

Manchester City Council Report for Resolution

Report to: Personnel Committee – 19 December 2019

Subject: Adoption of Greater Manchester Continuous Service Protocol

Report of: The Chief Executive

Summary

To review Manchester City Council's position relating to the adoption of the Greater Manchester Continuity of Service Protocol in support of the continuing further integration of health and social care working, and the attraction of quality candidates to roles within the city.

Recommendations

The Personnel Committee is asked to:

1. Approve the full adoption of the Greater Manchester Continuity of Service Protocol for relevant new starters with effect from 1st January 2020.
2. Note that the below affected policies will be updated to reflect the agreed position.
 - Annual Leave Policy
 - Recruitment & Selection Policy
 - Contractual sick pay
 - Pay policy statement
 - Voluntary severance.
 - Maternity Policy
 - Paternity Policy
 - Maternity Support Policy
 - Shared Parental Leave Policy

Wards Affected: All

Financial implications for the revenue and / or capital budget

If an individual whose service MCC has recognised as part of the GM protocol were to be made redundant, then there would be increased costs on the revenue budget associated with the recognised service. Risks in this regard are deemed to be currently low.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers overleaf.

Personnel Committee 30 May 2018 - Greater Manchester Continuity of Service Protocol

1.0 Background

- 1.1 The GM Continuity of Service Protocol (the Protocol) was developed by the Greater Manchester Workforce Engagement Board (GM WEB) during 2017 and was subsequently endorsed by the Greater Manchester Combined Authority (GMCA) and Greater Manchester Health and Social Care Partnership (GMHSCP). The purpose of the commitment was to provide a collective commitment to, and common framework for, recognition of continuity of service for the purposes of access to contractual benefits. Its principal aim is to support and encourage recruitment and retention of staff within the GM Health and Social Care system, thereby helping to minimise gaps in workforce and avoid delays and costs of recruitment into core services.
- 1.2 The Personnel Committee considered a report relating to the potential adoption of the Protocol at its meeting of 30th May 2018. The Protocol is attached for reference at Appendix 1.
- 1.3 At that meeting it was agreed that the Council would adopt the Protocol on a discretionary basis to allow continuity of service (across in scope organisations) for individuals in respect of service-based workforce terms, conditions and policies to support flexibility of movement and/or recruitment to difficult to fill posts.
- 1.4 In this regard the Committee also granted delegated authority to apply the Protocol on a discretionary basis to the Director of HROD in conjunction with the relevant Strategic Director. Delegated authority was also granted to the City Treasurer in consultation with the Executive Member for Finance and Human Resources to determine discretionary payments for redundancy in appropriate cases.

2.0 Scope of Continuity of Service Protocol

- 2.1 Statutory continuity of service, used for the purposes of determining access to statutory entitlements (including statutory redundancy pay), is clearly outside the scope of the Protocol as are pension arrangements. However, contractual continuity of service which determines access to a number of contractual benefits (including contractual redundancy pay, annual leave and occupational sick pay entitlement) is within scope. Recognition of contractual continuity of service is generally already accepted by employers on a sector-specific basis, and already applies in the cases of voluntary moves between local authority organisations and voluntary moves between NHS organisations.
- 2.2 It is also important to note that continuity of services is protected by law in the case of compulsory moves between organisations under the terms of TUPE legislation.

3.0 Current Implementation Position across GM and in the Manchester Locality

- 3.1 In line with the MCC decision, the Protocol was also not immediately adopted by public sector health and social care employers in the rest of the Manchester Locality (primarily Manchester Foundation Trust and Manchester Clinical Commissioning Group). This was mainly due to uncertainty and concerns about the transfer of financial risks, particularly those associated with accrued service costs in the event of redundancy. It was also noted at that time that the Protocol was not being uniformly applied across all local authority and NHS employers within GM, with a minority of employers choosing to exclude contractual redundancy rights from the scope of their locally agreed implementation protocols.
- 3.2 Whilst the Protocol was not immediately adopted, Manchester Locality employers have continued to accept the principle of voluntary recognition of previous services on a case by case basis.
- 3.3 The absence of agreement to the Protocol in Manchester has been subject to a number of discussions within the Manchester Locality Workforce Transformation Group (LWTG) and Manchester Workforce Engagement Forum (WEF), and also through other informal meetings.
- 3.4 Increasing concerns have been voiced by trade union representatives at the Manchester WEF about the lack of a consistent position across Manchester and the failure to 'sign-up' fully to the Protocol by major employers. In response to these concerns, the Chair of the Manchester Workforce Engagement Forum met with employer and trade union representatives of the GM WEB in February 2019 and agreed the following steps.
- GMHSCP would undertake an impact assessment of the Protocol as adopted by local authority and NHS employers across GM and report back to Manchester LWTG.
 - Manchester LWTG would complete a risk assessment based analysis of actual redundancies over preceding 12 months or potential future redundancies.
 - Manchester LWTG to agree a recommendation to be made to individual employing organisations in the Manchester Locality to adopt a collective position on the full adoption of the Protocol (subject to the outcomes of the above analysis).
- 3.5 This analysis has now been completed and whilst it remains the case that some variation still exists in how the Protocol has been adopted in different localities across GM, it is clear that (outside the Manchester locality) the Commitment has been fully adopted by both local authority and NHS employers in the majority of localities and partially adopted in the remaining minority of other localities. Furthermore, no information has been provided by local authority or NHS employers to indicate any recent or potential future

redundancies in the Manchester locality. Therefore, the risks associated with transferring redundancy cost liabilities between organisations are considered to be very low, particularly when viewed alongside the increased opportunities that the Protocol offers to employers in identifying suitable employment across organisational boundaries should redundancy situations materialise in future.

Clearly this risk would increase if MCC needed to introduce a voluntary severance or retirement scheme at any point in the future - and if there were to be a significant rise in those moving between sectors.

- 3.6 It is important to note that the Continuity of Service Protocol has also now been incorporated as a key pillar of the new Greater Manchester Employment Charter, which has recently been developed by the GM Mayor's Office, and is currently being considered for adoption by local authority and NHS employers across GM.

4.0 Current view of the Locality Workforce Transformation Group

- 4.1 At their meeting on 30th August 2019 the Manchester LWTG reviewed the above position and agreed that the timing was now appropriate to recommend full adoption of the GM Continuity of Service Protocol to their respective organisations - not only because the risks appear minimal but because this is the right thing to do in support of the further integration of health and social care working. It will also be the increasing expectation of candidates that this is the case, and we need to be in a position to attract the best from the market.
- 4.2 MFT and Manchester CCG are now moving the proposed adoption through their respective governance processes with the aim to have an aligned effective date of 1st January 2020. The adoption of the protocol by MCC is not proposed to be dependant on approval within partner organisations as it is the right thing for MCC to do at this time and this will mean that all local authorities with GM are signed up and will not place us at a disadvantage as an employer of choice.

5.0 Recommendations

- 5.1 The Personnel Committee is asked to:
- Approve the full adoption of the Greater Manchester Continuity of Service Protocol within Manchester City Council for relevant new starters with effect from 1st January 2020
 - Note that the following affected policies will be updated to reflect the agreed position:
 - Annual Leave Policy
 - Recruitment & Selection Policy
 - Contractual sick pay
 - Pay policy statement
 - Voluntary severance.

- Maternity Policy
- Paternity Policy
- Maternity Support Policy
- Shared Parental Leave Policy

6.0 Comments of the Interim Director of HROD

I fully support the adoption of the GM Continuous Service protocol to ensure Manchester City Council can attract the best market candidates, and to directly contribute to the further transformation and integration of health and social care within the locality.

7.0 Comments of the Trade Unions

To follow.