DATE: 31st March 2017

SUBJECT: Draft GM Continuity of Service Protocol

REPORT OF: Tony Lloyd, GM Interim Mayor and Andrew Lightfoot, GMCA Deputy Chief Executive

PURPOSE OF REPORT

The GM Workforce Engagement Board (WEB) has been established since January 2016 and meets quarterly to enable senior representatives from GMCA and the trades unions to consider the workforce implications relating to the delivery of the devolution agenda.

This report presents a draft protocol that has been developed by the WEB to be recommended for adoption by the GMCA and its constituent bodies, GM local authorities and GM NHS organisations on a voluntary basis to recognise continuity of service when an employee moves on a voluntary basis between those organisations listed at Appendix 1 of the protocol.

RECOMMENDATIONS:

i. To recommend the GM Continuity of Service Protocol for adoption by the organisations listed at appendix 1 of the Protocol

ii. That a progress report is presented to the GMCA and GM Health and Social Care Partnership Board in three months to report on the level of adoption and any issues encountered.

BACKGROUND

It is well recognised 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.
Across Greater Manchester we continually highlight the importance of changing the relationships between public services, the people who access them and the people involved in their delivery. Our collective workforce in GM is fundamental to successful change. Each aspect of the devolution agenda is considering the workforce challenges both for now and the future. In some areas this includes pressing demand for core skills sets and professions such as nurses and social workers. The GM Health and Social Care Strategic Plan states, we need a flexible workforce with a breadth of skills and knowledge that enables us to transform, lead and develop new models of care.

One of the issues that the WEB has been considering in seeking to enable a flexible workforce is the portability of terms and conditions of employment and those entitlements calculated on the basis of length of service.

As an individual’s career progresses, service becomes a significant factor influencing decisions about career pathways especially cross-sector. Regulations are in place to recognise continuity of service for voluntary moves within local government and likewise for voluntary moves within NHS employers. However, there are no regulations that allow for service to be recognised for voluntary moves across the two sectors.

Continuous service determines the qualification for and value of employment related entitlements (statutory and contractual), including redundancy pay, annual leave, occupational sick pay, etc. and is generally sector specific; this means that unless there is an enforced move across sectors (e.g. under the provisions of TUPE), then continuity of service is lost where an employee voluntarily moves from one public sector service to another.

**THE WAY FORWARD**

The WEB parties were committed to exploring and jointly promoting solutions that would address this issue. The employer and staff side Joint Secretaries worked together to explore the challenges and benefits identified and develop solutions that could provide a platform for a recognition arrangement that GM employers could voluntarily sign up to.

Whilst the long-term ambition is to arrive at a solution for the entire GM workforce, it was practical to start with testing the approach for voluntary moves (where an individual responds to an advertised vacancy or in a redeployment situation) between local government and NHS only as a starting point. This would also include the GM Combined Authority and all its constituent bodies.

Work has taken place to explore the legal position and potential risks and benefits of the approach. This included discussion with national employer representatives from local government and the NHS who provided constructive advice and also confirmed that there were no immediate plans to consider any legislative change that would address this issue.
Following this review it was established that whilst there would be some practical considerations, the benefits of such an approach for staff, organisations and the wider GM family were considerable.

It was concluded that it is possible to have a GM approach for both local government and NHS employers to recognise accrued service for the calculation of entitlement to contractual benefits, such as annual leave, sickness and maternity and for the calculation of redundancy. This does not include pension arrangements.

This would apply to the voluntary movement of staff between local government and the NHS in all occupational areas, and would be recommended to those employers in scope to adopt on a voluntary basis.

In order to provide a mechanism to enact this variation, it was agreed that a protocol would be drafted for consideration and approval by the Greater Manchester Combined Authority and the Health and Social Care Partnership Board. This is attached at Appendix 1.

3. RECOMMENDATIONS

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ii. That a progress report is presented to the GMCA and GM Health and Social Care Partnership Board in three months to report on the level of adoption and any issues encountered.