

URGENT DECISION FORM



TO BE UPLOADED ON TO THE INTERNET BY DEMOCRATIC SERVICES



Date: 20th April 2020	Ref No:
Type of Decision:	
Cabinet Decision <div style="border: 1px solid black; width: 150px; height: 25px; margin-top: 5px;"></div>	Council Decision <div style="border: 1px solid black; width: 150px; height: 25px; margin-top: 5px; text-align: center;">x</div>
Key <div style="border: 1px solid black; width: 150px; height: 25px; margin-top: 5px;"></div>	Non-Key <div style="border: 1px solid black; width: 150px; height: 25px; margin-top: 5px;"></div>
Subject matter: <ol style="list-style-type: none"> 1. Payment Arrangements for agency/casual/supply staff during the Coronavirus crisis who cannot work due to reasons related to the crisis 2. Furlough Arrangements for staff employed by education services/schools with income arrangements, where income arrangements fall short of salary costs due to the crisis (for example before/after school clubs, adult learning tutors). 	
Reason for Urgency: <ol style="list-style-type: none"> 1. To agree pay arrangements for staff affected in order to provide reassurance and ensure no periods of nil pay where appropriate to pay 2. To agree to schools/other education services being able to use the Furlough scheme in situations where the salary costs for staff employed by the school/service cannot be met due to a shortfall in income due to the crisis 	
Equality Impact Assessment [Does this decision change policy, procedure or working practice or negatively impact on a group of people? If yes – complete EIA and summarise issues identified and recommendations – forward EIA to Corporate HR]	This decision will have a positive impact for all staff affected

Decision taken:**1. Payment arrangements to be as follows:**

- Agency Workers through the REED contract where; the role is no longer required due to the closure of the workplace, there is a change in demand due to Covid-19, the worker is self-isolating or the worker is vulnerable and unable to work - to be paid 80% of pay to the end of their current assignment
- Agency Workers through any other contract – to be paid in accordance with the REED arrangements – 80% of pay
- Casual Workers employed by the Council through ACES, CYP Supply, Supply Teachers Register - Regular casual workers should continue to be paid; Regular workers will be those who have worked over the last 12 weeks (January to March 2020), have been paid 2 out of the 3 months, and are still available to work; Payment will be their usual pay or an average over the 12 weeks if hours of work fluctuate.

2. Furlough Arrangements for staff employed by schools in Before/After School Clubs:

If education services/schools employ staff and rely on income to cover staff costs and due to Covid-19 the income does not cover these costs then the service/schools may Furlough staff affected providing they can demonstrate that the private income they receive is not sufficient to cover the staff costs (eg before and after schools clubs and adult learning).

	Signature:	Date:
Chief/Senior Officer/Cabinet Chair		22.4.2020
After consultation with:		
Cabinet Member (if a Key Decision) or Chair or Lead Member (as appropriate)		22.4.2020
If it is a Key Decision, the Chair of Scrutiny Committee to agree that the decision cannot be deferred	Not required	
Opposition Leader or nominated spokesperson (Council Decision) or Leader or Majority Group Member on Overview and Scrutiny Committee (if a Key Decision) to agree that the decision cannot be deferred	Councillor N Jones Consulted	23.4.2020
Leader of second largest Opposition Group (if a Key/Council Decision) to agree that the decision cannot be deferred	Councillor T Pickstone Consulted	23.4.2020

NB although not a requirement of the constitution Councillor James Mason, Leader of Radcliffe First was also consulted.

1.0 Background

Payment arrangements:

- The Council employs Agency Workers through REED, who were procured through the Greater Manchester collaboration contract arrangements.
- The Council also has its own arrangements in place for casual/supply staff through Bury ACES, CYP Supply and Supply Teachers Registers. These staff are employed by the Council, albeit on zero hour's contracts, and are our employees. Many have worked continuously for long periods of time and will have employment rights. Some will have been linked to a particular service/school, others may work across services/at different schools.
- Arrangements need to be agreed and put in place to ensure these agency workers and casual/supply staff working regularly receive appropriate payments if unable to work due to the COVID-19 crisis due to a number of different reasons including:
 - the role being no longer required
 - the closure of the workplace and the inability for the worker to work from home
 - a change in demand
 - the worker is required to self-isolate and is unable to work from home
 - the worker is vulnerable and is unable to work from home
- This will ensure they are not disadvantaged in that their otherwise regular income stops, having a concerning effect on people's lives at this already very difficult time.
- These arrangements would not apply to agency workers or casual/supply staff whose assignments end for another reason; or adhoc casual/supply staff that have not worked regularly.

Furlough arrangements:

- The Government's Coronavirus Job Retention Scheme (CJRS) is designed to support employers whose operations have been severely affected by Covid-19 by providing them with a grant to help them to continue paying part of their employees' wages who would otherwise have been laid off during this outbreak. The scheme will ensure furloughed staff receive up to 80% of their usual monthly wage costs, up to £2,500 a month, plus the associated Employer National Insurance contribution and minimum automatic enrolment employer pension contribution on that wage.
- The scheme is available to all UK employers, including charities, which had created and started a PAYE payroll scheme by 28 February 2020 although the government expects that the scheme will **not** be used by many public sector organisations, as most public sector employees are continuing to provide essential public services or contribute to the response to the covid-19 outbreak.
- Where employers receive public funding for staff costs, and that funding is continuing, employers are expected to use that money to continue to pay staff in the usual fashion – and correspondingly not furlough them.

- The Government have issued new guidance around financial support for education, early years and children's social care including a provision for some education services/schools to use the Furlough scheme where:
 - Staff are employed by the school/council
 - The school/service relies on private income (eg from parents/learners) to cover staff costs
 - Due to the COVID-19 crisis income does not cover staff costs
 - The school/service is able to demonstrate the shortfall in income against staff costs

2.0 Proposed Actions

- Agency Workers on assignments through REED who, as a result of the Covid-19 crisis, have been unable to complete those assignments be paid in accordance with the arrangements agreed with REED through the GM Contract - if there is no other available work then workers will be paid 80% of their usual pay to the end of their current assignment.
- Agency Workers obtained through any other contract (including those contracts with agencies entered into directly by schools) to be paid in accordance with the REED arrangements – 80% of pay. Council/School contact to liaise with the agency.
- The payment at the rate of 80% of usual pay is the rate recommended by the Government Cabinet Office.
- Casual Workers employed by the Council through ACES, CYP Supply, Supply Teachers Register who work regularly should continue to be paid - Regular workers will be those who have worked over the last 12 weeks (January to March 2020), have been paid 2 out of the 3 months, and are still available to work. Payment will be their usual pay or an average over the 12 weeks if hours of work fluctuate.
- Should education services/schools employ staff (for example in before/after school clubs, adult tutors) and they are unable to cover staff costs due to a reduction in private income the service/school can apply to the CJRS to furlough any affected staff. Salary payments would continue, however, the service/school would claim back upto 80% of the staff costs.

3.0 Alternative Options

- 3.1 The alternative option would be not to pay casual/supply staff. This would most likely lead to grievances being raised as staff would be disadvantaged and this could lead to financial hardship.
- 3.2 To advise relevant services/schools not to use the CJRS where listed above and absorb the additional costs.

4.0 Financial implications

- 4.1 The approximate costs over 3 months of making payments to supply/casual staff that usually work, are unable to work and are arranged through our corporate casual/supply arrangements is £235,079:
 - CYP Supply:
 - Teachers/Teaching Assistants/Mid-day Supervisors/Admin
31 staff – £57037
 - Council wide supply through Bury ACES:

- leisure – 45 staff – £156,520
- catering assistants – 20 staff – £4324
- other Bury ACES - 32 staff - £17198

- 4.2 For schools/services that decide to use the Furlough scheme for before/after school clubs the financial risk will sit with them in that any salaries of staff furloughed will be charged to the schools budgets and schools will be able to claim the cost of this back following the Government funding support for schools route and criteria.

5.0 Legal implications

- 5.1 Agency Workers Regulations require fair treatment.
- 5.2 Casual/Supply staff are classed as being employed by the Council and therefore should not be treated differently to permanent/temporary staff.
- 5.3 Once agreed, these arrangements will be discussed with the Branch Secretary of UNISON/Trades Union Convenor.

6.0 Associated Risks

- 6.1 As at 3.1, 3.2, section 4 and section 5.

7.0 Conclusion

- 7.1 These are exceptional times and a decision on the above is required as soon as possible.

Report Author: Caroline Schofield
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 Date: 20th April 2020