

## Working Hours – Consultation Feedback

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### Table of Contents

Background .....	1
Employees Impacted.....	2
Overview of consultation feedback .....	3
Demographics for employees in scope .....	5
Union position.....	6
Options.....	6
Outcome of consultation .....	7
Next steps .....	7
Supporting Documents .....	8
Appendix 1 – Alternative Suggestions from Phase 1 and Phase 2 consultation.....	9

### Background

- 1.1 On 14<sup>th</sup> 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.
- 1.2 On 4<sup>th</sup> 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. Employees were asked to seek support from the relevant Assistant Director to support or decline to support their request.

- 1.3 The cohort excluded employees who had been a previous TUPE into WCC and for those on the exemption list detailed in the recruitment & selection policy.
- 1.4 Employees have provided a substantial amount of feedback, over 500 different types of feedback have been collected. These have been categorised for the consideration.
- 1.5 Consultation concluded on 17<sup>th</sup> April 2024.
- 1.6 5 employees requested and attended an individual 121's under the second period of consultation.
- 1.7 Unison and GMB, the recognised Trade Unions, were advised of the planned consultation on 27<sup>th</sup> 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 consultation. The previous outcome of consultation report for the first period of consultation can be seen in the supporting documents.
- 1.8 Unison have provided a written response via email on 16<sup>th</sup> April 2024 and GMB have raised some questions periodically through the consultation processes, all of which we have responded to in full.
- 1.9 A cohort of employees have grouped together to also provide their collective response to the consultation. 36 employees in this collective.
- 1.10 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.
- 1.11 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).

## Employees Impacted

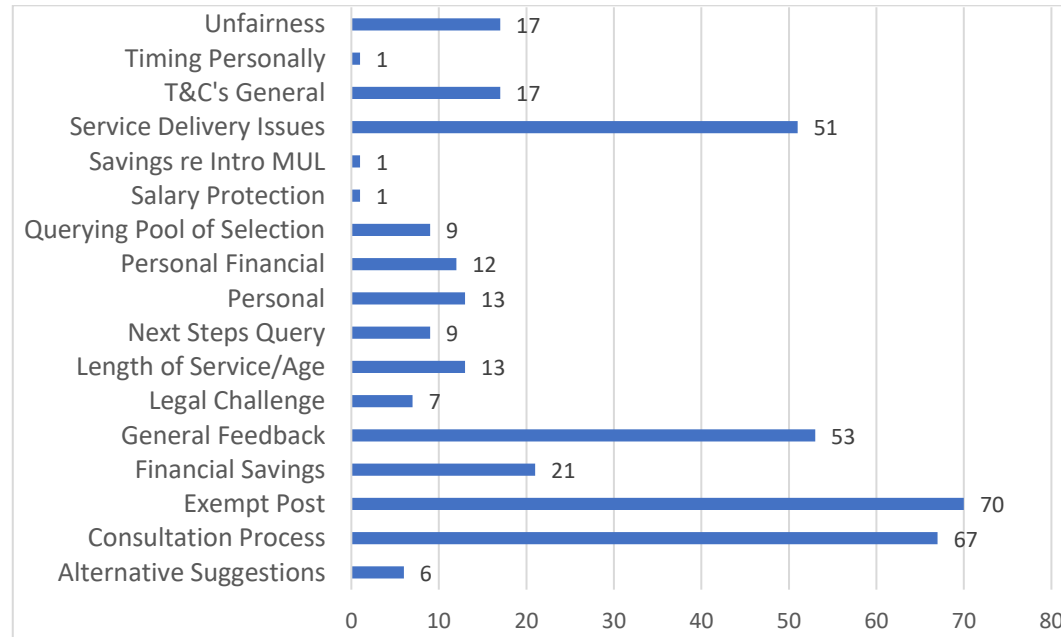
2.1 The following provides an overview of employees 'in scope' of the consultation and the areas they work in:

Directorate / Service	Staff Consulted
<b>Chief Executive's Unit</b>	<b>11</b>
Corporate Financial Strategy	2
HR OD & Engagement	9
<b>Commercial and Change</b>	<b>23</b>
IT & Digital	9
Legal & Governance	7
Transformation & Commercial	7
<b>Economy and Infrastructure</b>	<b>91</b>
Economy	12

Highways & Transport Operations	56
Major Projects & Waste	22
Strategic Director	1
<b>People</b>	<b>18</b>
Adult Social Care	1
Communities	16
People Commissioning	1
<b>Grand Total</b>	<b>143</b>

## Overview of consultation feedback

3.1 The following provides an overview of the feedback provided by employees based on an identified category



3.2 As part of any meaningful consultation the employer is required to fully consider alternative suggestions made during consultation, in particular where the outcome could minimise or remove the case for change in relation to the working hours proposal. By way of an example a number of employees suggested re introducing mandatory unpaid leave (MUL). This previously saved the Council around £400k per year. The list of alternative suggestions can be seen in Appendix 1.

3.3 Throughout the two periods of consultation an area of specific challenge has been the savings projection of c£500k being achieved if the proposals were implemented in full. On the 15 March 2024 an email was sent to all staff in scope of the consultation as follows to address this point:

*Dear Colleagues*

*A number of people have requested additional information on the savings associated with the current working hours proposals. It is important to first emphasise again that there are a number of reasons for the proposals being made, not just to realise ongoing savings as this is one of the important factors given the Councils current financial challenges. To reiterate the stated aims are as follows:*

- *To remove the two-tier approach and feeling of ‘unfairness’ existing for over 10 years*
- *To see only 37-hour exempt postholders being paid 37 hours per week*
- *Address the diminished rationale for the original decision*
- *Results in cashable savings of c.£500k in the context of the overall savings and efficiencies of £37.2m agreed by Council to deliver a legal budget in 2024/25*

*With specific reference to the cashable savings of c.£500k (full year), this will only be achieved should proposals be implemented in full and I would again reiterate that we are in a period of collective consultation to consider alternatives, exemption business cases and other feedback, all of which could impact on the projected cash saving. In terms of the breakdown of this figure approximately £260k would be base budget revenue savings and the remaining savings will come from a reduction in spend for capital /income / grant scheme where the funding can be used for against other base budget areas therefore realising a saving.*

3.4 Where a 121 was held during consultation those employees were asked to indicate if they planned to accept or reject the proposals. In addition some employees in scope provided their view on the proposals. The following provides an indication of the responses: (Note: this is only an indicator based on information available)

(As identified in the 121’s)

\* note only five 121’s took place as requested by the employees

Total Staff Consulted	143	% of Total
Plan to Reject	51	35%
Plan to Accept	1	1%
Not Recorded	91	63%

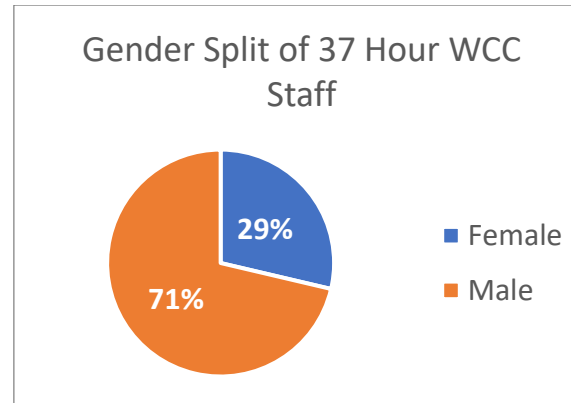
3.5 A number of employees in scope of the consultation submitted an exemption pro-forma setting out the reasons for why they considered their post(s) should be exempt under the reduced working hours strategy. These were considered by the Strategic Leadership Team on Tuesday 23 April 2024, applying the criteria set out in the reduced working hours strategy. The conclusion of this review was that two posts (with 3 employees in scope of this consultation) were approved for being added to ‘Annex A – Posts Exempt from Reduced Working Hours Strategy’ within the Councils’ Recruitment and Selection Policy. These employees have been informed and will no longer be in scope of these proposals.

## Demographics for employees in scope

4.1 The following provides the age, gender demographic data for the 143 employees in scope of this consultation:

Age Groups	Staff at 37 Hours	% of Workforce
25-34	2	1.40%
35-44	23	16.08%
45-54	45	31.47%
55-64	70	48.95%
65-74	3	2.10%
<b>Grand Total</b>	<b>143</b>	<b>100%</b>

Gender	Staff at 37 Hours
Female	41
Male	102
<b>Grand Total</b>	<b>143</b>



## Union position

5.1 UNISON submitted a collective response on behalf of their members. A copy of this and the response can be seen in the supporting documents.

5.2 The recognised trade unions (UNISON & GMB) have, from the outset, opposed proposals due to the proposed impact on terms and conditions – this position remains unchanged.

5.3 Overall employee relations have remained constructive.

## Options

6.1 The workforce impacted by the proposed change have contributed to a reasonable level to the consultation and have expressed several views, in the main, dissatisfaction with the proposed changes. Some alternative suggestions have been made.

6.2 A small number have made alternative suggestions for consideration and a number have raised the points that their roles should be considered for review and be added to the exempt positions list. These employees have filled in the form for consideration. AD's have expressed their view on the forms submitted and a spreadsheet is attached.

6.3 Some employees are raising their points as a legal challenge, process challenge and personal circumstances challenge.

6.4 Three options were considered:

- I. Move forward with the proposal and serve notice of a contractual change giving employees the choice to accept or to be dismissed and re-engaged (no loss of continuous service if there is no break) issuing a new contract for 35 hours per week.
- II. No action to be taken at this time.
- III. Consider the impact further from the points raised by the employees and consider alternative proposals

## Outcome of consultation

- 7.1 On 14<sup>th</sup> 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.
- 7.2 On 4<sup>th</sup> 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.
- 7.3 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.
- 7.4 A number of alternative suggestions were also put forward and have been fully considered as set out in Appendix 1. In considering the alternative suggestions it has been concluded that they do not address the legitimate aims of the initial proposals (case for change).
- 7.5 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 as outlined in 'next steps'.
- 7.6 This is on the basis that it allows the Council to meet all its stated aims in full as follows:
- Remove the two-tier approach and feeling of 'unfairness' existing for over 10 years
  - See only 37-hour exempt postholders being paid 37 hours per week
  - Address the diminished rationale for the original decision
  - Results in a cost saving of c.£500k in the context of the agreed £37.2m savings as part of the 2024/25 approved budget by full council.
- 7.7
- 7.8 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.
- 7.9 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.
- 7.10 If any dismissals are necessary, the earliest will not take place before 1<sup>st</sup> October 2024.

## Next steps

- 8.1 The Councils recognised trade unions (UNISON and GMB) will be informed of the outcome of consultation and the intention to now proceed with its proposal.

- 8.2 Following the outcome decision being reached employees employed on 37 hours a week in non-exempt posts within the scope of this consultation will now be dismissed and re engaged.
- 8.3 The process for this will be that each employee will receive a letter and a new statement of particulars of employment. The employee will receive this in the month of July, serving them 3 months' notice. The notice is effective from the date of the letter.
- 8.4 The employee will be required to sign and return the new statement of particulars before the end of the 3 months' notice. Alternatively, if they attend work on their first working day after the end of the 3 months it will be implied that they have accepted their new contract of employment.

### **Close of Report**

## Supporting Documents

For copies of the documents below please contact Democratic Services on [democraticservices@worcestershire.gov.uk](mailto:democraticservices@worcestershire.gov.uk)

1. Recruitment and selection policy
2. Consultation Document
3. UNISON collective response 16.04
4. Response to UNISON collective response of 16.04 by Richard Taylor
5. Group response from employees
6. Collective response from Richard Taylor
7. Phase 1 consultation outcome report

### **Close of Report**



## Appendix 1 – Alternative Suggestions from Phase 1 and Phase 2 consultation

Theme	Area	Response
<b>Agency Reduction</b>	Reduce/cease agency spend	This is a good suggestion. The Strategic Leadership Team (SLT) and Chief Officer Group (COG) were tasked with ceasing/reducing agency spend as part of the in year (2023/24) savings plans. Since quarter 3 this year all agency spend has been scrutinised by each member of SLT/COG and a reduction has been achieved. Suggestions will be passed to the relevant Strategic Director as we still have a gap in our budget for 2023/24 of c.£8m and so the Director can consider if there is any further reductions that could be achieved.
<b>Assets Review (Property)</b>	Sell assets	A number of good suggestions were made around the Council's property assets and how we utilise them in the most efficient way possible. The Strategic Property function have reviewed all of our assets and commercial arrangements to ensure rental income is maximised wherever possible. There is an ongoing strategic review programme which continues to monitor all of our assets. Suggestions will be passed to the relevant Strategic Director as we still have a gap in our budget for 2023/24 of c.£8m and so the Director can consider if there are any further savings that can be identified to address this gap.
<b>Capital Funded Initiatives</b>	Reduce/stop Major Infrastructure projects	Suggestions around capital funded initiatives have been passed to the relevant Strategic Director for consideration. Many capital funded projects are in place to deliver against the Council's Corporate Strategic Plan. Whilst the suggestions made don't provide any indication of the possible savings it is a good suggestion to review all expenditure, including capital, to ensure it is being spent in the most efficient way possible. All members of the Strategic Leadership Team (SLT) and Chief Officer Group (COG) were requested to review their capital expenditure which has been completed. There does however remain a c.£7m gap in our budget for 2023/24 and so it would be sensible to review this again based on the comments made. Whilst this would potentially provide a saving it would not mitigate the case for change in full for these proposals including addressing the perceived unfairness and diminished reasons for continuing the approach of working 37 hours in a 35 hour non-exempt post.
<b>Car Park Charging</b>	Introduce car park charges	Car park charging has been considered as part of this year's budget review. Whilst this would potentially provide a significant income it would not mitigate the case for change in full for these proposals including addressing the perceived unfairness and diminished reasons for continuing the approach of working 37 hours in a 35 hour non-exempt post.
<b>Commissioning of services</b>	Insource Services	The Council has already insourced a number of services which had previously been outsourced. As part of the Council's commissioning process every Strategic/Assistant Director would be expected to review who is best placed to provide the service required. The Council still has a budget gap of c.£8m and so each Strategic/Assistant Director will be reminded to review arrangements and where these are best placed in terms of delivery. Thank you for this suggestion.
<b>Home to School Transport</b>	Policy change	This is a good suggestion and one which has been closely scrutinised by the Strategic Leadership Team as part of this year budget planning. A significant savings target has already been put in place against home to school transport for 2024/25 (£1.25m) and 25/26 (£2.5m) onwards.
<b>IT Infrastructure</b>	Cease use of IT system	It is essential that all Council spend is considered given the remains a c.£8m gap for 2023/24. Whilst no monetary savings have been provided the relevant Strategic Directors (E&I and COaCH) will be passed the suggestions. These can then be considered to establish if they would be able to offer any savings to reduce the remaining gap. Whilst these suggestions could result in a saving they do not mitigate the other areas under the case for change.

<b>Member Funding</b>	Reduce/stop Member funding	The members divisional funding is paid through reserves so would be a non-recurrent saving. This was reviewed as part of the budget proposals for 2023/24. The Council currently has a remaining gap of c£8m which is being covered via reserves and so this will be forwarded to the relevant Strategic Director for further review.
<b>Mandatory Unpaid Leave</b>	Reintroduce	This is a suggestion which has been considered fully by Officers. A proposal to continue Mandatory Unpaid Leave (MUL) was previously proposed to recognised TUs/staff as was due to expire on 31/3/23. UNISON/GMB balloted members on the proposal to continue with the MUL provisions. This was rejected by 60% plus of those members who responded to the ballot in November 2022. It was therefore agreed this would not be proposed again. Whilst reintroduction of MUL would result in a financial saving, it would not mitigate the other areas under the case for change.
<b>Other</b>	No suggestion	A number of other suggestions were made but could not be 'categorised' due to not identifying clearly the savings initiative/suggestion. These were not quantifiable in terms of savings and would not address the reasons for change as per the proposals being made. References included: "constantly looking at ways to save money", "other savings e.g. recruitment", "could there be any efficiencies", "monitoring fleet car usage" and "fleet car investment"
<b>Pay Freeze</b>	Introduce incremental pay freeze	The majority of WCC employees are already on the top SCP of their respective pay band due to length of service in role. Increments are awarded based on length of service and/or performance (PO4+). Any change to this would require a policy and contractual change to the terms and conditions of every employee. Whilst this would achieve a saving it would not address the other reasons for change as outlined in the proposals (e.g. unfairness, diminished rationale etc.). There does however remain an in year gap of c£8m in the budget so this will be passed to the relevant Director for consideration/further review.
<b>Phased Implementation</b>	Seek voluntary reduction	A voluntary approach would only exacerbate the feeling of unfairness if some opted to reduce and some didn't. This approach would also not be seen as robust in achieving the savings required. We are seeking to individually agree the change with those staff in scope.
<b>Phased Implementation</b>	Delay/phase implementation	The current policy has been in place for over 10 years. This has resulted in a number of staff continuing to work/be paid 37 hours in a 35 hour non exempt post. Normally the Council offers protection for between 1 and 3 years so these arrangements have greatly exceeded normal practice. A further phased or delayed implementation would exacerbate the feeling of unfairness and also impact of the delivery of savings.
<b>Process efficiencies</b>	Travel/mileage	The Strategic Leadership Team (SLT) and Chief Officer Group (COG) were tasked with reviewing all spend which would include travel spend as part of the in year (2023/24) savings plans. As this is a good suggestion Strategic Director will again be asked to review usage as we still have a gap in our budget for 2023/24 of c.£8m and so the Director can consider if there are any further reductions that could be achieved.
<b>Process efficiencies</b>	Reduce traffic management costs	It is essential that all Council spend is considered given there remains a c.£8m gap for 2023/24. Whilst no monetary savings have been provided the relevant Strategic Director (E&I) will be passed the suggestion. This can then be considered to establish if they would be able to offer any savings to reduce the remaining gap. Whilst these suggestions could result in a saving they do not mitigate the other areas under the case for change.
<b>Process efficiencies</b>	Cease printing works notifications and publish online only	It is essential that all Council spend is considered given there remains a c.£8m gap for 2023/24. The relevant Strategic Director (E&I) will be passed the suggestion. This can then be considered to establish if the suggestion would result in any savings to reduce the remaining gap. Whilst these suggestions could result in a saving they do not mitigate the other areas under the case for change.
<b>Salary Protection</b>	Delay/phase implementation	The current approach has been in place for over 10 years. This has resulted in a number of staff continuing to work/be paid 37 hours in a 35 hour non exempt post. Normally the Council offers protection for between 1 and 3 years so these arrangements have greatly exceeded normal practice. A further phased or delayed implementation would exacerbate the feeling of unfairness and also impact of the delivery of savings.

<b>Overtime</b>	Overtime reduction	This is a good suggestion. The Strategic Leadership Team (SLT) and Chief Officer Group (COG) have already been tasked with scrutinising the use of overtime. This suggestion will be passed to all the Strategic/Assistant Directors as we still have a gap in our budget for 2023/24 of c.£7m and so the Director can consider if there are any further reductions that could be achieved. Overtime spend is one off expenditure though and is not recurring so any reduction is cost avoidance.
<b>Variable Payments</b>	Review Market Force Supplements	This is a good suggestion and one which is already proposed for review in 2024/25 as part of this year budget planning. A significant savings target has already been put in place for a review of MFSs for 2024/25 (£0.3m) and 25/26 (£0.95m) onwards. The review of MFSs do not mitigate the other areas under the case for change.
<b>Replace residual waste bins (smaller)</b>	Replacing residual waste bins for smaller ones	This would not result in an immediate saving as it would require initial investment. However, there does remain a c.£7m gap in our budget for 2023/24 and so it would be sensible to review this again based on the comments made. Whilst this would potentially provide a saving it would not mitigate the case for change in full for these proposals including addressing the perceived unfairness and diminished reasons for continuing the approach of working 37 hours in a 35 hour non-exempt post.
<b>Non-household waste</b>	Charging for non-household waste at Household Recycling Centres and introduce booking system	This is a good suggestion. This will be passed to the relevant strategic director for consideration as there remains a c.£7m gap in our budget for 2023/24 and so it would be sensible to review this again based on the comments made. Whilst this would potentially provide a saving it would not mitigate the case for change in full for these proposals including addressing the perceived unfairness and diminished reasons for continuing the approach of working 37 hours in a 35 hour non-exempt post.