

**REPORT REGARDING WALTHAM FOREST COUNCIL'S PROPOSALS TO
CHANGE THE PAY, TERMS AND CONDITIONS OF EMPLOYEES FOR
BRANCH MEETING ON 29TH SEPTEMBER 2011**

This report follows on from our formal dispute meeting with the Regional Joint Secretaries and our meetings of 1st and 12th September.

Both of those meetings reiterated the branch's wish to undertake a campaign of industrial action to progress our dispute with the Council.

Our Regional Office have informed us that they are not prepared to sanction a ballot:

1. Because the indicative ballot had a low turn-out that did not warrant a formal ballot being instituted and
2. All efforts at UNISON are now focused on the national pensions dispute and therefore no local ballots will be sanctioned.

We do therefore need to consider a branch response.

Furthermore, members are now receiving the voluntary variation of contract documents for agreement. We are calling on all members and non-members **not** to sign at this time. This is a voluntary offer of a new contract. There is no pressure on anyone's employment at the present time.

Some issues have been raised and we have written to Regional Office regarding:

1. Does this variation letter constitute a unilateral change of contract and is it therefore illegal? If so, can we obtain an injunction. Can we get a definitive legal view on the legality of the employers position?
2. The letters of variation were dated 19th September. That is a lie – they were sent out from the Town Hall from Friday 26th September. Members believe they should have 4 weeks' notice and they are being short changed. Is there any minimum legal notice on this voluntary sign up party of the process?
3. The letters do not contain the details of individual losses. Should they?
4. The letters say nothing about the changes to Car User Allowance. Should members raise it or should we wait and just claim a breach of contract should they implement the changes to car user allowance later?
5. The Council have always said in consultation that the incremental pay freeze will be for two years. However, the variation document states that there will be no incremental rises until 2015 at the earliest. This is a 3 year period. Can we do anything about that?
6. Is there any challenge we can make about the disproportionate impact on women, BME workers and the low paid?
7. Is there anything we can do about the fact that the Council here are providing new grades for Chief Officers that will provide potential future earnings increases of up to £20,000 a year whilst at the same time cutting the salaries of low paid staff by varying amounts up to £7,000?

Report to previous branch meeting

I include this in today's papers for members who could not attend last time and to ensure that we all have an up to date report on where we have got to.

We have always stated that we are not prepared to negotiate on any proposals that will take Waltham Forest out of national agreements. This includes:

Sick Pay – this is covered by Part 2 paragraph 10 of the National Agreement.

Car Allowances – these are covered by Part 2 paragraph 12 of the National Agreement.

Incremental Pay Freeze – this is covered by Part 2 paragraph 5 of the National Agreement..

However, with regard to these items the current position is:

Sick Pay: During the Joint Secretaries meeting on 8th September management offered to “park” these proposals. They said that they still need to save the target amount from the sick pay scheme but felt it might be possible to review the local sickness management arrangements and make savings through better local management of the scheme. The UNISON Regional Head of Local Government recommended that we accept the invitation to form a working party with management to identify how the scheme will meet its targets. So, for the moment, this item is now off the agenda.

Car Allowances: We argued that many Council jobs benefit from staff using their vehicles at work. It is absolutely essential for some operational staff such as the Meals on wheels Delivery Assistants, Social Workers and Highways workers. The proposed massive reductions will mean that workers will not be adequately compensated for using their cars at work and will face actually incurring financial losses for essential car use. Staff may elect not to use their cars and this will cause problems for the delivery of Council services. It will also mean more claims for public transport and taxi fares. It is our view that the savings predicted will not be achieved and Council services will be adversely affected. There may also be insurance problems as essential car user allowance was paid on the basis that staff had fully comprehensive business use cover. The Joint Secretaries both ruled that this is a matter that can be negotiated as a local level without breaching the National Agreement.

Incremental Pay Freeze: This will lead to individual employees being paid different rates for doing the same job and could potentially make the Council vulnerable to equal pay claims. It will also disproportionately impact on newer employees and those recently promoted or upgraded via Single Status. The Joint Secretaries could not agree whether this item was covered by Part 2 of the National Agreement so it will be referred up to the National Joint Council. Unfortunately this does not mean that the implementation will be slowed down.

The following items that we wish to see withdrawn were discussed but no progress was made. This is the case we put to the Joint Secretaries and the Council's Staffing Committee:

Premium Payments: UNISON disputes the rationale behind these proposals which the Council seeks to justify behind an argument that we now live in a 24/7 society. Though there are some services that do indeed operate on that premise it is still the case that most working families still get to spend time together at weekends. Schools do not work 24/7 and working parents do need time with their children. The Council should be seeking to support parents in spending time with their children – a subject that has become increasingly important as the nation reflects on the recent riots.

However, the Council does run services that do require 24/7 attention and the staff who carry out those services should be properly compensated for the leisure and family time that they have to forego in order to provide those services. It is also true to say that these services are generally provided for by lower paid employees for whom the loss of premium payments will mean loss of income, potentially the inability to pay bills and keep up mortgage payments which could result in a spiral of poverty for these Council employees.

The Council's proposals all fall outside the provisions of the National Agreement Part 3. We acknowledge that these items can be negotiated locally, but at the time of signing the National Agreement it was envisaged that these national provisions could be improved upon. It was understood that the National Agreement provided a base line from which these premium payments would be made. They were designed to compensate lower paid workers in operational jobs which required them to work unsocial hours, weekends, occasional overtime and to provide standby for services that require it. These are the workers that the Council has chosen to hit with swingeing pay cuts.

UNISON argues that this is unfair. Lower paid public sector workers did not cause the country's current financial plight, but they are being asked to pay more than their fair share in supposedly putting it right.

Weekend Enhancements: These payments are generally only made to staff who are paid at Scale 6 or below as per Part 3 of the National Agreement. This is a benefit paid to staff in lower paid jobs whose duties mean that they have to work at weekends. These include residential care workers, home care workers, facilities management staff, library workers and WFD staff. All are front line workers carrying out essential jobs for the Council.

The Council aim to abolish this benefit completely and leave these workers out of pocket to save £497,000. The burden of this saving will fall on 425 employees, 372 of whom are graded at Scale 6 and below, that's 86.6% of all those affected. This clearly is a disproportionate impact on our lowest paid members and if evenly shared would mean a loss of £1,169 per annum each.

It also impacts disproportionately on women who make up 78.1% of those affected and on BME staff who make up 57.9% of those affected.

Standby Payments: The Council propose to abolish these payments. Standby payments are currently made to 126 staff, 40.5% of whom are scale 6 and below. These payments are made so that staff remain available for work outside of normal working hours and include Environmental Health, Noise Officers, Highways workers

who clean up after accidents and incidents in Waltham Forest, Facilities Management (the porters and security staff for Council premises), Homelessness Workers, Building Control and Home Care. The Council aims to save £182,000. Again, if this were distributed evenly across the workforce that is affected then each employee would lose £1,444.

The abolition of this payment will have knock on effects. If the Council lose the goodwill of staff how will a standby rota be maintained in these services? It could mean that emergency work will require the use of agency staff or external organisations who will charge fees. Will these be more or less than the Council pays under the current stand by system?

Overtime: The Council aims to save £227,000 by reducing overtime payments to plain time rates only. Again this has a disproportionate impact on lower paid staff who make up 64.2% of those affected. This is not surprising as the National Agreement provides enhanced overtime rates to staff at Scale 6 and below.

In total 293 staff are affected, which means that each employee would lose £775 each if the loss were to be evenly distributed.

The Council also plan to withdraw the one day time off in lieu agreement for workers who work Bank Holidays. Currently an employee who works Christmas Day would receive overtime at double time rate and would get a day off in lieu in line with the National Agreement provisions in part 3.

Overtime is mainly paid to residential care, home care, environmental health, catering, early years, Facilities management, parking, benefits, committee services library and WFD workers. Nearly all of these jobs are front line, operational jobs. Again it is the same staff suffering the burden of the bill and there is a disproportionate impact on BME employees, who make up 51.9% of those affected.

Overtime is also voluntary. UNISON believes that staff will not be so willing to do overtime when it is only paid at plain time rate. However, the work will still need to be done. We believe extra costs will be encountered as the Council is forced to bring in agencies and external organisations to cover work previously covered by overtime.

Shift and Shift Leader Allowance: The Council aim to save £163,000 by abolishing this payment. A total of 99 staff are affected, 70.7% of them are women; 64.6% are BME and they would each lose in the region of £1,646 if the impact were distributed evenly between all those affected.

The purpose of these payments is to ensure clear lines of responsibility are maintained when management staff are not on duty and to compensate staff who have to work irregular, non-standard patterns of working hours that are not covered by other premium payments. Again it is residential and home care workers, library staff, WFD workers and environmental health that take the brunt of these savings.

Unsocial Hours Payments: These are paid to 5 staff in Children's Services and Environmental Health Directorates. They are all graded at Scale 6 or below and the Council anticipate savings of £2,000.

The abolition of premium payments directly and disproportionately affects front line operational staff who are lower paid (72.8% of those affected are paid at Scale 6 and below), BME (54.1%) and female (67.4%). The proposals will widen the pay gap of the Council, especially when these proposals are compared to the Council's proposals to increase the earnings potential of its senior, highly paid staff.

It should also be noted that the Council intends to implement all these proposals for non-teaching support staff in schools. The Council's school workforce is largely women and the vast majority are on grades below Scale 6. Unfortunately the Council cannot provide data on the pay of its employees working in schools. It is also unable to provide an equality impact assessment. So these staff cannot be included in any analysis. The cuts to pay and conditions to staff in schools will contribute nothing to the savings target of the Council and as such UNISON argues that school staff should not be threatened with these cuts and dismissal if they do not accept them.

Proposals for Changes to Non Pay Related Terms and Conditions

UNISON also put forward our case pointing out that none of these savings contribute to the Council's savings targets. UNISON has no equality impact information in relation to them. It is the trade unions' view that they should play no part in these negotiations as they do not make any cashable savings.

The proposals include:

Special Leave:

Funeral and Bereavement Leave: Employees will no longer be able to access special leave for the funeral or death of an uncle, aunt, niece or nephew. It is unclear what access to special leave would be granted to employees suffering the loss of in-laws.

Arranging A Funeral: Special Leave of 5 days was provided by the Council but it is now to be reduced to 3 days.

These changes are hard to understand and demonstrate that the employer wants to provide less support to employees than it used to.

Candidate for Parliament Election: This is being reduced from 20 days unpaid leave to 5 days.

Medical Appointments: Paid time off of one hour for appointments that the Council decrees as being within the employee's control is to be scrapped. Again it would simply seem to underline the Council's desire to provide less support to its employees.

JP or other Public Body: This was up to 18 days paid leave and is to be reduced to 12. Given that the Council appears to be looking at voluntary service to maintain some of its current functions, it appears inconsistent that it should reduce the time available to its own employees to volunteer for public duties.

Special Leave for Public Duty: This was 20 days paid leave and is being reduced to 12. Again, this appears to show some inconsistency in approach for the Council.

Special Leave for Personal or Family reasons including sick dependant, Dependant Medical Appointment and Medical Support Leave: Currently special leave arrangements provide for 5 days full pay and 15 days at half pay so that employees can meet their family responsibilities. For a Council that believes in work/family balance it does appear strange that this leave should be reduced to just 5 days at half pay per year in total, especially when the proposal contributes nothing to the savings target.

Overall the changes to special leave appear to be designed to make life more difficult for employees who are already suffering a pay freeze, staffing reductions, larger workloads and increasing stress at work. They offer nothing to the savings and can only be seen as unnecessary and punitive by the majority of the workforce.

Definition of Night Work:

The national Agreement defines night work as work taking place between 8pm and 6am. The proposal aims to cut that period by 2 hours so that night work begins at 10pm. This will once again impact on lower paid operational workers – the same staff that are hit so badly by the premium payments abolition.

Other Changes To The Employment Contract:

Place of Work: UNISON is concerned at this proposal at this time because we know that the Council are planning to enter into shared service arrangements with other authorities. The unions fear that the Council will expect staff to travel beyond Waltham Forest boundaries in the future without any financial support for additional fares and journey times.

Salary deductions: since the arrival of HCM we appear to have witnessed an increase in the frequency of overpayments. It appears that the Council is going to be admitting to the possibility of overpayments in the contracts that it offers to potential new employees. Again, we see that as providing another reason (even if it is only a small one) to decide not to work for Waltham Forest.

Incremental progression: UNISON views this as a breach of the National Agreement and as such regards it as unacceptable.

Retention Payments: Waltham Forest currently pays £1,000 twice a year to its front line social workers. Even so we are having to rely heavily on agency workers in Child Protection and the ceasing of these payments will only exacerbate these problems.

Lunch Breaks and Start/Finish Times: This seems a little pointless as the Working Time Regulations stipulate that breaks have to occur at certain intervals and it does away with the principal of core hours.

Job Evaluation: The Council propose that the method by which jobs are evaluated will be at the Council's discretion and may be changed on reasonable notice. At present this Council has clear joint job evaluation arrangements and is one area where unions and management work in partnership. This proposal, UNISON believes, will be used to further widen the pay gap as the Hay Scheme will be brought in to increase management and professional staff salaries. This is the scheme they currently use for Chief Officers and they even use Hay consultants to evaluate senior jobs. They would presumably be using such consultants to carry out evaluations in the future at an increased cost to the Council.

So, the Joint Secretaries meeting has not resolved our issues with the Council proposals though we can look back and say that we have achieved the withdrawal of across the board pay cuts, the cuts annual leave and the de-recognition of continuous service for new Council employees and the "parking" of the changes to sick pay.

However, what is left on the table is still unacceptable for all the reasons outlined above.