

COMMITTEE	Finance, Policy and Resources
DATE	29 June 2017
REPORT TITLE	NHS Grampian Continuous Service
REPORT NUMBER	CG17/055
DIRECTOR	Steve Whyte
REPORT AUTHOR	David Forman/Keith Tennant
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT:-

- 1.1 To seek approval of Committee that for all new appointments, the Council will recognise continuous service accrued with NHS Grampian for the purposes of calculating entitlement to occupational sick pay, maternity, adoption and paternity pay, shared paternal leave /pay and annual leave.

2. RECOMMENDATION(S)

- 2.1 The Committee is requested to:
- a) Approve the proposal that for all new appointments, the Council recognises continuous service accrued with NHS Grampian for the purposes of calculating entitlement to occupational sick pay, maternity, adoption and paternity pay, shared paternal leave /pay and annual leave only.

3. BACKGROUND/MAIN ISSUES

- 3.1 As the Council and NHS Grampian continue to integrate health and social care services through the Aberdeen City Health and Social Care Partnership, there will be opportunity for employees within both workforces to be employed to support service delivery in the combined partnership.

All employees working in the partnership are contractually employed by either the NHS or the Council, but as services integrate and align, there may be occasions where employees may wish to apply for vacancies advertised only by the other partner organisation which results in the need to change their contractual employer.

- 3.2 NHS Grampian is not an organisation covered by The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (or the subsequent amendment Orders). As such, were someone to

move from NHS Grampian to the Council any service that they had accrued with NHS Grampian would not be recognised by the Council for the purposes of calculating entitlement to occupational sick pay, maternity, adoption, and paternity pay, shared paternal leave /pay and annual leave (or any other employment terms and conditions).

- 3.3 To ensure that the Adult Health and Social Care Partnership, in particular, can access the widest possible pool of experienced staff from both the Council and NHS Grampian, consideration should be given to recognising previous continuous accrued service with NHS Grampian in relation to what is detailed under 2.1 above, where an employee moves to the Council's employment. This would remove a potentially punitive consequence of changing employer and so aid the recruitment process by ensuring suitably skilled individuals would not be dissuaded from applying for positions due to detriment to their terms and conditions were they to be appointed. The proposal will apply to all new appointees joining the Council from NHS Grampian.
- 3.4 It should be noted that the recommendation in this report excludes the recognition of NHS Grampian service for redundancy pay purposes, as it is considered that the Council should not be responsible for accruing cost liabilities from a previous employment in respect of any possible future redundancies affecting former NHS Grampian staff. It also excludes the recognition of NHS Grampian service for all other statutory employment rights e.g. unfair dismissal.
- 3.5 It should also be noted that NHS Grampian currently recognise continuous Council service in relation to similar employment conditions where an employee of the Council is appointed to an NHS Grampian post. In addition Aberdeenshire Council and the Moray Council have opted to recognise NHS Grampian service on a similar basis to what is being proposed in this report.

4. FINANCIAL IMPLICATIONS

- 4.1 Costs associated with occupational benefits may increase as recognition of continuous service accrued with NHS Grampian could mean entitlement to occupational benefits such as sick pay from day one of employment. Any extra costs would be case dependent and so are not quantifiable.

5. LEGAL IMPLICATIONS

- 5.1 By approving the proposal employees will gain specific contractual benefits based on continuous service which they would not be entitled to otherwise.

6. MANAGEMENT OF RISK

6.1 Financial

A risk relating to the recommendation in this report is that the costs associated with occupational benefits may increase as recognition of continuous employment for NHS Grampian employees who join the Council could mean entitlement to occupational benefits such as sick pay from day

one of employment. However, it is expected that the risk of significant additional costs is low as the numbers likely to be appointed from NHS Grampian should not be significant and this should be outweighed by an increased ability to attract experienced staff.

Employee

Consideration has been given and no risk or impact was identified.

Customer / citizen

Consideration has been given and no risk or impact was identified.

Environmental

Consideration has been given and no risk or impact was identified.

Technological

Consideration has been given and no risk or impact was identified.

Legal

Consideration has been given and no risk or impact was identified.

Reputational

Consideration has been given and no risk or impact was identified.

7. IMPACT SECTION

7.1 Improving Customer Experience –

By the Council recognising continuous service accrued with NHS Grampian in respect of certain terms and conditions of employment this should contribute to improving the customer experience through improved recruitment and retention of staff within the Adult Health and Social Care Partnership (and other Council services) and the resultant service delivery benefits. Where previously an individual may have felt unable to move to a Council position from NHS Grampian to progress their careers due to not being able to maintain similar accrued service benefits to what they are currently on, the approval of this proposal will help remove this impediment.

7.2 Improving Staff Experience –

By applying the recommendation in this report it is expected that there will be benefits to the staff experience in the Adult Health and Social Care Partnership in particular (as well as in other Council services). It should assist in the improvement of levels of engagement and morale as a 'one service' culture develops within the Partnership. With the removal of a significant potential barrier to advancement, where a technical change of employer would be required and a potential reduction in terms and conditions of service occurring, staff moving from NHS Grampian to the Council will now be reassured that there will be less risk of penalty were they to seek a promoted post in the Partnership (or a post in another Council service).

A consequential benefit of this is to have a more fluid talent pool so that while experienced members of staff progress, being retained by the organisation,

there is a freeing up of posts lower down the organisation structure that allows wider development opportunities for new or junior members of staff.

7.3 Improving our use of Resources –

By applying the recommendation in this report, this may increase the pool of potential applicants for posts within the Adult Health and Social Care Partnership (and in other Council services), and a consequential positive effect may be a reduction in recruitment advertising spend. This may be achieved by reducing the need for external advertising of posts as more are filled from the two partner organisations. It could also reduce the likelihood of requiring to re-advertise posts where attempts to recruit may have previously failed.

Further, by being able to recruit from as wide a pool as possible, the Council should be better able to appoint skilled individuals who can implement more efficient working practices thus leading to improved use of resources.

7.4 Corporate –

The proposal supports the Integrated Health and Social Care strategic plan in that it should enable a wider pool of potential candidates for recruitment to posts within the Adult Health and Social Care Partnership.

The proposal also supports the Council's aims of partnership working as per section 4.3 Working in Partnership, of the Strategic Business Plan Refresh 2016 – 2017.

7.5 Public –

It is not expected that this report will be of interest to the public as it concerns a specific employment related measure that will solely affect NHS Grampian employees who are appointed to Council posts going forward.

7.6 Economy

The proposal will have no impact on the local economy.

7.7 People

An Equality and Human Rights Impact Assessment has been undertaken in relation to this proposal, with no negative impacts identified.

7.8 Place

The proposal will have no impact on the environment.

7.9 Technology

There are no technology implications in relation to this proposal.

8. BACKGROUND PAPERS

The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (and the subsequent amendment Orders)

9. APPENDICES (if applicable)

N/A

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