to 35 hours per week for staff working in a non-exempt 35 hour post (this equates to around 140 members of staff). This will be implemented by way of a dismissal/reengagement process</i>
Is this Report Exempt as per Schedule 12A Local Government Act 1972	<i>Part exempt - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings – legal implication section</i>
Decision taken under the following delegation:	<i>Head of Paid Service Decision</i>
Division(s) Affected	<i>n/a</i>
Date of Decision*	<i>10 July 2024</i>
Summary of Decision*	<ul style="list-style-type: none"> • <i>The Chief Executive (Head of Paid Service) has reached a decision and authorised the proposals to be implemented. This means that the remaining staff in scope (140) will reduce their working hours by 2 hours per week to 35 hours per week. This will be implemented by way of a dismissal/reengagement process.</i> • <i>The Council will issue all employees a new contract of employment giving the maximum contractual notice (3 Months) for termination of the current contracts and then immediately re-engage on the new contractual terms.</i> • <i>Re-engagement on the new contractual terms will be by either a signed statement of particulars or by attendance at work on the first day after full notice has been served.</i> • <i>If any dismissals are necessary, the earliest will not take place before 1st October 2024.</i>
Reason(s) For Decision*	<p><i>This is on the basis that it allows the Council to meet all its stated aims in full as follows:</i></p> <ul style="list-style-type: none"> • <i>Remove the two-tier approach and feeling of ‘unfairness’ existing for over 10 years</i> • <i>See only 37-hour exempt postholders being paid 37 hours per week</i> • <i>Address the diminished rationale for the original decision</i> • <i>Results in a recurrent cost saving of c.£500k in the context of the agreed £37.2m savings as part of the 2024/25 which was approved as part of the budget by full council on 15 February 2024.</i>

<p>Alternative Options Considered and Rejected</p>	<ul style="list-style-type: none"> • On 14 December 2023 WCC entered its first phase of consultation with 155 members of the workforce. The aim of the consultation was to gain feedback from the employees identified as affected on the proposal to reduce their contracted hours from 37 hours a week to 35 a week. • On 4 March 2024 WCC entered into a second phase of consultation with the remaining 143 members of the workforce. The aim of the consultation was to formally consult and gain feedback from the employees identified as affected on the proposal to reduce their contracted hours from 37 hours a week to 35 a week. All identified employees were given the opportunity to apply for consideration for their role to be categorised as exempt in line with the criteria in the recruitment and selection policy. • 87 exemption pro-formas were considered by the Strategic Leadership Team. The conclusion of this was that 2 posts were approved to be added to the Council’s ‘Annex A – Posts Exempt from Reduced Working Hours Strategy’ contained within the recruitment and selection policy. All other exemption requests were declined and employees have been informed. • A number of alternative suggestions were also put forward and have been fully considered. In considering the alternative suggestions it has been concluded that they do not address the legitimate aims of the initial proposals (case for change). See background documents.
<p>Summary of any financial implications</p>	<p><i>This process was agreed through the Council’s governance arrangements as part of the agreed £37.2m savings proposals as part of the 2024/25 budget. This will assist the council to set a legal budget which also required the use of reserves. Given the financial outlook for upper tier authorities the will contribute recurrent savings to reduce the councils ongoing expenditure.</i></p>
<p>Summary of any legal implications</p>	<p><i>The Head of Paid Service has the authority to implement this decision and the information they have considered in reaching this decision is set out within the body of the report.</i></p> <p><i>See Appendix A Legal advice has been provided and this is exempt from publication under paragraph 5 of LGA Schedule 12A - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</i></p>
<p>Consultation process and results</p>	<p><i>On 14 December 2023 WCC entered its first phase of consultation with 155 members of the workforce. The aim of the consultation was to gain feedback from the employees identified as affected on the proposal to reduce their contracted hours from 37 hours a week to 35 a week. The outcome of this first phase of consultation can be seen in the supporting documents.</i></p> <p><i>On 4 March 2024 WCC entered into a second phase of collective consultation with the remaining 145 members of the workforce. The aim of the consultation was to formally consult and gain feedback from the employees identified as affected on the proposal to reduce their contracted hours from 37 hours a week to 35 a week. In addition, all identified employees were given the opportunity to apply for consideration for their role to be categorised as exempt in line with the criteria in the recruitment and selection policy.</i></p> <p><i>Employees have provided a substantial amount of feedback, over 500 different types of feedback have been collected. These have been categorised for the consideration.</i></p> <p><i>Consultation concluded on 17 April 2024.</i></p> <p><i>Unison and GMB, the recognised Trade Unions, were advised of the planned consultation on 27 February 2024 and were invited to the launch of the consultation. This was also the case for the first period of consultation. They were provided with all the required information for the</i></p>

	<p><i>consultation. The previous outcome of consultation report for the first period of consultation can be seen in the supporting documents.</i></p> <p><i>Unison have provided a written response via email on 16 April 2024 and GMB have raised some questions periodically through the consultation processes, all of which we have responded to in full.</i></p> <p><i>A cohort of employees have grouped together to also provide their collective response to the consultation. 36 employees in this collective.</i></p> <p><i>Employees have provided feedback, asked questions and made alternative suggestions. It is noted that not so many suggestions were forth coming as the first consultation and following the outcome documents from the first consultation, assuming that many employees felt they had answers to their questions and understood why the suggestions raised were not viable options. The further suggestions have been categorised for the consideration and follow later in the report.</i></p> <p><i>Since the collective consultation started (phase2), we have had 2 leavers so the data which follows will reflect 143 employees in the current cohort now rather than 145 which commenced the consultation. (Reasons for leavers were voluntary resignation).</i></p>
<p>Equality duty Implications</p>	<p><i>Give details of any Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments.</i></p> <p><i>A full (select Equality and Public Health, Data Protection, Sustainability) Impact Assessment has been carried out in respect of the recommendations.</i></p> <p><i>This identified potential negative impact for: Age and Sex</i></p> <p><i>Age: Potential negative impact for those who are over 55 years old and are having reduced hours, due to the implications of pension payments and benefits based on age, changing going forward, but will not impact payments and benefits already accumulated, and scheme they have signed up to, for their individual pension, varied and numerous factors may impact at an individual level. Whilst those within the proposal may be impacted based on age, the wider and longer term proposal will mean that those remaining / continuing (all staff other than those on 37 hour contracts) in 35 hour based employment (or part time work) will have increased job security, and this will be positive across the council for those of working age, due to an increase in savings / financial benefit, as well as those future generations across the county, hoping to secure work.</i></p> <p><i>Pregnancy & maternity: Within this protected characteristic, there may be potential negative impact if someone is additionally in receipt of government support and payments relating to their pregnancy or maternity status. Consideration for those impacted by the proposal will be supported in line with our relevant policies within the categorisation of pregnancy and or maternity periods of employment.</i></p> <p><i>Sex: At the commencement of the first phase of consultation there are 48 women (average pay of £40,860) and 111 men (average pay of £41,055) impacted by this proposal. Research shows statistically more women have care responsibilities (as known within the council) outside of work than men within the organisation, and this may be one of a range of benefits to reducing hours, regardless of sex, for those with family responsibility and commitment. For instance there may be a reduction in salary, but the benefits provided with the employment and additional potential time at home, could be positive for some people.</i></p> <p><i>The suggested scheme will impact a small percentage of workers at WCC and totals 143 people. Additional, notable potential impacts are based around capacity and resources within the service areas that see a colleague impacted by the proposal and will subsequently</i></p>

	<p><i>have to make adjustments to working environments, workload, projects, case work, team training and wider support, however this may fall out of scope of the Equality Impact Assessment, and will be managed by professional policy support, HR support, line manager capability and organisational wide corporate and business planning.</i></p> <p><i>Those wanting or requiring support and guidance about the process, can be managed at an individual level and consideration has been given to ensure an accessible and equitable process and line of communication.</i></p> <p><i>The proposal will have a wide ranging variety of positive impacts generally, for the whole organisation, the community based on being in a more favourable financial position, as described and found in the report and / proposal documentation provided. An overview of benefits based on a better financial position could be:</i></p> <ul style="list-style-type: none"> - <i>Higher quality service provision</i> - <i>Finances re-allocated to priority areas</i> - <i>Streamlined (structure of) services</i> - <i>Equitable access to salary and benefits for all employees, removing a preferential two-tier system</i> - <i>A modernised workforce structure, as displayed by best practice in many other local authorities</i>
Social Value Implications	n/a
Any Conflict of Interest declared by a consulted Cabinet Member/ any dispensation granted*	n/a
Background documents*	Working hours consultation outcome
Signature	
Reference/Date Published	For use by Democratic Services only

*Legal Requirement