

<b>Classification</b>	<b>Item No.</b>
Open	

<b>Meeting:</b>	Employment Panel
<b>Meeting date:</b>	24 <sup>th</sup> January 2023
<b>Title of report:</b>	National Joint Council for Local Government Services (Green Book) Pay Award - Additional Days Leave and Removal of SCP1
<b>Report by:</b>	Cllr. Tahir Rafiq, Cabinet Member for HR & Corporate Affairs
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

**Executive Summary:**

As part of agreement of the 2021/22 pay award for NJC (Green Book) staff, annual leave will increase by 1 day for all staff under these terms and conditions from 1st April 2023. Current entitlement is a basic leave entitlement of 23 days, plus 2 extra statutory days and 1 floating day, plus 5 additional days for 5 years' service.

In addition as part of the pay award spinal column point (SCP) 1 on the pay spine is to be deleted with effect from 1<sup>st</sup> April 2023.

The NJC collective agreement only directly applies to Green Book staff, however the inclusion of a 'not less favorable' clause within some other terms and conditions of employment means that leave allocations for these staff groups have also been reviewed.

This report makes recommendations for staff covering all non-teaching terms and conditions.

**Recommendation(s)**

That the Employment Panel agree the changes to leave entitlements set out within this report and note the proposed approach to the deletion of SCP 1 with effect from 1 April 2023.

## Key considerations:

### 1. Holiday Entitlement

- 1.1 To reflect the nationally agreed pay award, staff employed under NJC terms and conditions of employment will have their leave entitlement increased to a basic entitlement of 24 days, plus 2 extra statutory days, plus 1 floating, day plus 5 days for 5 years' service with effect from 1 April 2023. This change will require a minor amendment to the Council's Local Conditions of Service, details of which are appended below.
- 1.2 For NJC staff working Term Time Only, this change will see a mathematical variation to the calculation of working time to incorporate the additional days leave. As part of this change, quality assurance work will also be undertaken to ensure the consistency of Term Time Only leave calculations for staff to address some minor historical variations across Departments.
- 1.3 The Council currently employs fewer than 10 employees under craftworker terms. At a national level, the minimum annual leave entitlement for craftworkers was one day more than for employees engaged on green book terms and conditions; locally, however, green book employees and craft workers have received the same annual leave entitlement. The agreed Pay Award for craftworkers did not include any change to leave allowance. Annual leave for craftworkers will therefore remain unchanged. – Work is currently ongoing to review these roles with a view to transferring individuals onto NJC terms before April 2023. This change would ensure parity for employees.
- 1.4 14 staff are currently engaged under Solbury Terms and Conditions, under these conditions staff are entitled to receive an annual leave entitlement “no less favorable” than those on NJC terms. Locally, their annual leave entitlement has been aligned to green book staff for a number of years. The proposal is therefore to continue with this alignment from April 2023.
- 1.5 Youth Workers' nationally agreed leave entitlement is more generous than the entitlement for NJC employees, there will therefore be no change to holiday entitlement for staff under these terms and conditions.
- 1.6 Chief Officer's National Conditions of Service state an entitlement to a minimum of 30 days including additional days for long service and extra statutory days. However, current Chief Officer Contracts of Employment state a basic leave entitlement of 25 days plus 2 extra statutory days and 1 floating day plus 5 days for 5 years' service (28-33 days). To align with the nationally negotiated minimum entitlement of 30 days it is proposed to amend contracts of employment for chief officers relating to leave to state entitlement as a minimum of 30 days to include the 2 extra statutory days and 1 floating day, plus 5 days for 5 years' service. In effect this increases the leave of chief officers by 2 days.
- 1.7 Details of the proposed changes are summarised in the table below.

Employee Group	Current Leave Entitlement (plus bank holidays)		Leave Entitlement from 1 <sup>st</sup> April 2023 (plus bank holidays)	
	<i>Under 5 year service</i>	<i>Over 5 years service</i>	<i>Under 5 year service</i>	<i>Over 5 years service</i>
NJC / Green Book	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31	24 + 2 extra statutory + 1 floating day = 27	24 + 5 long service + 2 extra statutory + 1 floating day = 32
Craft / Red Book	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31
Soulbury / Blue Book	23 + 2 extra statutory + 1 floating day = 26	23 + 5 long service + 2 extra statutory + 1 floating day = 31	24 + 2 extra statutory + 1 floating day = 27	24 + 5 long service + 2 extra statutory + 1 floating day = 32
Youth & Community / Pink Book	30 + 2 extra statutory + 1 floating day	35 + 2 extra statutory + 1 floating day	30 + 2 extra statutory + 1 floating day	35 + 2 extra statutory + 1 floating day
Chief Officer	25 + 2 extra statutory + 1 floating day = 28	25 + 5 long service + 2 extra statutory + 1 floating day = 33	27 + 2 extra statutory + 1 floating day = 30	27 + 5 long service + 2 extra statutory + 1 floating day = 35

## 2. Removal of SCP1 from NJC for Pay Spine

2.1 The pay agreement for 22/23 also included the deletion of pay point 1 from the NJC pay spine with effect from 1<sup>st</sup> April 2023.

2.2 To action this change in Bury:

- The bottom grade in Bury's pay spine (Grade 1/2) which sits solely on SCP 1 will be deleted making Grade 3 (SCP 2) the lowest point of pay.
- With effect from 1<sup>st</sup> April 2023, all employees currently on Grade 1/2 (SCP1) will move to Grade 3 (SCP2)
- The Job Evaluation points for Grade 3 will be amended to 'less than 330'
- The minimum hourly rate for Council staff will be £10.60, with the intention to up-rate this to £10.90 as part of the annual Pay Policy Statement in-line with the Real Living Wage and pending agreement of the 2023/24 pay award.
- The Council's standard entry level Apprentice job description will be paid at the new Grade 3 / SCP 2 level.
- There are a very small number of staff currently paid at Grade 3 who supervise Grade 1/2 employees. These roles are currently being reviewed to ensure

proper pay differentials are retained from April and the Trade Unions are involved in this process.

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### **Community impact/links with Community Strategy**

Continued adherence to national conditions of employment is essential to ensuring positive employee relations which, in turn is key to enabling effective organisational delivery and delivery of the Community Strategy.

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### **Equality Impact and considerations:**

*Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

*A public authority must, in the exercise of its functions, have due regard to the need to -*

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

*The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
This report reflects the local application of a national agreement. There is very limited local discretion in how this is applied. Pay agreements are subject to equality analysis nationally.	

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### **Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
Legal challenge or employee relations issues	Leave or arrangements which do not align with the latest national agreement may be subject to legal challenge or result in employee relations issues.

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**Consultation:**

The proposed changes have been shared with the Trade Unions

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**Legal Implications:**

The proposals ensure that the Council's leave arrangements reflect nation guidance.

In deleting scale points 1 and 2 the Council needs to ensure that a review is carried out to ensure that the pay differentials are retained for Staff currently paid at scale point 3, legal advice and assistance will be provided.

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**Financial Implications:**

As part of the development of the 2023/24 budget, provision had already been made for paying all Council staff the real living wage of £10.90 per hour from the 1<sup>st</sup> April 2023, therefore, the abolition of the bottom scale point has minimal financial impact to the Council's budget. In relation to the additional days leave this will only have a financial impact where a service needs to provide staff to cover essential services, otherwise services are expected to manage this additional days leave within operational management of the service. The additional costs are not deemed to be significant.

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**Background papers:** None

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
NJC	National Joint Council for Local Government Services (Green Book)

## **Appendix 1 – Revisions to Conditions of Service**

### **Existing Provisions:**

Local Conditions of Service (Section 4, para 5 and 6) contain the Local Agreement on Annual Leave provision for employees covered by the NJC, but also Craft Workers.

The key relevant provisions are:

Para 4(b): The following annual leave entitlement shall be applied locally:

- (i) A basic entitlement of 23 days for employees covered by both the NJC for LG Services and Craft Workers (pro rata for part time, term time and temporary appointments).
- (ii) An award of five extra days' annual leave will be granted to employees with five years continuous local government service, inclusive of continuous service with an employer that is part of the Greater Manchester Continuous Service Commitment. This will be effective from the first of the month following the 5th anniversary of the commencement date, to be granted pro rata in the first year of implementation (e.g. if the start date was 1 May, 11/12ths of 5 days would be granted in the first year of award).

Para 5(a&b): Leave in addition to Annual Leave Three extra days to be granted locally on the following basis:-

- (a) Two days to be added to annual leave;
- (b) One day to be taken between the 20th December and 2nd January (floating day), the date thereof to be determined each year by Elected Members after consultation with the relevant Trade Unions;

### **Proposed Provisions:**

Section 4 para 4(b) to read:

Para 4(b): The following annual leave entitlement shall be applied locally:

- (i) A basic entitlement of 24 days for employees covered by the NJC for LG Services (pro rata for part time, term time and temporary appointments).

- (ii) A basic entitlement of 23 days for Craft Workers (pro rata for part time, term time and temporary appointments).
- (iii) An award of five extra days' annual leave will be granted to employees with five years continuous local government service, inclusive of continuous service with an employer that is part of the Greater Manchester Continuous Service Commitment. This will be effective from the first of the month following the 5th anniversary of the commencement date, to be granted pro rata in the first year of implementation (e.g. if the start date was 1 May, 11/12ths of 5 days would be granted in the first year of award).

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