

GREATER MANCHESTER CONTINUITY OF SERVICE COMMITMENT

INTRODUCTION

The Greater Manchester Combined Authority and Health and Social Care Partnership Board agreed a GM commitment for Joint Working on Workforce Matters in December 2015.

This commitment recognises that staff play a vital role in the delivery of high quality public services and that high quality employment in public services plays a vital role in the functioning of the Greater Manchester economy and society.

Flexibility of employment across public services is an ambition shared by the organisations and recognised trade unions. Portability of accrued service is a key consideration for employees which must be addressed to secure such flexibility.

There is no reason in law why an employer cannot introduce express terms into its contracts of employment, or do so by means of a change of policy, which are more advantageous than the statutory rights already afforded to its employees, provided it ensures those terms are applied fairly and in accordance with its equalities duty. What it cannot do is seek to limit or take away those rights except in the most exceptional of justified circumstances or where permitted by law.

A public body must also ensure its rationale for such action makes economic, social and environmental sense for them and their communities, and is of benefit to the public purse.

Any change in terms and conditions of employment to employees of a public body would be subject to consultation.

PURPOSE

As a first step this commitment provides a mechanism for recognition of service where an individual employed within local government or the NHS in GM moves employment between those sectors on a voluntary basis.

Adoption of the commitment by the GM local authorities, GMCA and NHS organisations would be voluntary and would be a decision for each individual organisation within their respective governance arrangements.

This commitment applies to the employers listed below and does not seek to extend such an agreement to the wider employer group comprising commissioned providers e.g. third sector parties, at this point in time.

Supporting organisations

Sector	Full adoption	Partial adoption
GM Local Authorities	Bolton Bury Oldham Rochdale Salford Stockport Tameside Trafford Wigan	Manchester
Association of GM CCGs	NHS Bolton CCG NHS Bury CCG NHS Heywood, Middleton and Rochdale CCG NHS Oldham CCG NHS Salford CCG NHS Stockport CCG NHS Tameside and Glossop CCG NHS Trafford CCG NHS Wigan Borough CCG	NHS Manchester CCG
GM NHS Provider Trusts	Bolton NHS FT Greater Manchester Mental Health NHS FT Pennine Acute Hospitals NHS Trust Pennine Care NHS FT Salford Royal NHS FT Stockport NHS FT Tameside and Glossop Integrated Care NHS FT The Christie NHS FT Wrightington, Wigan and Leigh NHS FT	Manchester University NHS FT
Additional Public Service Organisations	GM Health & Social Care Partnership Transport for Greater Manchester Greater Manchester Combined Authority (including GMFRS and GM Waste)	

The accrued service will be used for the calculation of contractual entitlements in accordance with the policies and terms and conditions of the relevant participating employer, except where statute does not permit.

This commitment does not apply to pension arrangements.

DEFINING CONTINUITY OF SERVICE

The calculation of an employee's "continuous service" and/or "reckonable service" is extremely important in determining the qualification for and value of 'time served' entitlements.

It determines access to statutory entitlements such as making a claim for unfair

dismissal at an Employment Tribunal and the application of the statutory redundancy scheme. However, continuous service recognised through this commitment will not be taken into account when determining service for unfair dismissal or statutory redundancy. The recognition of continuous service within this commitment will determine access and value of contractual entitlements such as annual leave, occupational sick pay, occupational maternity pay and contractual severance schemes. Individual employers can decide how their contractual entitlements will be applied.

BENEFITS OF RECOGNISING CONTINUITY OF SERVICE

The benefits of a flexible workforce, facilitated by the adoption of this commitment, are summarised below: -

- Having a geographically and organisationally mobile workforce at a GM level will benefit both organisations and individuals. Employee movement within and between these organisations flexibly can help movement of staff into priority areas ensuring delivery at local level.
- A flexible GM workforce will strengthen cross organisational cultural understanding, enhance professional links and increase partnership working. Learning best practice from each other can only improve the totality of approaches adopted individually by each organisation.
- Employees, in turn, gain opportunities for personal and professional growth which can enhance their career opportunities. This increases staff morale and a motivated workforce, within a potentially shrinking public services sector, which is critical in delivering the challenges of devolution.
- A flexible workforce could support the deployment of staff across sectors during periods of organisational downsizing and service redesigns, increase GM ability to attract and retain staff with specialist skills and improve workforce and succession planning on a wider scale.
- Organisations can cut staff turnover costs and fill specialist roles more easily e.g. social workers moving from local authorities into local integrated care organisations under the NHS.
- Organisations can save on redundancy costs as there would be a wider pool of reasonable, suitable redeployment opportunities.
- Staff with cross-sectoral experience and understanding are essential for delivering new transformed services and redesigned roles in integrated services. The easy movement of staff between the NHS and local authorities will increasingly be needed going forward. A flexible workforce will aid the development of a shared language to describe capabilities required in all roles, with accompanying tools and resources.

CHANGES TO EMPLOYER POLICIES

Organisations who are party to this commitment may need to make amendments to their local employment policies and procedures in respect of entitlement for contractual purposes.

Local Authorities will need to amend their policies in respect of application of the 2006 Discretionary Compensation Regulations to incorporate recognition of

continuous service with NHS bodies and others party to this commitment. Reference may also be included in the annual Pay Policy Statement.

NHS organisations party to this commitment have some flexibilities in national agreements and to act outside the national agreements if they opt to do so. The test must always be one of 'acting reasonably' in relation to resources/ and the use of public money.

CONCLUSION

This commitment marks a significant step for Greater Manchester in achieving reform of public services. A competent, engaged workforce is a key enabler to successful reform and it is important to facilitate not only retention of skills and knowledge but to ensure that the sector is seen as attractive and rewarding to future generations.

The commitment applies in the first instance to the voluntary movement of employees between local government/identified public sector bodies and NHS employers as a proof of concept. The Greater Manchester Workforce Engagement Board will monitor the application and success of this commitment and will make recommendations for any further revisions as appropriate.