



NOTICE OF MEETING

EMPLOYMENT COMMITTEE

TUESDAY, 26 JUNE 2018 AT 12.15 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Vicki Plytas 02392 834058

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

Membership

Councillor Gerald Vernon-Jackson CBE (Chair)

Councillor Donna Jones (Vice-Chair)

Councillor Yahiya Chowdhury

Councillor James Fleming

Councillor Darren Sanders

Councillor Luke Stubbs

Standing Deputies

Councillor Simon Boshier

Councillor Ben Dowling

Councillor Gemma New

Councillor Robert New

Councillor Matthew Winnington

Councillor Rob Wood

(NB This agenda should be retained for future reference with the Minutes of this meeting.)
Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendation/s). Email requests are accepted.

AGENDA

- 1 Apologies for Absence

2 **Declarations of Members' Interests**

3 **Minutes of the Meeting held on 27 February 2018 (Pages 5 - 8)**

RECOMMENDED that the minutes of the meeting held on 27 February 2018 be confirmed and signed by the chair as a correct record.

4 **Health & Safety Annual Report (for period 1 April 2017 - 31 March 2018) (Pages 9 - 24)**

The purpose of the report is to update the Employment Committee on Portsmouth City Council's health and safety performance between 1 April 2017 - 31 March 2018.

RECOMMENDED that the 2018/19 H&S Unit corporate action plan is endorsed by the Employment Committee

5 **Trade Union Facility Reporting (Pages 25 - 38)**

(Please note the original report published on 18 June was replaced on the website on 28 June to include a minor amendment in section 4.1 to add Unison, Unite and GmB to the list of unions recognised for Education function staff)

The purpose of the report is to present the outcomes of the Trade Union Facility Time Report 2018, ensuring the Council can fulfil its statutory obligations in respect of the Trade Union (Facility Time Publication Requirements) 2017.

RECOMMENDED that Members

- (1) Note the data in Appendix 1 and the fact that the Appendix will be the report published on the PCC website , and the Government maintained website currently being developed by the Cabinet Office.**
- (2) Note that the data will be included in any relevant Annual Report and Accounts that are published by PCC.**

6 **Sickness Absence - Quarterly Report (Pages 39 - 48)**

The purpose of this report is to update Employment Committee about levels of sickness absence across the council and actions being taken to manage absence.

RECOMMENDED that Members continue to monitor sickness absence and ensure appropriate management action is taken to address absenteeism.

7 **Apprenticeship Levy update (Pages 49 - 58)**

The purpose of the report is to update members on the progress made with

regards to apprenticeships in the city council since the introduction of the apprenticeship levy in April 2017 and the rules for sharing up to 10% of our levy with external organisations.

RECOMMENDED that Members

- (i) Note the achievement made in relation to the council's apprenticeship target**
- (ii) Note the continued increase and diversity of PCC apprenticeships**
- (iii) Approve officers to undertake a feasibility study relating to the transfer of levy funds to external organisations including the option of establishing an Apprenticeship Training Agency (to be reported at the next scheduled Employment Committee).**

8 Appointment to Hampshire Pension Fund Panel and Board

The purpose of this item is to make an appointment to the Hampshire Pension Fund Panel and Board to serve as a full member for the period up to the end of the 2018 - 19 Municipal Year. There is no remuneration for this role. (During the last Municipal Year, the Southampton appointee was the full member and the Portsmouth appointee was the substitute. This alternates at the end of each Municipal Year)

RECOMMENDED that a Portsmouth Councillor be appointed to serve on the Hampshire Pension Fund Panel and Board for the rest of the Municipal Year (subject to the person remaining an elected member).

9 The Living Wage (Pages 59 - 72)

(Please note that the original EIA published on 18 June was replaced on 19 June to include a missing sentence and that the report published on 18 June was replaced on 28 June with revised paragraph 8)

This report is provided in response to the instruction from Full Council on 17th October 2017, for Employment Committee to consider implementing the Foundation Living Wage (FLW) rate and assess what the potential implications might be.

RECOMMENDED that Members apply the Foundation Living Wage, consolidated into the council's pay structure, noting the costs and issues identified in the paragraphs below, and subject to special provisions for those employees who have transferred to PCC under TUPE regulations.

Members of the public are permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting nor records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

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Agenda Item 3

EMPLOYMENT COMMITTEE

MINUTES OF THE MEETING of the Employment Committee held on Tuesday, 27 February 2018 at 12.15 pm in the Executive Meeting Room, The Guildhall, Portsmouth

Present

Councillor Donna Jones (in the chair)
Councillor Luke Stubbs (Vice-Chair)
Councillor Simon Boshier
Councillor John Ferrett
Councillor Darren Sanders
Councillor Gerald Vernon-Jackson CBE

Officers Present

Jon Bell, Director of HR, Legal and Performance
Michael Lawther, Deputy Chief Executive
Roland Bryant, Learning & Development Business Partner

1. Apologies for Absence (AI 1)

The Chair welcomed everyone to the meeting and read out the evacuation procedures. She also advised that the meeting was being broadcast live and could be viewed on the Council's website.

Apologies for absence were received on behalf of Councillor James Fleming and David Williams, Chief Executive.

Councillor Simon Boshier attended in place of Councillor James Fleming.

Apologies for lateness were received on behalf of Councillor John Ferrett.

Councillor Vernon-Jackson apologised for having to leave the meeting early.

2. Declarations of Members' Interests (AI 2)

There were no declarations of members' interests.

3. Minutes of the Meetings held on 12 September 2017 and 17 October 2017 (AI 3)

RESOLVED that the minutes from the meetings held on 12 September and 17 October 2017 each be confirmed and signed by the Chair as a correct record.

4. Apprenticeship Levy update (AI 4)

(TAKE IN REPORT)

Jon Bell and Roland Bryant introduced the report which updated members on the progress made with regard to apprenticeships in the city council since the introduction of the apprenticeship levy in April 2017.

Mr Bryant said that PCC is making good progress and is moving towards achieving the target of 146 apprenticeships set by government. Appendix 4 (referred to in paragraph 5.7) details the numbers and showed where the apprenticeships were by vocational area, level and Directorate.

Members agreed that the report was very encouraging and recognised that a great deal of work had been done towards reaching the target.

During discussion the following matters were clarified:-

- The figure of 91 referred to in paragraph 5.7 does not include apprentices in schools.
- It was agreed that details would be circulated to members advising how many of the 91 apprentices came from staff already employed by PCC.
- It was difficult to predict accurately whether the total levy amount would be spent, but work to increase spend against the levy is ongoing with information events being held recently for apprenticeships in leadership and management.
- The amount paid into the digital account each month is available to PCC for 24 months thus enabling time to recruit apprentices against the balance of the account.
- From April 2018 levy paying employers will be able to transfer up to 10% of their levy to any employers that employ apprentices. The guidance and rules for this had yet to be issued at the date of the meeting and decisions as to whether or not the council wishes to make use of this provision will need to be taken at a future meeting of the Employment Committee
- It may be possible to transfer some of the levy to help other smaller external organisations where the levy does not apply rather than lose the money allocated.
- Members agreed that it would be useful to feed back to the LGA that it would be helpful if there was more flexibility on how the levy money could be spent
- The target of 146 has to be met by the end of March
- The drop-out rate in PCC is virtually non-existent
- It was confirmed that employees of those schools that have not converted to academies are PCC employees, but employees of schools that had converted were not PCC employees. However, PCC was working closely with all schools.

RESOLVED that the Committee:

(i) Noted the progress made in relation to; the apprenticeship levy, the procurement of approved training providers, the recruitment of

apprentices and the public sector target applied to PCC.

(ii) Requested a further report to be brought to the Committee next quarter.

5. Pay Policy Statement (AI 5)

(TAKE IN REPORT)

Jon Bell introduced the item advising that a Pay Policy Statement must be prepared for each financial year, approved by Full Council no later than 31st March of each financial year and published on the council's website. Following the presentation of the Pay Policy Statement in March 2016, the Employment Committee requested that, in order to increase transparency and public accountability, a draft Pay Policy Statement be presented at an earlier stage of the financial year forecasting the pay policy for that year. This is now the final Pay Policy Statement for publication.

During discussion, the following matters were clarified

- It was confirmed that in section 2 of the policy, the pay of the lowest paid employees has not increased above the level of £7.85 per hour, although the number of employees in that salary bracket has decreased year on year.
- It was confirmed that the statement was retrospective and had already been to the Employment Committee earlier in the year. Going forward the Committee agreed that the report should be brought to the committee at the beginning of the Municipal Year to which it relates and that it was unnecessary to bring it back again unless there were significant in-year changes.

RESOLVED that the Employment Committee agreed the draft Pay Policy Statement attached as Appendix 1 to the report to go forward for approval by the Full Council by 31 March 2018.

6. Sickness Absence - Quarterly Report (AI 6)

(TAKE IN REPORT)

Jon Bell introduced the report which updated the Committee about levels of sickness absence across the council and actions being taken to manage absence. He advised that there had been some changes to the directorates (detailed in paragraphs 3.7 and 3.8 of the report) meaning that it was not possible to draw direct comparisons in sickness absence where changes had occurred.

Mr Bell advised that a Workplace Wellbeing Co-ordinator, located in Human Resources, has been appointed following a successful bid to the Public Health Transformation Fund. The post aims to improve employees' general wellbeing, increase attendance levels and enable earlier interventions to prevent ill health and reduce costs for the council.

A discussion took place about the two directorates with the highest levels of sickness absence which were Adult Social Care and Public Health. Jon Bell said that Adult Social Care always had high levels of sickness absence and this was partly explained by the nature of their work which often brought them into contact with people who were unwell. In addition, many staff worked in Care Homes where stricter rules applied about when a person could work - so for example a person could be required to work from home for longer in order to protect the health of vulnerable residents. However, the figure is at its lowest level since March 2016.

With regard to Public Health, the headcount has reduced from 66 to 42 over the last 12 months. However, the absence related to leavers will remain in the directorate's sickness figures for 12 months after the individual has left.

Members agreed that absence figures were moving in the right direction but there was still room for improvement.

RESOLVED that the Committee continues to monitor sickness absence, and ensure appropriate management action is taken to address absenteeism.

The meeting concluded at 12.55 pm.

Councillor Donna Jones
Chair

Agenda Item 4

Title of meeting:	Employment Committee
Date of meeting:	June 2018
Subject:	H&S Annual Report (for period 1 April 2017 - 31 March 2018)
Report by:	James Hill – Director of Property & Housing
Wards affected:	All
Key decision:	No
Full council decision:	No

1. Purpose of report

To update the 'Employment Committee' on Portsmouth City Council's health and safety performance between 1 April 2017 - 31 March 2018.

2. Recommendations

It is recommended that the 2018/19 H&S Unit corporate action plan is endorsed by the Employment Committee.

3. Background

3.1 Introduction:

3.1.1 The corporate health and safety (H&S) management system is developed, maintained and monitored by the H&S manager, who is accountable to the Chief Executive via the Director of Property & Housing Service. The H&S Unit team comprises of 3 directly employed staff (1 x H&S manager, 1 x H&S advisor/trainer and 1 x part time administrator). The H&S Unit's role is to provide specialist advice, guidance, training and support to council members, managers and employees to enable them to fulfil their legal H&S responsibilities and comply with UK H&S legislation.

3.1.2 Summarising the council's performance in this 2017/18 reporting period:

- The Health and Safety Executive (HSE) have actively engaged with Portsmouth City Council on numerous occasions in this reporting period, via planned UK-wide interventions (including 'Hand arm vibration management' and waste management), unannounced site inspections (building sites/refurbishment projects managed by the council), telephone/email queries (associated with RIDDOR/Non-RIDDOR accident reports and customer complaints/queries) - all of which resulted in favourable outcomes confirming compliance with law and Portsmouth City Council's positive approach to health and safety management.
- No statutory enforcement notices, 'fee for intervention' charges or litigation claims were served on the council by an enforcement authority (HSE or Hampshire Fire and Rescue Service)
- No members of staff or the public were killed or seriously injured as a result of council work activities or infrastructure and RIDDOR reportable incidents are at an all-time low for the second consecutive year

- No significant asbestos management failings or adverse 'asbestos related' incidents (accidents) were reported to the H&S Unit or the HSE
- No legionella outbreaks occurred that were attributable to Council managed water systems and no adverse legionella incidents or exposures were reported to the H&S Unit or the HSE
- For a second year running, employee engagement in corporate H&S training is at an all-time high, with engagement by school management teams also being at an all-time high

3.1.3 In conclusion, this annual report reflects another pro-active year of H&S management within the council, Portsmouth International Port, Local Authority schools and other external services signed up to the H&S Unit's traded service agreement which generates income (NHS Portsmouth Clinical Commissioning Group, UTC Portsmouth and several local academy schools).

3.2 H&S report for 2017/18 - in detail:

Information relating to specific aspects of the Council's health and safety management systems and performance during this reporting period is detailed in the remainder of this report. The proposed 2018/19 H&S Unit action plan is detailed at Appendix 1.

3.2.1 Accident and Violent Incident reporting:

- (i) No fatalities or serious workplace accidents involving council/school employees were reported to the H&S Unit or the HSE.
- (ii) RIDDOR reports continue the downwards trend with only 10 reportable incidents in this year (another all-time low), all of which were reported to the HSE under the 'over-7 day absence' category. All 10 RIDDORs reported related to accidents (zero related to violent incidents).
Note: RIDDOR is the 'Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013'

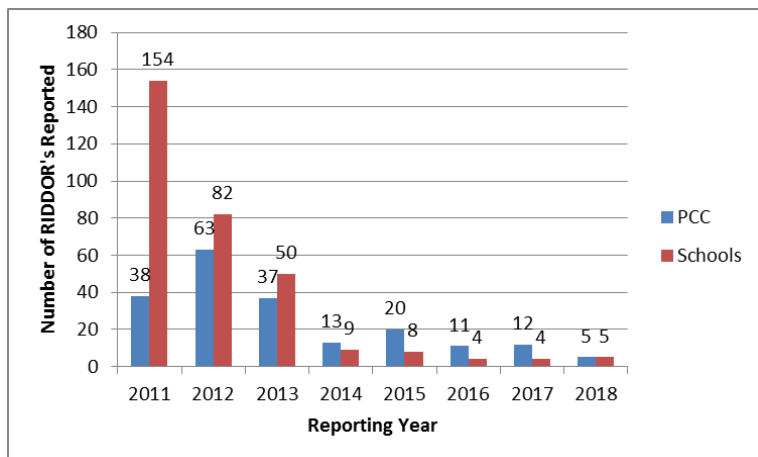


Figure 1:
RIDDOR incidents reported to the HSE: 2010-2018

- (iii) 'Overall' incidents reported to the H&S Unit (accidents and violent incidents) were 533 (164 in PCC + 369 in schools), almost identical to the previous year's total of 534.
- (iv) No trends were highlighted by the H&S Unit and corporate incident statistics reflect the expected industry norm, taking into account the type of work activities undertaken by council/school employees and the proactive reporting process implemented council-wide.
- (v) Incident reporting continues to be pro-active throughout all council services, local authority schools and external services/academy schools signed up to the H&S Unit traded service. The

corporate policies (accident and violent incident reporting) facilitate compliance with law and supports the council's 'zero tolerance' approach to violence against employees. Pro-active reporting allows the H&S Unit to assist management teams in collating factual evidence in lieu of any post incident intervention by external authorities or future litigation claims brought against the council.

(vi) Further analysis of incidents reported to the H&S Unit in financial year 2017/18 is detailed at Appendix 2.

3.2.2 Asbestos management:

(i) Asbestos management continues pro-actively throughout all council services, local authority schools and other external services that have purchased the H&S Unit 'traded service'.

(ii) No statutory enforcement notices, 'fee for intervention' charges or litigation claims were served on the council by an enforcement authority and no adverse asbestos incidents relating to council work activities (including schools) were reported to the H&S Unit.

(iii) The Councils Internal Audit team carried out a corporate asbestos management audit in this reporting year to verify compliance with legislation/corporate asbestos management policy and identify management gaps, where improvements were required. The audit result was positive and the recommendations identified by the Internal Audit team have been addressed (Internal Audit report dated 17 October 2017).

3.2.3 Legionella management:

(i) Legionella management continues pro-actively throughout all the council's property portfolio and zero legionella outbreaks (incidents or exposures) occurred. As a result no statutory enforcement notices, 'fee for intervention' charges or litigation claims were served on the council by an enforcement authority.

(ii) The Councils Internal Audit team carried out a 'Property and Housing service-specific' legionella audit in this reporting year to verify compliance with legislation/corporate legionella management policy and identify management gaps, where improvements were required. The audit result was positive and recommendations identified by the Internal Audit team are being appropriately addressed and included in the latest revision of the corporate legionella management policy, where applicable (Internal Audit report dated 1 March 2018).

(iii) An external legionella management specialist (Water Hygiene Centre) is assisting the Property & Housing senior management team in further enhancing council-wide legionella management and is contributing to the latest revision of the corporate policy and associated management processes i.e. in-house training, compliance monitoring, management plans, corporate water safety forum and the legionella risk assessment process.

3.2.4 Fire safety management

(i) No statutory enforcement notices were served on the council by the enforcement authority (Hampshire Fire and Rescue Service) and no significant workplace related fire incidents were reported to the corporate fire safety advisor/H&S unit in this reporting period (zero fire related deaths/serious injuries occurred in council managed premises that can be attributable to a corporate fire safety management failing).

3.2.5 Health and safety & fire safety training:

(i) 5937 in-house health and safety & fire safety training places, facilitated by the councils H&S Unit and People Handling and Back Care Advisor (PHBCA) were undertaken by council members, employees and school staff in this reporting year (highest annual uptake since records began - see figures 2 & 3 below).

(ii) The H&S Unit's stand-alone portable training kit continues to prove an effective management tool where e-learning is not suitable for particular employee groups - with 920 of this year's training places being delivered by managers using the kit to facilitate group training. The kits are proving a popular resource with schools and several council services.

(iii) In addition to maintaining the 8 x corporate e-learning courses, the H&S Unit routinely delivered two 'classroom based' training courses, scheduled in the H&S Unit annual training programme (see Appendix 3). These ½ day courses were administered through the council's managed learning environment (IT system) and delivered in the civic offices.

(iv) The H&S Advisor also delivered additional bespoke manual handling training sessions at various social care sites and other council managed sites throughout the city - to assist council managers in ensuring employee's received cost-effective manual handling practical training tailored to their work activities.

(v) The corporate PHBCA delivered 'people handling' practical training sessions to council employees and produced a corporate e-learning course to facilitate another cost-effective training resource for relevant council staff and managers.

(vi) The classroom-based fire warden training course was reviewed and relevant information included in the latest version of the corporate mandatory fire safety e-learning course (a more beneficial and cost-effective option - fire warden course ceased in November 2017).

H&S e-learning courses (via MLE):	
H&S Induction for employees	1122
H&S Induction for Members	49
Using computers and DSE safely	621
Manual handling	306
Incident reporting and Investigation for managers	60
Legionella awareness	82
Asbestos awareness	118
Fire safety awareness	1868
subtotal:	4226 (4165)
Management e-learning briefs using H&S Unit stand-alone kit:	
H&S induction	332
Fire safety awareness	438
Manual handling	90
Legionella awareness	13
Asbestos awareness	36
Using computers and DSE safely	11
subtotal:	920 (681)
Classroom based courses:	
Work activity risk assessment	33
Practical load handling	138
Various 'people handling' courses (by PHBCA)	595
Fire warden training	25
subtotal:	791 (727)
Overall total	5937 (5573)

Figure 2: A breakdown of training facilitated in financial year 2017/18 (totals for 2016/17 in brackets)

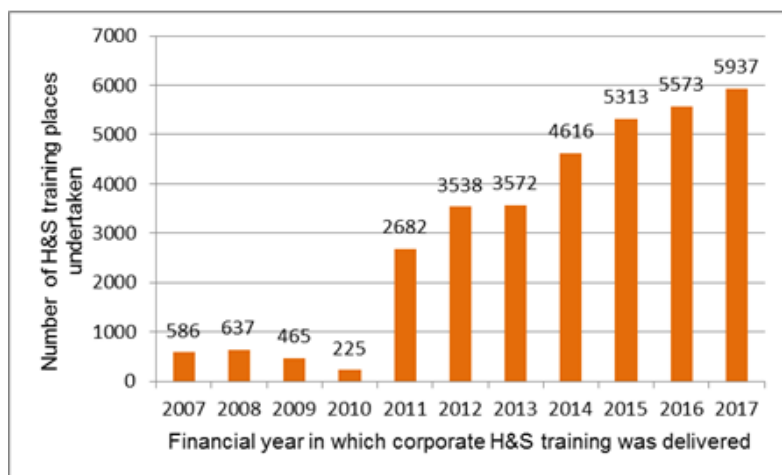


Figure 3:
Corporate H&S training statistics since financial year 2007/08

3.2.6 H&S Unit Traded Services:

(i) The H&S Unit continues to work positively with local authority schools within the city. In this reporting year, in addition to 100% buy-in from all local authority schools offered the service, 8 x academy schools, Portsmouth University Technical College and NHS Portsmouth Clinical Commissioning Group also opted-in to purchasing the H&S Unit traded service (45 schools, 1 x college and 1 x commissioning service in total).

3.2.7 Corporate Communication channels:

(i) **Quarterly H&S meeting** - The Joint Health Safety and Wellbeing (JHSW) forum continues as the corporate quarterly meeting for reviewing and addressing H&S management issues and communicating H&S related policy and procedural changes council-wide. The forums membership remains constant (meetings well attended) and the H&S Manager continues working pro-actively with the Teachers Liaison Panel representatives specifically on school related business, outside of these meetings.

(ii) **Quarterly e-newsletter** - The quarterly H&S Unit e-newsletter (making your workplace safer) continues to prove a popular and effective means of disseminating important corporate H&S information discussed at the JHSW forum meetings to all council and school employees through management representatives, the email system, staff intranet and schools google-based website managed by the H&S Unit (issue 28 of the e-newsletter was cascaded in March 2018).

(iii) **Policy Hub, staff intranet + schools google-based website** - The fourteen corporate H&S policies (and their associated forms) developed by the H&S Unit continue to be maintained up to date and readily accessible to all council and school employees via corporate channels (Policy HUB, PCC staff intranet and the schools google-based website). All new policies are subject to council-wide consultation, to include key stakeholders and trade union representatives, prior to going live and revisions to policies are subject to selective consultation (key stakeholders as a minimum), where no change in policy is required.

(iv) **Audit programme** - The H&S Unit's Audit and inspection programme (not to be confused with Internal Audit) is proven to be an effective communication tool (in addition to monitoring compliance) and the results are proving significant i.e. engagement between the H&S Unit and service management teams (particularly schools) has vastly improved post-audit and is reflected in corporate outputs including H&S training and incident reporting statistics. In this reporting year:

- 6 x self-assessment audits submitted to the H&S Unit (2 x Council sites/4 x schools)
- 38 x H&S management audits conducted by the H&S Unit (18 x Council sites/20 x schools)

(v) **Site visits/meetings/telephone consults** - The H&S Unit continues to nurture good working relationships with other corporate specialists and service management teams, to improve internal H&S management systems and procedures as well as addressing specific H&S related issues/incidents within the city of Portsmouth. This has proved beneficial to all concerned, particularly where external enforcement bodies (HSE, Environment Agency, Hampshire Fire and Rescue Service, etc.) have requested information, assistance or intervened.

Note: The H&S team routinely network with other councils and external specialist bodies to enhance their knowledge base and ensure Portsmouth City Council H&S management policies and procedures remain current and in line with industry best practice

4. Reasons for recommendations

The recommendation for approval of the 2018/19 H&S Unit corporate action plan is put forward to assist all council employees in complying with UK H&S legislation - and to assist the council (as a corporate body) in striving for continual improvement of the corporate H&S management system.

5. Equality impact assessment (EIA)

An equality impact assessment is not required for this report.

Signed Date (James Hill, Director of Property & Housing)

6. Legal Implications

There are no legal implications in this report and it ensures that the council meets its statutory duties and also supports the council’s policies on H&S.

7. Director of Finance’s comments

There are no additional financial costs arising from the recommendations in this report.

Appendices:

- Appendix 1: H&S Unit corporate action plan for 2018/19 and update re: 2017/18 action plan
- Appendix 2: Portsmouth City Council incident statistics
- Appendix 3: The H&S Unit annual training programme

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected

by on Signed by:

**Portsmouth City Council:
H&S Unit Corporate Action Plan 2018/19**

Action	Objective	Target date	Lead person	Update/outcome
1. Annual review of the corporate H&S policy and statement of intent	To ensure compliance with UK law, council policy and insurance contracts.	31/08/18	H&S Manager	
2. Produce the annual report for employment committee	For compliance with corporate H&S policy and to provide/review the councils H&S performance in f/y 2017/18	31/05/18	H&S Manager	
3. Deliver traded services with schools and other partners, as agreed in Traded Service contracts.	To ensure compliance with H&S policy/legislation and generate income to support the H&S Unit staffing levels	31/03/19	H&S Manager	
4. Manage and facilitate the corporate H&S Unit management audit and inspection program	To provide corporate assurance by verifying service/workplace-specific compliance with corporate H&S policies and UK H&S legislation	31/03/19	H&S Manager	
5. Facilitate 4 x JHSW forums and distribute minutes and associated e-newsletter	For compliance with corporate H&S policy and UK legislation - and to facilitate H&S communications council-wide	31/03/19	H&S Manager	
6. Produce, facilitate and deliver the H&S Unit's 2018/19 H&S 'classroom-based' training program	Programming, advertising and delivering corporate 'risk assessment' and 'load handling' training courses to assist managers and staff in complying with corporate H&S training requirements and UK legislation	31/03/19	H&S Manager	
7. Maintain the corporate incident reporting database and review accident and incident reports submitted to the H&S unit	To assist managers/staff in complying with corporate 'post-incident' management requirements and UK law. To assist service managers in collating/documenting evidence for reference, in case of future legal/civil litigation claims	31/03/19	H&S Manager	
8. Review and re-launch 1 x corporate e-learning courses on MLE and the H&S Unit's stand-alone training kits.	To ensure up to date H&S advice and training is available to all council employees and 'others' signed up to the H&S Unit's traded service	31/09/18	H&S Manager	
9. Review 4 x corporate H&S policies to maintain up to date (3-year review date).	For compliance with corporate H&S policy, evidence for outside agencies and assistance in managing litigation claims	31/03/19	H&S Manager	
10. Maintain corporate records of all H&S training facilitated by the H&S team	For compliance with corporate H&S policy, evidence for outside agencies and assistance in managing litigation claims	31/03/19	H&S Manager	
11. Seek opportunities to income generate from external clients	For compliance with corporate 'best practice' and ensure H&S Unit service can be maintained in-house	31/03/19	H&S Manager	

End of action plan

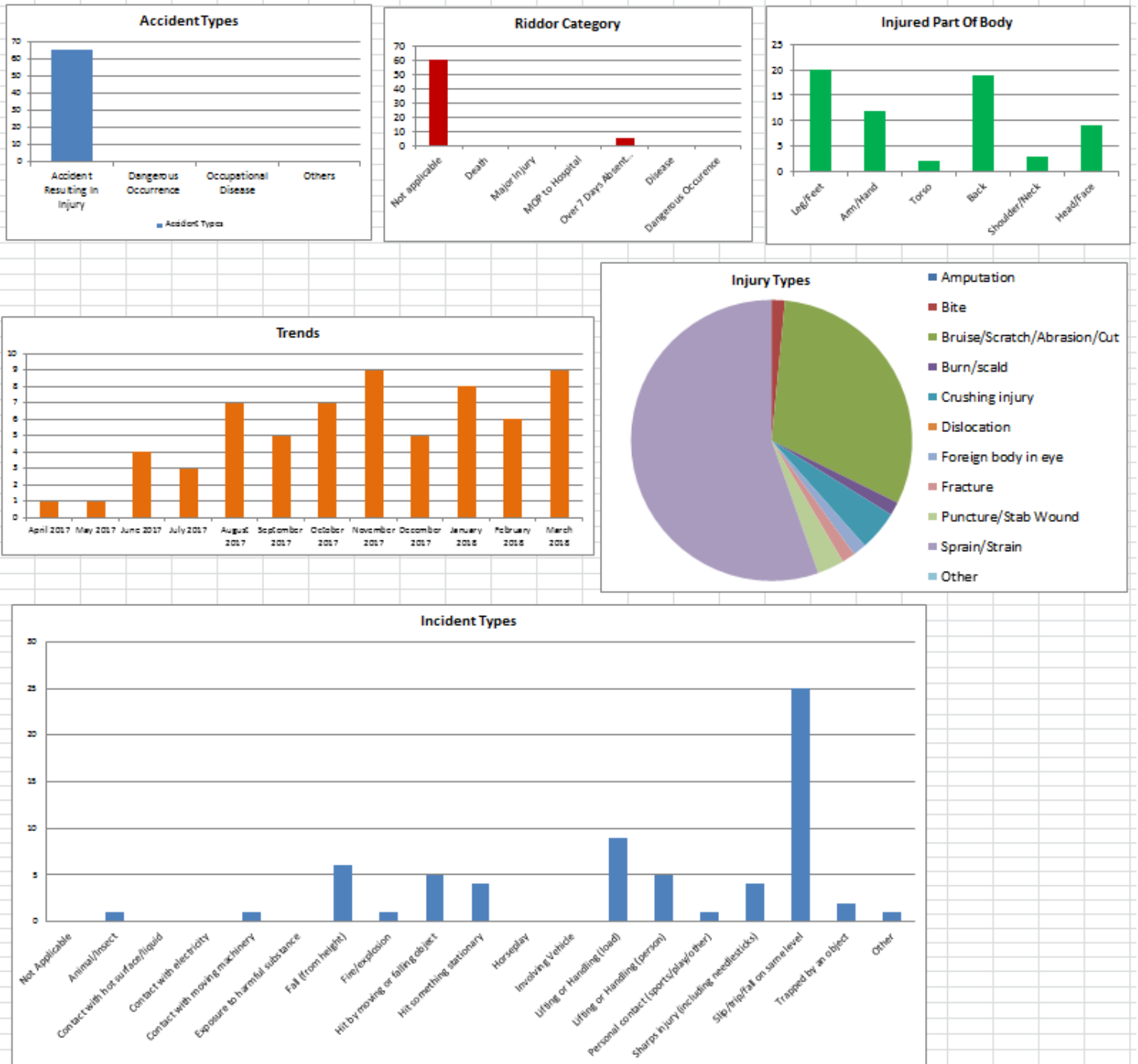
Review of 2017/18 H&S Unit Corporate Action Plan

Action	Objective	Target date	Lead person	Action status
1. Annual review of the corporate H&S policy and statement of intent	To ensure compliance with H&S legislation and council policies and strategies	31/08/17	H&S Manager	Action complete
2. Produce the annual report for employment committee	For compliance with corporate H&S policy	31/05/17	H&S Manager	Action complete
3. Deliver traded services with schools and other partners, as agreed in TSA contracts.	To ensure compliance with H&S policy/legislation and generate income to support the H&S Unit staffing levels	31/03/18	H&S Manager	Action complete
4. Manage and facilitate the corporate H&S management audit and inspection program	To provide corporate assurance by verifying service/workplace-specific compliance with corporate H&S policies and UK H&S legislation	31/03/18	H&S Manager	Action complete (continual process)
5. Facilitate 4 x JHSW forums and distribute minutes and associated e-newsletter	For compliance with corporate H&S policy and UK legislation	31/03/18	H&S Manager	Action complete
6. Produce, facilitate and deliver the H&S Unit's 2017/18 H&S 'classroom-based' training program	Programming, advertising and delivering corporate 'risk assessment' and 'load handling' training courses to assist managers and staff in complying with corporate H&S training requirements and UK legislation	31/03/18	H&S Manager	Action complete
7. Maintain the corporate incident reporting database and review accident and incident reports submitted to the H&S unit	To assist managers and staff in complying with corporate 'post-incident' management requirements and UK legislation. To assist service managers in documenting evidence for future reference, in case of legal/civil litigation claims	31/03/18	H&S Manager	Action complete
8. Review and re-launch 2 x corporate e-learning courses on MLE and the H&S Unit's stand-alone training kits.	To ensure up to date H&S advice and training is available to all council employees and 'others' signed up to the H&S Unit's TSA.	31/12/17	H&S Manager	Action complete
9. Review 4 x corporate H&S policies to maintain up to date (3-year review date).	For compliance with corporate H&S policy	31/03/18	H&S Manager	Action complete
End of action plan				

Accidents & Violent Incidents (VIR's) Reported to the H&S Unit (F/Y 2017/18):

1. The total number of incidents reported to the H&S Unit (accidents and VIR's) in financial year 2017/18 were 533 (164 in PCC + 369 in schools), almost identical with the previous year's total of 534 (198 in PCC + 336 in schools).
2. All 10 RIDDOR reports were related to accidents - zero RIDDOR's related to violent incidents (VIR's).
3. Accidents only account for 117 of the **533** incidents reported (65 x PCC/52 x schools) - A 20% reduction when compared to the previous year's total of 147 accidents (98 PCC/49 schools).
4. 61 of the accidents reported this year (52%) were related to 'slips, trips and falls'.
5. Violent incidents (VIR's) account for 416 of the 533 incidents reported (99 PCC/317 schools), a 9% increase in schools when compared with the previous year's total of 387 VIR's (100 PCC/287 schools). This year's VIR's can be further broken down as follows:
 - No RIDDOR reportable VIR's in this reporting year (all 10 x RIDDOR's related to accidents)
 - VIR outcomes (PCC and Schools) - 244 x no injury + 172 x minor injury reports
 - 61 non-physical VIR's (51 PCC/10 schools) + 355 physical VIR's (48 PCC/307 schools)
 - Schools 9% increase in VIR's possibly due to a better awareness of reporting requirements
 - The majority of VIR's reported by schools were carried out by pupils under 11 years old (63%)
6. The following four pages show graphs taken directly from the corporate incident reporting database which is managed and populated by the H&S Unit. Data/statistics are correct as of 17 April 2018.

Portsmouth City Council 'Accident' Reports:
01/04/2017 - 31/03/2018

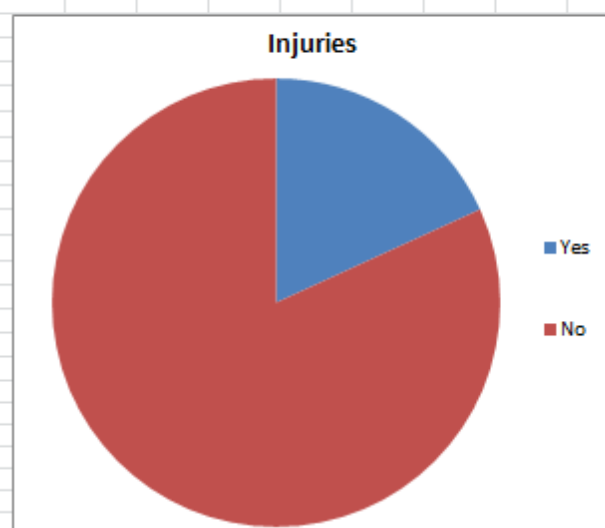
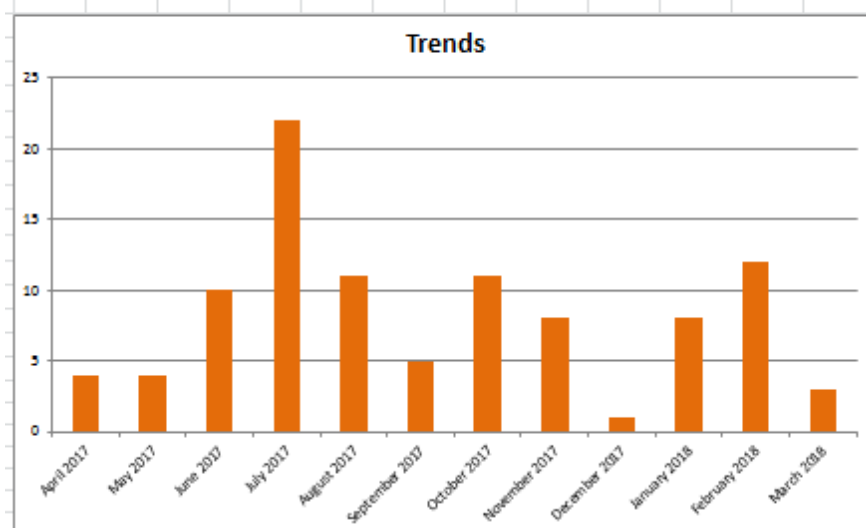
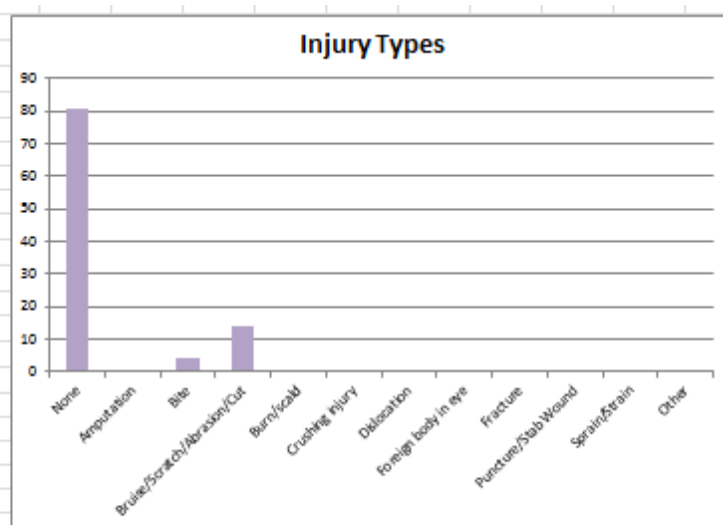
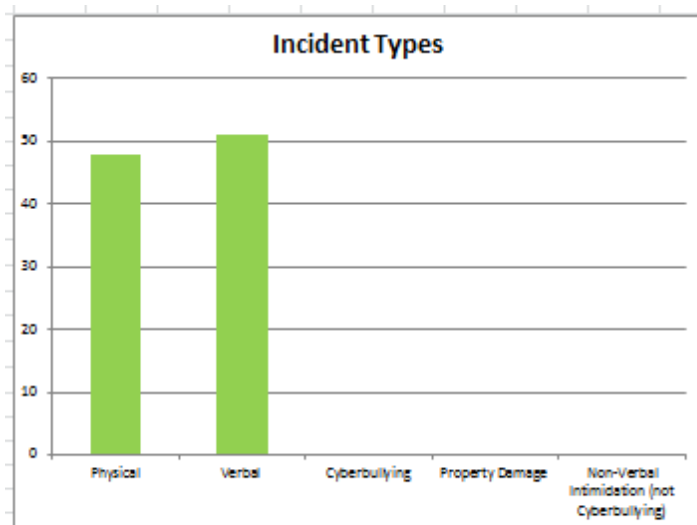


Additional analysis of PCC accidents reported to the H&S Unit:

Of the 65 accidents reported to the H&S Unit:

- 5 x RIDDOR's reportable (all due to over 7 day absence from work)
- A 34% reduction in accidents when compared to the previous year's total of 98 accidents reported
- No serious/significant accidents reported (mostly slip/trips)

**Portsmouth City Council 'Violent Incident' Reports:
01/04/2017 - 31/03/2018**

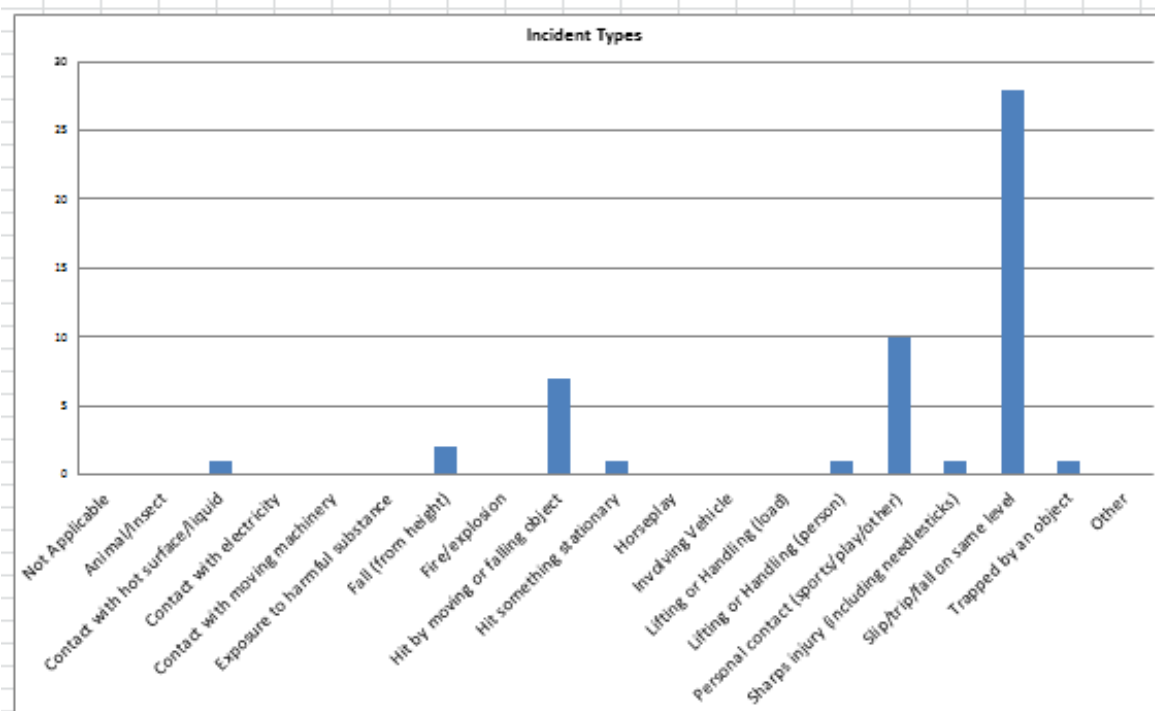
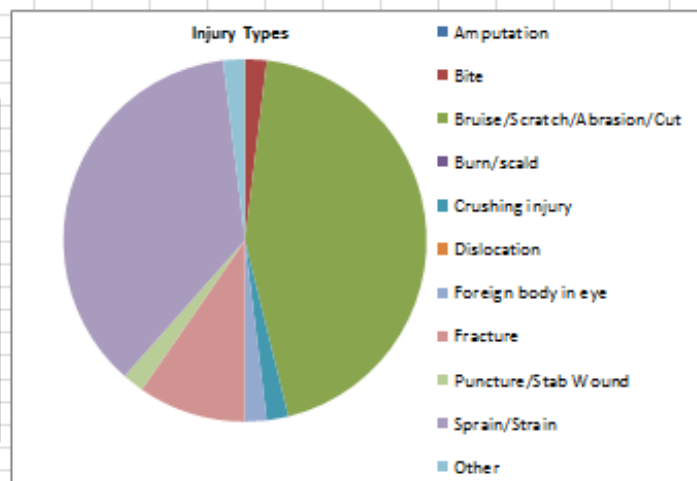
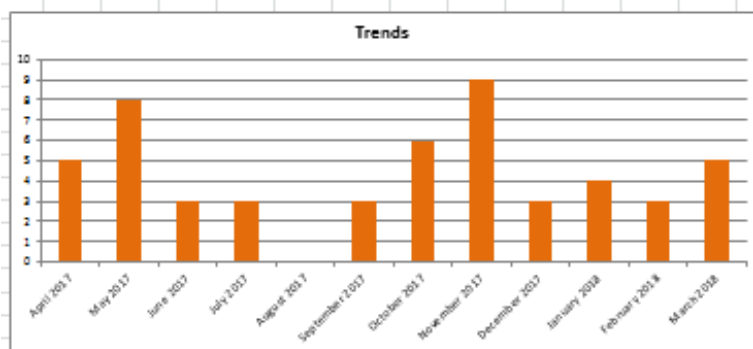
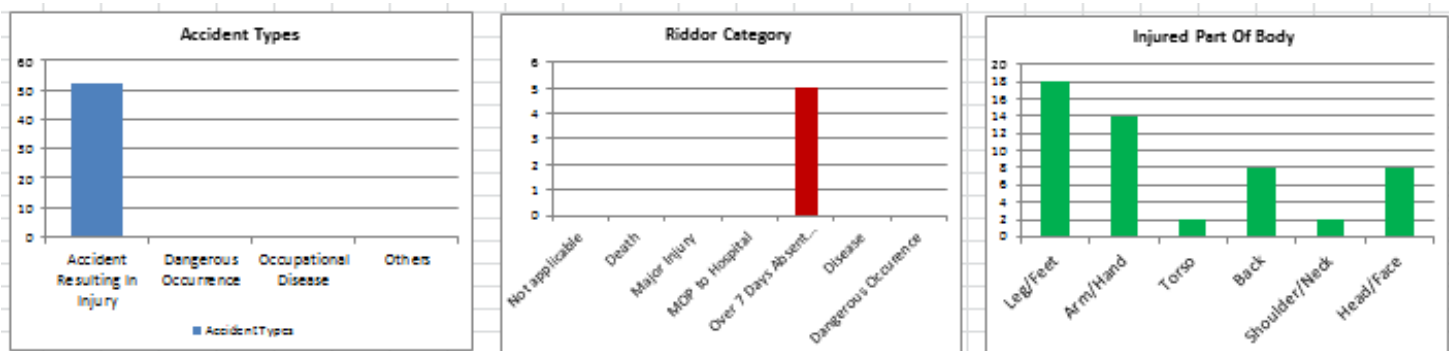


Additional analysis of PCC violent incidents (VIR's) reported to the H&S Unit:

Of the 99 violent incidents (VIR's) reported to the H&S Unit:

- All incidents were perpetrated by members of public (service users, clients, residents and the general public)
- 0 x RIDDOR reportable VIR's (the 5 x PCC RIDDOR's related to accidents)
- The majority of VIR's were verbal (51) - only 48 were physical incidents
- 81 of the 99 VIR's resulted in no injury - only 18 resulted in minor injuries
- The majority of VIR's (59) were carried out by service users (service users, clients, residents) - the other 40 by members of the general public
- 31 VIR's targeted social care staff, 17 VIR's targeted civil enforcement officers, 15 VIR's targeted housing officers (others included estates officers, library assistant, receptionist, cleaning operatives, centre manager, quay hand, customer service officer, etc.)

Schools 'Accident' Reports: 01/04/2017 - 31/03/2018

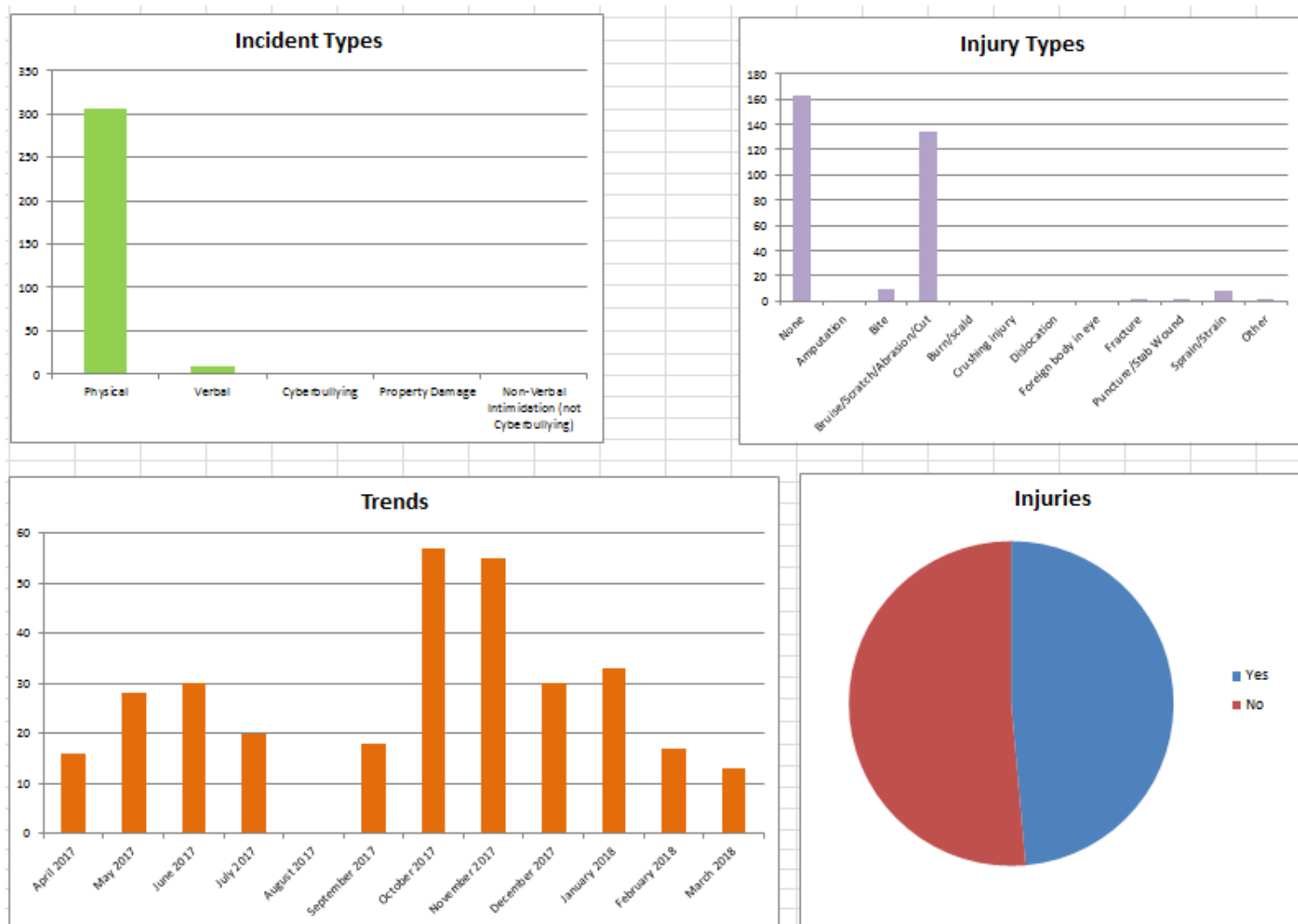


Additional analysis of school accidents reported to the H&S Unit:

Of the 52 accidents reported to the H&S Unit:

- 5 x RIDDOR's reportable (all due to over 7 day absence from work)
- A 6% increase in accidents, when compared to the previous year's total of 49 accidents reported
- No serious/significant accidents reported (all slips/trips)

Schools 'Violent Incident' Reports: 01/04/2017 - 31/03/2018



Additional analysis of schools' violent incidents (VIR's) reported to the H&S Unit:

Of the 317 violent incidents (VIR's) reported in schools:

- 0 x RIDDOR reportable VIR's (the 5 x school RIDDOR's related to accidents)
- All 317 incidents were carried out by pupils
- 307 were physical (only 10 were non-physical incidents)
- 163 resulted in no injury (154 resulted in minor injuries)
- 119 of the 317 VIR's were carried out pupils aged 11+ (37%)
- 139 of the 317 VIR's were carried out by children between 7 - 10 years old (44%)
- 59 of the 317 VIR's were carried out by children between 4 - 6 years old (19%)

- 317 VIR's were reported from 29 individual schools (of those 157 were from just 3 schools)
- 19 schools under the H&S Unit traded service agreement recorded zero VIR's (dues to numerous factors including, psychosocial factors, pupil/staff numbers, type of school, school management processes, etc.)

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Health & Safety Unit Training Programme: FY 2017/18

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
April																									RA C						
May																		FW C:am						MH (VU)	MH						
June																				RA C											
July					MH														FW C:am												
Aug		H&S +FS (EB)																H&S +FS (Ci)												RA C	
Sep				MH (PR)			MH (PR)							MH					FW C:pm												
Oct				RA N						MH (Ci)	MH (Ci)																				
Nov										FW N:am														MH							
Dec				RA C										MH (PH)																	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Jan															MH	MH (CM)															
Feb								RA C							MH (DD)																
Mar							MH						MH (VU)																		

Cancelled
(no uptake)

KEY:	Course Title	Sessions	Training room
RA	Risk Assessment	09:00 - 12:30	C= Collingwood, N= Nelson
MH	Manual Handling	09:00 - 11:00	Nelson
FW	Fire Warden Training	am: 09:30 - 12:30 or pm: 13:00 - 16:00	C = Collingwood, N = Nelson, V = The View Rm 2
	MH - Manual handling H&S - H&S Induction FS - Fire safety Induction	Bespoke sessions facilitated by H&S Advisor - requested by various management teams (G&C, Bulk Waste, Parks/Open spaces, Adult Social Care Unit Managers, etc.)	VU = Victory Unit, EB = Eastney Beam House, Ci = Civic offices, PR = Port Royal Street, PH = Paulsgrove Housing Office, CM = City Museum, DD = Duisburg Depot.

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Agenda Item 5



Portsmouth
CITY COUNCIL

Title of meeting:	Employment Committee
Date of meeting:	26 June 2018
Subject:	Trade Union Facility Reporting
Report by:	Jon Bell, Director of HR, Legal and Performance
Wards affected:	N/A
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 To present the outcomes of the Trade Union Facility Time Report 2018, ensuring the Council can fulfil its statutory obligations in respect of the Trade Union (Facility Time Publication Requirements) 2017.

2. Recommendations

Members are recommended to:

- 2.1 Note the data in Appendix 1 and the fact that the Appendix will be the report published on the PCC website , and the Government maintained website currently being developed by the Cabinet Office.
- 2.2 Note that the data will be included in any relevant Annual Report and Accounts that are published by PCC .

3. Background

- 3.1 The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1st April 2017 and were introduced as part of the Trade Union Act 2016. These regulations place a legislative requirement on "relevant public sector employers" to collate and publish, on an annual basis, a range of data on the amount and cost of facility time within the Council.
- 3.2 Relevant public sector employers are those employers where the employer has at least one trade union representative and 49 or more employees for seven months during the reporting period, which is the period of 12 months beginning 1 April each year.
- 3.3 The first report must be published by 31 July 2018 on the employer's website, a Government maintained central website and, where the employer publishes an

annual report, it must be included in that report.

- 3.4. The Regulations specify how the data should be reported (as set out in the tables below) and require the Council to report separately on trade union facility time for its central function employees and its education function employees. These are defined in the report contained within Appendix 1.

The government is continuing to produce additional guidance to support the regulations, and officers will adapt the report to ensure that it meets current and future requirements.

4. PCC recognised trade unions and facility time arrangements

- 4.1 PCC recognises Unison, Unite and GMB trade unions for central function staff and Unison, Unite, GMB, NEU, NASUWT, ATL and NAHT trade unions/professional associations for Education function staff and provides facilities time as set out below.
- 4.2 Funding for the teaching trade unions in the education function is delegated to all schools and academies as a traded service for them to decide how and when to spend the money, this function is no longer held centrally by the Council. The agreement between the Council and the schools is for reimbursement to be made on a daily rate of £165. If this is paid directly to the school it is paid as a flat rate but if it is paid to an individual this is paid at £165 plus on costs. Non-teaching school employees have the facility to be represented by PCC's central function trade union officials under the Council's current Facilities Agreement, however the schools do not contribute towards the costs of funding these union representatives.
- 4.3 For Central Function employees the Council previously funded 1 FTE trade union official for each union at a total cost of £75,000 per annum. In April 2017 the funding was halved to £37,500 per annum.
- 4.4 This is the first year that PCC has been required to report facility time information so we are unable to provide comparator information on facilities time provided by similar organisations and there isn't currently a national average figure for comparison. This will, however, be provided in subsequent annual reports.

5. Collection of data

- 5.1 Details on how the calculations are made and the definitions and scope of the regulations are outlined in Appendix 1.
- 5.2 To comply with the regulations from 1 April 2017 the trade unions were requested to record their time spent on trade union duties or trade union activities with effect from this date. The EBS system was adapted to enable this recording to be undertaken by individual trade union representatives in the same way as they would record their annual leave and as to enable this information to be extracted.
- 5.3 The education function employees do not have access to the EBS system and provide the information through claim forms submitted on a monthly basis. Further work may need to be undertaken to make this process easier for future reports.
- 5.4 Due to the way that the education trade union officials report on their trade union time, assumptions have been made in the calculations. In particular, an average number of

hours per day has been used based on the working week contained in teachers' contracts.

6. Trade Union Facility Time Provided by PCC 2017/18

6.1 CENTRAL FUNCTION EMPLOYEES

Table 1- Relevant Union Officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
25	23.74

The number of employees is made up of twelve representatives for Unite, twelve for Unison and one for GMB and includes all trade union representatives that are employed during the relevant period.

Table 2 - Percentage of time spent on facility time

Percentage of time	Number of employees
0%	18
1-50%	6
51-99%	1
100%	0

The figures in this table require some clarification due to the breadth of the percentage ranges. For example, the majority of employees who record any facilities time fall into the 1-50% range, however the average percentage of time that these six employees spend on facility time is 9.27%, with only one employee spending more than 10% of their time on facility time. Only one employee spent 60% of their time on facility time.

Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£37,540*
The total pay bill	£108,877,225
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.03%

* This figure includes on costs (tax and national insurance) and includes reimbursement back to Ark Academy for TU Rep employed by the academy.

The total cost of facility time in this table is low in comparison with the number of representatives due to the fact that four employees spent less than 1% on facility time and five spent less than 10% on facility time, meaning that the costs associated with this are minimal.

Table 4 - Paid trade union activities

Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	12.33%
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This table is to ascertain how much of the overall facility time is undertaken as paid activities as there is not a statutory obligation to pay this, unlike trade union duties which does have a statutory entitlement to be paid. This table is stating that just over 12% (which is 236 hours over the year) of the total facility time is paid trade union activity. This compares to 88% (1676 hours over the year) that is spent on trade union duties.

Examples of what would constitute trade union activities are attending branch/area/regional meetings, attending annual conferences and meeting full time officials (for example their regional officers). Under our Facility Agreement it has been agreed that Unison can have an allocation of paid time off to attend Branch meetings.

6.2 EDUCATION FUNCTION EMPLOYEES

Table 1 - Relevant union officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
4	3.8

The number of employees is made up of three representatives for NEU and one for NAHT and includes all trade union representatives that are employed during the relevant period.

Table 2- Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	3
51-99%	0
100%	1

Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£93,849.02*
The total pay bill	£51,501,405
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.18%

* This figure includes on costs (tax and national insurance) and flat rate reimbursement to schools.

Table 4 - Paid trade union activities

Time spent on aid trade union activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	6.95%
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7. Reasons for recommendations

7.1 To comply with the legislative requirements to collect and publish data on trade union facilities time.

8. Equality impact assessment

8.1 An EIA is not required for this report as the recommendations do not have an impact on any groups with protected characteristics and for the following reasons:

- This is a legal reporting requirement and the data provided is factual and can not be altered based on the recommendations.

9. Legal implications

9.1 This report is required in order to meet the relevant legislative requirements as set out in the body of the report. The requirement to release trade union officials for facilities time is also enshrined in legislation.

10. Director of Finance's comments

10.1 There are no financial comments

.....

Signed by:

Appendices: Appendix 1: Trade Union Facilities Report

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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TRADE UNION FACILITIES REPORT

July 2018

www.portsmouth.gov.uk

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1.0 INTRODUCTION

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1st April 2017 and were introduced as part of the Trade Union Act 2016. These regulations place a legislative requirement on "relevant public sector employers" to collate and publish, on an annual basis, a range of data on the amount and cost of facility time within the Council.

Relevant public-sector employers are those where the employer has at least one trade union representative and 49 or more employees for seven months during the reporting period, which is the period of 12 months beginning 1 April each year.

The first report must be published by 31 July 2018 on the employer's website, a Government maintained central website and, where the employer publishes an annual report, it must be included in the annual report.

The regulations specify how the data should be reported (as set out in the tables in sections 5 and 6) and require the Council to report separately on the functions as specified under these regulations, namely its central function employees and its education function employees.

2.0 DEFINITIONS

Under the regulations the following definitions apply:

Central function employees are employees of the authority or Council, other than those in the education function.

Education function employees are those employed by community, voluntary controlled, community special and maintained nursery schools. For any other employees that may be considered as education function, but do not fall under the definition in accordance with the regulations they will be included in the central function employee report.

Paid facility time hours means the number of hours spent on facility time by an employee who is a relevant union official during a relevant period (excluding any time undertaken for which the employee does not receive any wages by the employer);

Total paid facility time hours is the total number of hours spent on facility time by TU representatives during a relevant period and when a representative would normally receive wages;

Paid trade union activities is the time taken off in respect of which a relevant union official receives wages from the relevant public sector employer;

Relevant period means a period of 12 months beginning with 1st April, the first relevant period begins on 1st April 2017;

Wages (and **Gross amount** in relation to wages) has the meaning any sums payable in connection with the relevant union official's employment and in accordance with section 27 of the Employment Rights Act 1996

Working hours is in relation to any time when an employee is required to be at work in accordance with their contract of employment

Total pay bill is the total amount of (the total gross amount spent on wages) + (total pension contributions) + (total national insurance contributions) during the relevant period.

Hourly cost for each employee: (the gross amount spent on wages) + (pension contributions) + (national insurance contributions) divided by the number of hours during the relevant period.

Total cost of facility time For each employee who is a TU representative during the relevant period, facility time cost is calculated by: (hourly cost for each employee x number of paid facility time hours). Total facility time cost is calculated by adding together the amounts produced by the calculation of facility time cost for each employee. In calculating this figure wages of any employee who can be identified from the information being published must be expressed as a notional hourly cost to represent the employee's wages.

3.0 SCOPE

Most public authorities are in scope. This includes:

- An authority listed, or of a description, in Schedule 1 of the regulations
- Local Authorities
- The National Health Service
- Maintained schools and other educational institutions
- Police staff
- Any department of the Government of the United Kingdom (excluding the Secret Intelligence Service, the Security Service and the Government Communications Headquarters)
- The Scottish Ministers

The regulations only apply to employers that have at least one TU representative and which have more than 49 full time equivalent (FTE) employees during any seven months of a 12 month relevant period.

4.0 CENTRAL FUNCTION EMPLOYEES

4.1 Table 1- Relevant Union Officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
25	23.74

4.2 Table 2 - Percentage of time spent on facility time

Percentage of time	Number of employees
0%	18
1-50%	6
51-99%	1
100%	0

4.3 Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£37,540
The total pay bill	£108,877,225
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.03%

4.4 Table 4 - Paid trade union activities

Time spent on paid trade union activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	12.33%
--	--------

5.0 EDUCATION FUNCTION EMPLOYEES

5.1 Table 1- Relevant union officials

Number of employees who were relevant union officials during the relevant period	Full-time equivalent employee number
4	3.8

5.2 Table 2- Percentage of time spent on facility time

Percentage of time	Number of employees
0%	0
1-50%	3
51-99%	0
100%	1

5.3 Table 3 - Percentage of pay bill spent on facility time

	Figures
The total cost of facility time	£93,849
The total pay bill	£51,501,405
The percentage of the total pay bill spent on facility time, calculated as: (total cost of facility time ÷ total pay bill) x 100	0.18%

5.4 Table 4 - Paid trade union activities

Time spent on aid trade union activities as a percentage of total paid facility time hours calculated as: (total hours spent on paid trade union activities by relevant union officials during the relevant period ÷ total paid facility time hours) x 100	6.95%
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6.0 Data Analysis

6.1 Central Function Employees

The data has found that during the relevant period up to 31st March 2018 there were 23.74 FTE trade union officials in PCC. None of these spend 100% of their time on facility time. There are a number of trade union representatives whose time is funded by the Council (services are reimbursed their employment costs for this time). This is as follows: Unite has 1 representative funded for 2.5 days per week, Unison has 3 representatives funded for 3 days per week in total (one is a reimbursement to an Academy for representation of PCC employees). GMB do not currently have any council funded representatives.

The figures in this table require some clarification due to the breadth of the percentage ranges. For example, the majority of employees who record any facilities time fall into the 1-50% range, however the average percentage of time that these six employees spend on facility time is 9.27%, with only one employee spending more than 10% of their time on facility time. Only one employee spent 60% of their time on facility time.

6.2 Education Function Employees

For Teaching staff there are a small number of trade union officials that represent these groups of staff and these are the ones who have been captured in the education function data.

The data for the education function employees found that during the relevant period up to 31st March 2018 there were 3.8 FTE trade union officials. Two of these

representatives are Headteachers. One representative is funded for 4 days per week for the NEU. The remaining representatives are reimbursed at a daily rate of £165 plus on costs if the employee is reimbursed directly or at a flat rate of £165 per day if the reimbursement is paid to the school.

In table 1 the number of employees is made up of three representatives for NEU and one for NAHT and includes all trade union representatives that are employed during the relevant period, but excludes casual workers.

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Agenda Item 6



Portsmouth
CITY COUNCIL

Title of meeting:	Employment Committee
Date of meeting:	26 June 2018
Subject:	Sickness Absence - Quarterly Report
Report by:	Jon Bell - Director of HR, Legal and Performance
Wards affected:	N/A
Key decision:	No
Full Council decision:	No

1. Purpose of report

The purpose of this report is to update Employment Committee about levels of sickness absence across the council and actions being taken to manage absence.

2. Recommendations

Members are recommended to:

- **Continue to monitor sickness absence, and ensure appropriate management action is taken to address absenteeism.**

3. Background

- 3.1 In the period since the last update in February 2018 the level of sickness absence has decreased marginally from 8.59 to 8.53 average days per person per year. This is against the corporate target of an average 7 days per person per year.
- 3.2 The latest Chartered Institute of Personnel and Development (CIPD) Absence Management Survey indicates that the average level of sickness absence for Local Authorities is 9.9 days per person per year.
- 3.3 Analysis of data indicates that since the last report long term absence has decreased from 4.90 to 4.80 average days per person per year. Short term absence has increased from 2.44 to 2.48 average days per person per year over the same period.
- 3.4 Absence levels by directorates for the period from 01 June 2017 to 31 May 2018 are attached in Appendix 1.
- 3.5 Of the 12 directorates, seven (excluding schools) are over the corporate target of an average 7 days per person per year. There are four directorates that are over an average 10 days per person per year.

- 3.6 The main reasons for absence have remained the same, with musculoskeletal, anxiety/stress/psychological and colds/flu/viruses accounting for 52.99% of absences in the last 12 months.
- 3.7 In the last report members were informed that average sickness absence per person in Adult Services had decreased from 15.21 in December 2016 to 12.47 in January 2018. This downward trend has continued and the current level of sickness absence is 12.10 average days per person per year. This reduction reflects a reduction in long-term absence across the whole directorate.
- 3.8 Over the last 12 months the structure of Children's Social Care has changed with headcount transferring from a number of other directorates. These changes have seen an increase in the level of sickness absence. Reducing absence is a priority for senior management and with HR support they are looking to gain a full understanding of the sickness absence issues. The directorate will then be able to implement a number of initiatives to improve staff wellbeing and attendance.
- 3.9 The Port has seen an increase of average absence per person from 8.52 days in February 2018 to 11.95 days in May 2018. This is largely due to a small number of continuing long term absences which are being actively managed.

4. Wellbeing

While effective management action and proactive HR support will continue to be used to manage absence levels across the council, it is also necessary to look in the longer term at the overall health and wellbeing of the workforce. Officers in Human Resources and Public Health are working together to ensure that workplace health is embedded meaningfully into the daily working culture of Portsmouth City Council and into the lives of staff outside work. A range of measures have been implemented, or are under development, including:

- Using funding from the Public Health Transformation Fund to engage a dedicated Workplace Wellbeing Co-Ordinator
- Continuing to provide Flu vaccinations between October and February, targeted specifically at social care and health posts
- Introducing a 'My Wellbeing' site on the council's intranet, providing a range of help and advice to services as well as events and courses to maintain a healthy lifestyle
- Ongoing activities to reduce smoking
- Additional training for managers to identify and support mental health issues
- Finding out directly from staff what issues are affecting their health and wellbeing and how these can be addressed
- Focussing on staff based outside of the Civic to identify and tackle location or service specific issues that influence health and wellbeing
- Introducing anti-bacteria dispensers in the council offices
- Encouraging the use of the stairs rather than the lifts across all sites using 'Step Jockey' signage

6. Reasons for recommendations

The continued monitoring of sickness absence and the identification of good management practices is an important part of maximising attendance, which will in turn increase productivity, improve engagement and build resilience.

7. Equality impact assessment (EIA)

A preliminary Equality Impact Assessment has been completed.

8. Legal implications

There are no immediate legal implications arising from this report.

9. Finance comments

There is no significant cashable saving resulting from the reduction in sickness absence. However there will be an improvement in productivity in terms of total days worked.

.....
Signed by:

Appendices:

Appendix 1: Sickness Absence by Directorate 31 May 2018

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
CIPD Absence Management survey 2016	CIPD website

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

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Appendix 1: Sickness Absence by Directorate 26 June 2018

Sickness Absence by Directorates - 01 June 2017 to 31 May 2018

Page 43

Directorate (CFE Split)	Sickness - Working Days Lost														
	HeadCount			Total				Long Term		Medium Term		Short Term		Total Average Per Person Per Year (Previously Reported)	
	Head Count at End of May 2018	Head Count at End of May 2017	Average HeadCount	Working Days Lost To Sickness	% Working Time Lost	Average Per Person Per Year	Trend	Working Days Lost To Sickness	Average Per Person Per Year	Working Days Lost To Sickness	Average Per Person Per Year	Working Days Lost To Sickness	Average Per Person Per Year		
Agency Workers	145	134	139.5	0		0.00	↔	0	0.00	0	0.00	0	0.00		0.00
Adult Services	658	660	659	7975	5.98%	12.10	↓	4682	7.10	1183	1.80	2110	3.20	12.47	
Children's Services and Education	192	249	220.5	1206	3.25%	5.47	↓	640	2.90	147	0.66	419	1.90	6.66	
Children's Social Care	444	341	392.5	5069	5.12%	12.92	↑	3408	8.68	542	1.38	1120	2.85	10.64	
Community and Communication	201	193	197	1328	2.82%	6.74	↑	548	2.78	272	1.38	508	2.58	6.66	
Culture and City Development	343	364	353.5	1757	2.60%	4.97	↓	902	2.55	238	0.67	618	1.75	4.99	
Executive	21	17	19	102	1.98%	5.38	↓	7	0.37	52	2.74	43	2.28	5.44	
Finance and Information Services	282	305	293.5	1532	2.29%	5.22	↓	638	2.17	239	0.81	656	2.23	5.85	
Housing, Neighbourhood and Building Services	860	825	842.5	8176	4.12%	9.70	↓	4427	5.25	1229	1.46	2520	2.99	9.95	
Human Resources, Legal and Performance	118	119	118.5	409	1.47%	3.45	↓	175	1.48	58	0.49	175	1.48	3.58	
PCC Schools	1938	2390	2164	18476	5.45%	8.54	↑	10084	4.66	2487	1.15	5906	2.73	7.29	
Portsmouth International Port	79	81	80	956	4.70%	11.95	↑	571	7.14	181	2.26	204	2.55	6.85	
Public Health	38	66	52	572	6.53%	11.00	↓	353	6.79	84	1.62	135	2.59	12.60	
Regeneration	378	319	348.5	2620	3.78%	7.52	↓	1496	4.29	404	1.16	720	2.07	8.69	
Total (Including PCC Schools)	5552	5929	5740.5	50178		8.74	↑	27930	4.87	7114	1.24	15134	2.64	8.23	
Total (Excluding PCC Schools)	3614	3539	3576.5	31702		8.86	↓	17846	4.99	4628	1.29	9228	2.58	8.90	
Total (Excluding PCC Schools but including Agency Workers)	3759	3673	3716	31702		8.53	↓	17846	4.80	4628	1.25	9228	2.48	8.59	

Definition of periods of absence: Long-term absence: 21 days or more, Medium Term absence: 8 to 20 days, Short Term absence: 7 days or less

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Equality Impact Assessment

Preliminary assessment form v5 / 2013

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

Director of HR, legal and performance

**Function e.g. HR,
IS, carers:**

Human Resources

Title of policy, service, function, project or strategy (new or old) :

Sickness Absence

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

To update members on the current levels of sickness absence across the council and the actions being taken to manage absence.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

All employees

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "negative" or "unclear" consider doing a full EIA

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transgender	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pregnancy and maternity

Other excluded groups

If the answer is "no" or "unclear" consider doing a full EIA

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes

No

Q7 - How have you come to this decision?

There are no changes to the current absence management policy and therefore no detrimental affect on any groups.

If you have to complete a full EIA please contact the Equalities and diversity team if you require help
Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

Q8 - Who was involved in the EIA?

Human Resources

This EIA has been approved by: Jon Bell

Contact number:

023 9268 8782

Date:

14/06/18

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

Agenda Item 7

Title of meeting:	Employment Committee
Date of meeting:	26 th June 2018
Subject:	Apprenticeship Levy update
Report by:	Jon Bell - Director of HR, Legal & Performance
Wards affected:	N/A
Key decision:	No
Full Council decision:	No

1. Purpose of report

To update members on the progress made with regards to apprenticeships in the city council since the introduction of the apprenticeship levy in April 2017 and the rules for sharing up to 10% of our levy with external organisations.

2. Recommendations

Members are **recommended** to:

- (i) Note the achievement made in relation to the council's apprenticeship target
- (ii) Note the continued increase and diversity of PCC apprenticeships
- (iii) Approve officers to undertake a feasibility study relating to the transfer of levy funds to external organisations including the option of establishing an Apprenticeship Training Agency (to be reported at the next scheduled Employment Committee.)

3. Background

- 3.1 The apprenticeship levy was introduced in April 2017 requiring all employers with a pay bill of more than £3 million to pay into the levy at a rate of 0.5%. These employers are able to access their levy funds through a digital account (DAS) to pay for approved apprenticeship qualifications and end point assessments for apprentices within their organisation. The apprenticeships report presented to the employment committee on 29th November 2016 contained further detail on the levy, how it works and the implications for the city council.
- 3.2 A target of 2.3% of was applied to the City Council's headcount on 31st March 2017 resulting in an apprenticeships target of 146. This target has been revised according to the council's headcount as of 31st March 2018 and is now 132.

4. Communications and engagement

- 4.1 In order to raise awareness of the levy and the opportunities it presents for workforce development throughout the council a series of 'communication bursts' have been delivered. The most recent information sessions covered Higher Level Apprenticeships in Chartered Management (Degree Level 6), Project management (Level 4), Team Leading (L3), Operational/Divisional Management Apprenticeship (L5) and Senior Leaders (Masters L7).
- 4.2 HR Business Partners have been supporting Directors and their senior management teams to identify areas of workforce development that could be funded through the apprenticeship levy. This information has been collated to identify common areas of interest across the council. Key themes include Leadership and Management with Training Providers now in place to deliver Apprenticeships from Team leader (Level 3) up to Senior Leaders (Masters L7). The first cohort of management apprentices have started for the Team Leader (Level 3) and Operational Management (Level 5) with Chartered Management Degree (Level 6) and Seniors Leaders Masters (Level 7) cohorts due to start with Southampton Solent University and the University of Portsmouth in September 2018.
- 4.3 A directory of apprenticeship opportunities has been produced, as detailed in the Employment Committee report for February 2018, to support managers in identifying suitable development routes for their staff. Guidance for managers and staff is available on the PCC Intranet and will shortly be uploaded to a new Apprenticeship section on the Portsmouth Learning Gateway (PLG).
- 4.4 The temporary apprenticeship officer post for PCC Schools and Academies has been extended for a second year following the successful implementation in year one of the apprenticeship opportunities for schools. This has increased the uptake of apprentices across maintained, voluntary controlled/aided and academy schools.
The second year is being partly funded by secondment of the current apprenticeship officer to Southampton City Council to duplicate the successful work delivered in Portsmouth. This service is also being offered as a Traded Service via the Traded Service Portal to schools and Academies to all schools across Portsmouth.

5. Recruitment

- 5.1 The procurement of Training Providers to deliver Architectural Assistant at Level 6 and Architect at Level 7 and a Senior Management (MBA) at Level 7 has been completed.
- 5.2 Four Chartered Surveying apprentices have been recruited and three existing staff will be taking part in this apprenticeship with the University of Portsmouth commencing in September 2018.

- 5.3 A traded service model has been established in order to further support Academy schools in the city with apprenticeships and is available via the Traded Service portal for both maintained and academy schools.
- 5.4 A snapshot of current apprentices in learning as of 18th June 87 PCC and 30 School funded via the Levy total of 117 plus 16 who are continuing their apprentices post levy giving at total of 133 apprentices still on programme.
- 5.5 The following apprenticeships are currently in recruitment or agreed for recruitment within PCC. Each apprenticeship is shown with the associated cost of the programme which is funded through the levy.

- 2 x Level 6 & 7 Architecture - Funding band to be confirmed
- 2 x Level 6 Chartered Surveyor - Property & Housing at £27,000 per apprentice
- 3 x Level 3 Surveying Technician - Property & Housing at £9,000 per apprentice
- 1 x Level 5 Care Leadership & Management at £2,000 per apprentice
- 2 x Level 2 Adult Care Worker at £3,000 per apprentice
- 2 x Level 3 Business Admin - Various Directorates at £5000 per apprentice
- 3 x Level 4 Project Management - Various Directorates at £9,000 per apprentice
- 3 x Level 3 Housing / Property Management at £9,000 per apprentice

There are a number of apprenticeships either in recruitment or agreed for recruitment with PCC maintained Schools as follows;

- 14 x Level 3 Teaching Assistants at £2,500 per apprentice
- 2 x Level 3 Early Years at £2,500 per apprentice
- 2 x Level 2 Business Administration at £2,000 per apprentice
- 3 x Level 4 School Business Professional at £6,000 per apprentice
- 3 x Level 7 Senior Leaders Education pathway at £18,000 per apprentice

The apprenticeships officer has supported applications for the following programmes which are being delivered as cohorts.

- Cohort of 9 Level 3 Team Leading commenced April 2018 - total cost of cohort £45,000
- Cohort of 6 Level 5 Departmental & Operational Manager commenced April 2018 - total cost of cohort £54,000
- Cohort of 3 Level 6 Chartered Management Commencing October 2018 - total cost of cohort £81,000
- Cohort of 9 Level 7 MBA Strategic Leadership Commencing October 2018 - total cost of cohort £162,000

- 5.6 Both the PCC and Schools Apprenticeships officers are involved in the support and management of the Apprenticeships Ambassadors network which aims to

raise the profile of apprenticeships across the city. The apprenticeship officers, our apprentices and apprentice ambassadors were actively engaged in celebrating and promoting apprenticeships during National Apprenticeship Week (NAW) in March 2018.

NAW 2018 Events included;

- 5th March -Apprenticeship Opportunities Drop-in Session Hillside Youth Club, Cheltenham Road, Portsmouth
- 6th March - Portsmouth College Careers Fair - PCC Apprentice Ambassador presenting to year 12/13 students
- 6th March-Apprentice Challenge, Community Learning Centre, Community Learning Service Dragon's Den style challenge for PCC apprentices
- 7th March - Pompey Apprentice Bus toured Portsmouth visiting schools and employers promoting apprenticeship finishing at Gun Wharf
- 7th March- Apprenticeship Opportunities Drop-in Session Brook Club, the Hub, Winston Churchill Avenue, Portsmouth
- 8th March - PCC apprentices interview on Express Radio
- 8th March -Portsmouth City Council Apprentice Awards, Lord Mayor Banqueting Suite, Award and celebration event for Portsmouth City Council apprentices and managers
- 9th March - Lunch and Learn PCC View Café Apprenticeship information session aimed at PCC staff who have school aged children
- 9th March - Breakfast Meeting Marriott -employer event addressing skills and talent needs within the City, opportunities to support workforce development with the latest apprenticeship training models.

6 Public Sector Apprenticeship Target

- 6.1 The Government apprenticeship target of 2.3% of was applied to the council based on its headcount on 31st March 2017 resulting in an apprenticeships target of 146.

The percentage of apprenticeships starts (both new hires and existing employees who started an apprenticeship) between 1st April 2017 and 31st March 2018 as a proportion of headcount on 31st March 2017 was 2.41%; resulting in the city council exceeding its apprenticeship target for 2017 /18.

7 Procurement and training providers

- 7.1 To date we have 76 approved training providers on our Dynamic Purchasing System (DPS) offering a range of apprenticeships. Solent NHS Trust and Portsmouth Hospitals NHS Trust are using the PCC DPS to commission training providers for their own staff. PCC features as a case study of good practice by the Local Government Association in its guidance for local authorities in relation to the apprenticeship levy and the PCC Apprenticeship team were asked to present our model as an exemplar of best practice at the Education Skills Funding Agency (ESFA) large employer event in Southampton on the 20th March with over 80 Levy employers attending.

7.2 We have 14 training providers delivering apprenticeships across a range of vocational areas for new apprentice recruits and existing staff.

8. Future development

8.1 We are currently aware of Apprenticeship Trailblazers for Social Work, Occupational Therapists, Children, Young People & Families Practitioner, and Chartered Town Planner all of which will be of interest to PCC once they are in place.

8.2 PCC is an active member of the Solent Apprenticeship Ambassador Network (AAN) and our Portsmouth Ambassadors are part of a wider network called The Young Apprenticeship Ambassador Network (YAAN), which includes past and current apprentices from the local region. Portsmouth City Council will be hosting the South YAAN next meeting on 6th July at our Civic offices.

9. Legal implications

9.1 PCC must comply with the Public Contracts Regulations 2015 when commissioning training providers to deliver Apprenticeship qualifications. The work Officers have undertaken with regards to the DPS ensures PCC's compliance in this area.

10. Equality impact assessment

10.1 A preliminary Equalities Impact assessment (EIA) has been completed (EC Report February 2018) and identified a full EIA was not required as the actions in this report do not have a potential negative impact on any of the protected characteristics as described in the Equality Act 2010.

11. Finance comments

11.1 The city council began paying into the apprenticeship levy in April 2017 with the first funds being available in its digital account at the end of May 2017. The table below shows the amount of levy that is available to PCC which includes the additional 10% top up applied by the Government.

Month	Levy Amount	Spent
May 2017	£56,187.33	N/A
June 2017	£54,484.51	£607.42
July 2017	£55,195.14	£1,238.39
August 2017	£54,086.49	£2,013.32
September 2017	£53,478.39	£2,002.14
October 2017	£52,992.18	£4,775.91
November 2017	£52,689.14	£11,752.62
December 2017	£53,171.15	£14,630.48
January 2018	£53,216.22	£11,988.95
February 2018	£52,703.31	£15,026.05
March 2018	£50,902.09	£16,216.16
April 2018	£50,932.84	£22,568.69
May 2018	(Estimate) £50,000	£21,720.99
June 2018	(Estimate) £50,000	£19,905.25
Total :	£740,038.79	£144,241.97

- 11.2 Between April 2017 and June 2018, the city council has accumulated apprenticeship levy funds of approximately £740k. Of this, around £144k has been spent with various approved apprenticeship training providers across the South of England.
- 11.3 During the opening months of the scheme, apprentice numbers were much lower than they are at present resulting in a build-up of levy funds. This has resulted in the digital account reaching its current position of £596k.
- 11.4 Currently the authority is spending between 40% and 50% of a given month's levy during the period it was accrued. This is expected to increase over the coming months as a result of both an increase in apprentice numbers, the higher cost of level 5, 6 & 7 programmes as well as end point assessment payments becoming due. These payments are lump sum amounts which are paid to the training provider upon successful completion of an apprenticeships programme.
- 11.5 The council has two years to spend any levy received before it has to be returned to Government. All spend is allocated to the earliest periods with available funds first. Once that period's levy is used the next is utilised. On this basis, and using our existing apprentice numbers, it has been forecasted that the city council would therefore not begin to make repayments to Central Government before December 2019.
- 11.6 Work to increase spend against the levy is ongoing and to date approximately £570,371 of our levy has been committed through our apprentices on apprenticeship programmes.

12. 10% Levy transfer

- 12.1 From April 2018 levy paying employers can transfer up to 10% of their levy to any employers that employ apprentices. The guidance and rules for this have been issued and an extract from them is set out in Appendix 1.
- 12.2 At present the rules only allow for one employer to benefit from the transfer of funds which would place the city council in a difficult position in terms of deciding which employer to support. An alternative model would be to work with an Apprenticeship Training Agency (ATA). The distinctive feature of the ATA model is that it is the ATA who acts as the apprentice employer who places them with a host employer. The host employer pays the ATA a fee for the apprentices' services; this fee being based on the wage agreed with the host and the ATA management fee.
- 12.3 In view of the forecast regarding the council's payback of its levy to the Government (based on current apprentice numbers as detailed in 11.5), the council has time to establish the best model to support employers in the city through the transfer of levy funds.
- 12.4 The ATA model has the potential to support more employers and increase the number of apprentices in smaller businesses in the city. A feasibility study could therefore be undertaken by officers for the council to set up a local ATA whilst exploring other options allowable under the funding rules to ensure the most effective model of transfer of funds is achieved. This would be presented at the next Employment Committee in order to enable members to make an informed decision as to the best model to use.

.....
Signed by:

Appendices:
Appendix 1 - 10% Apprenticeship Levy transfer rules

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Shaping the Future of Portsmouth	Strategy Unit
Business Growth & Skills Plan	Strategy Unit
Apprenticeship Strategy	Strategy Unit
Apprenticeship Employment Committee Report 15 th December 2015, 29 th November 2016, 28 th February 2017, 28 th November 2017 & 27 th February 2018	Employment Committee
Apprenticeship Funding: rules and guidance for employers May 2017 to July 2018 (Version 3)	Skills Funding Agency
Apprenticeship Targets for Public sector Bodies - Government Consultation Response	Department for Education

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:

10% levy Transfer rules

Employers who have unused funds in their apprenticeship account will be able to transfer up to 10% of those funds, this is currently limited to **one** other employer until functionality is developed in the digital account. The number of employers you will be able to transfer funds to will increase over time.

Employers who want to transfer funds can find employers who want to receive a transfer in a number of ways, for example:

- Work with an employer in your supply chain
- Get in touch with employers in your industry
- Get in touch with an Apprenticeship Training Agency (ATA)
- Work with regional partners

Employers can transfer a maximum of 10% of annual funds. This is worked out from the total amount of levy declared, with the English % applied, plus the 10% government top-up payment. For Portsmouth City Council this will be approximately £60,000.

These funds can only be used to pay for the training and assessment cost of the apprenticeships agreed with the receiving employer and will be paid monthly for the duration of the apprenticeship.

Only levy-paying employers can make a transfer. Any employer can receive and use transferred funds, but they have to be registered on the apprenticeship service. A transfer can only be used to pay for training and assessment for apprenticeship standards, and can only be used for new starts.

From May 2018:

- Employers who pay the apprenticeship levy will be able to fund apprenticeships in **one** other organisation through a transfer
- Receiving organisations will be able to start adding details of their apprenticeships to the service

From June 2018:

- The first transfer payments will be made

Noteworthy Funding Rules

- You must agree with the receiving employer which apprenticeship standard their chosen apprentice will be undertaking and the price that they have agreed with their chosen provider and end-point assessment organisation. You will need to confirm these details through the apprenticeship service and ensure you do not exceed your 10% transfer cap.

- By agreeing to fund an apprenticeship with a transfer you are committing to fund the apprenticeship until completion. You will not be able to stop payments once you have approved the apprenticeship on the apprenticeship service.
- A transfer of funds will not take place where the receiving employer is eligible for full government funding, because they have fewer than 50 employees and the apprentice is:
 - 16-18 years old; or
 - An eligible 19-24 year old.

If an employer has less than 50 employees they are eligible for full government funding if they recruit or upskill existing staff aged 18 and under or anyone aged 19 to 24 who has a local authority care plan.

- You must not impose conditions on the transfer, such as choosing the receiving employer's training provider or end-point assessment organisation for them.
- You must not seek or accept any incentives or inducements or any other payments not authorised by us in exchange for sending a transfer
- If you are a training provider who is also a levy-paying employer, you must not deliver training to apprentices you are funding through a transfer. This includes where you are acting as a main provider or a sub-contractor.
- As a sending employer, you will not be able to receive any transferred funds from another levy-paying employer, while you are funding a transfer.
- If you are a levy-paying employer, if at any point the 'sending' employer has insufficient funds to cover the cost of your apprenticeship training and you have sufficient levy funds available then these funds will automatically be used before you enter co-investment.



Title of meeting:	Employment Committee
Date of meeting:	26 June 2018
Subject:	The Living Wage
Report by:	Director of HR, Legal and Performance
Wards affected:	None
Key decision:	No
Full Council decision:	No

1 Purpose of report

- 1.1. This report is provided in response to the instruction from Full Council on 17th October 2017, for Employment Committee to consider implementing the Foundation Living Wage (FLW) rate and assess what the potential implications might be.

2 Recommendations

- 2.1. Members are recommended to apply the Foundation Living Wage, consolidated into the council's pay structure, noting the costs and issues identified in the paragraphs below, and subject to special provisions for those employees who have transferred to PCC under TUPE regulations.

3 Background

- 3.1. In 2014 Members considered whether to adopt the Foundation Living Wage rate, and whether to become an accredited Foundation Living Wage employer. Members decided to pay a Portsmouth City Council Living Wage as a non-consolidated payment (i.e. a salary "top up") for those employees falling below the FLW level, and decided not to apply to become a FLW accredited employer.
- 3.2. Members' stated intention was that the payment would continue to be made until the National Living Wage overtook the Portsmouth City Council Living Wage. The Portsmouth City Council Living Wage rate currently stands at £7.85 per hour, 2p above the National Living Wage rate.
- 3.3. Since the application of the pay award in April 2018, the PCC Living Wage is paid to 31 employees, all of whom are people who have transferred into the council under TUPE regulations. Out of 31 Local Authority maintained schools, 4 have decided not to pay the PCC Living Wage and currently pay the National Living Wage rate.
- 3.4. The Foundation Living Wage rate is currently £8.75 per hour, with a new rate due to be announced on Monday 5th November 2018.

4 Considerations

4.1. In deciding whether to pay the FLW as a consolidated payment, Members will need to consider the following:

- By consolidating the FLW into the council's pay structure, it would also impact on any additional payments (e.g. shift allowances and overtime) that are claimed by affected staff. Members are reminded that costs, £169,200 (see below) associated with the FLW are unbudgeted and therefore must be found within existing agreed cash limits.
- Consolidating the payment into the council's pay structure will mean that the majority of employees within bands 1 and 2 will be paid the same. Therefore, historical differentials between job roles at these levels will be removed and could result, for example, in a supervisor receiving the same pay as the staff reporting to them. This may result in pressure for some roles to be redesigned and/or re-evaluated.
- Schools will need to be consulted on an individual basis, and will have to decide whether to adopt the FLW. If (as is currently the case) some schools elect not to pay the FLW, the result will be that different pay rates could be applied to similar job roles across the schools workforce. Schools will, of course, but strongly encouraged to apply the FLW should members be minded to proceed with its implementation.
- Employees who have transferred into PCC under TUPE regulations have their terms and conditions protected (i.e. frozen) at the point of transfer. Therefore the council cannot consolidate the Foundation Living wage rate into the basic pay that these employees receive. As a result, these staff would continue to receive the FLW as a non-consolidated "top-up" payment.
- Members should note that future increases to the FLW, as defined by the Living Wage Foundation, may be above the rate of inflation. Should members be minded, in future years, to not match these increases, it would be necessary to negotiate with trades unions how the pay spine should be adjusted to remove the link to the FLW.
- To become an accredited Foundation Living Wage employer, the council would need to comply with a number of conditions under the FLW accreditation licence, including paying an annual fee, giving a commitment to pay the increased FLW rate year on year, and requiring companies providing services on behalf of the council to also pay the FLW. Whilst members' aspiration to become an accredited FLW employer is noted, the costs associated with this are likely to be prohibitive and so members are not recommended to pursue accreditation at the present time.

5 Reasons for Recommendation

- 5.1. Paying the FLW ensures that the council's lowest paid staff receive a genuine living wage (as defined by the Living Wage Foundation), providing a range of economic and social benefits
- 5.2. Applying the FLW as a consolidated payment does provide greater future certainty for those affected staff, although there some additional costs and other issues as set out in this report.

6 Equality impact assessment (EIA)

- 6.1. An Equality Impact Assessment was completed and is attached at Appendix 1.

7 Legal implications

- 7.1. The report outlines the cost implications and potentiality for challenge, together with the appropriate mechanisms to mitigate the risk- the employer also maintains suitable flexibility should matters require to change in the future.

8 Director of Finance’s comments

- 8.1. The total estimated cost of implementing the Foundation Living Wage is £101,200 per annum inclusive of Employers National Insurance and Pension contributions.
- 8.2. Of this total cost, £26,000 relates to staff employed within PCC maintained schools and it will be necessary for this additional cost to be met from within schools' existing formula funding allocations.
- 8.3. The remaining £75,200 relates to staff engaged on General Fund & Housing Revenue Account related activities and it will be necessary for this additional cost to be met from within existing GF & HRA budgets.

.....
Signed by:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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Equality Impact assessment

Full assessment form v4 / 2011

www.portsmouth.gov.uk

Service:

HR

Title of policy, service, function, project or strategy (new or old):

Implementation of the Living Wage

Type of policy, service, function, project or strategy:

New / proposed

Changed

Existing

Lead officer

Jon Bell

People involved with completing the EIA:

Jolene Chaffin

Introductory information (Optional)

In the 2014/15 Budget, the Members committed to becoming a Living Wage Employer. In June 2015 the Chancellor announced the introduction of the National Living Wage which replaces the National Minimum Wage for over 25's and is set to reach a minimum of £9.00 per hour by 2020. For employees under 25 years the National Minimum Wage still applies, although the recommendation for PCC is that all staff irrespective of age are paid as a minimum the National Living Wage.

The Living Wage (LW) is an hourly rate of pay which is set independently from the National Minimum Wage (NMW). It is calculated (and updated) annually by the Centre for Research in Social Policy at Loughborough University. The LW was created to give the minimum pay rate required for a worker to provide their family with the "essentials of life". The purpose of introducing the LW is to lift employees out of working poverty.

Step 1 - Make sure you have clear aims and objectives

What is the aim of your policy, service, function, project or strategy?

To introduce the Living Wage for all staff, including those within schools, where the Board of Governors for the relevant school agrees to do so.

By paying the LW rate, we will be lifting PCC employees out of working poverty and reducing the reliance upon state benefits.

Who is the policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

All PCC employees (including those within schools that agree to adopt LW), who currently earn less than the Living Wage (based on the 2018/19 rate of £8.75 per hour). The LW is higher than the National Minimum Wage and therefore by paying LW, we will be lifting our employees out of working poverty. The implementation of the Living Wage will also make a positive contribution to the city's "Tackling Poverty Strategy".

This will mostly impact upon women as approximately 91% of the jobs positively affected by this are held by women. The types of roles include Cleaners, Craft Gardeners, Midday Assistants and Teaching Assistants.

The overall budgetary impact, including the impact on additional payments (e.g. shift pattern payments and overtime) which are calculated as percentage increases to the hourly rate and the impact on the costs of year 2 of the NJC pay award. The NJC pay award requires a 2% differential between each (consolidated) SCP. Members are reminded that costs, £169,200 (see below) associated with the FLW are unbudgeted and therefore must be found within existing agreed cash limits.

Consolidating the payment would require changes to job design. A review would need to take place and duties designed at a higher rate if the new pay was consolidated and bandings changed.

Consolidation would result in erosion of differentials in the Grading Structure. There was a risk that increasing consolidated pay, particularly in schools, would start to erode the differential between those on the lowest point and those employees on the points above them (in some cases this could be their supervisor). This would certainly be an issue in schools and will have an overall knock on effect on the pay structure

Employees who transferred into PCC under TUPE regulations have their terms and conditions protected at the point of transfer. Therefore we are unable to consolidate the Foundation Living wage rate into the basic pay rate. As a result the proposal would be to pay the Foundation Living Wage as a non-consolidated payment for these employees.

What outcomes do you want to achieve?

To lift employees and those who provide a service to the city council, out of working poverty.

What barriers are there to achieving these outcomes?

Potential Equal Pay considerations if all schools did not agree to implement the LW rate as agreed by Members.
Ongoing budget pressures across the organisation, particularly medium and long term based on current financial projections.

Step 2 - Collecting your information

What existing information / data do you have? (Local or national data) If you don't have any data contact the Equalities and diversity team for some ideas

Information from the Living Wage Foundation.
Data analysis regarding the existing make up of the organisation and the impact the LW will have on the pay bill, and projected financial costings for future years (based on historical trends).

Using your existing data, what does it tell you?

According to the organisations that have implemented Living Wage, the benefits of doing so are great, for example, reduction in sickness absence and increase in morale and motivation of workforce.
Source: Living Wage Foundation.

Employers who pay the Living Wage are seen as progressive and it is thought that in the future, with the number of employers signing up to LW, those who don't may be seen as unethical.

Paying the Living Wage can contribute significantly to breaking cultures of dependency through earning a decent "stand alone" wage rather than being paid poor wages and having to claim benefits to "top up".

Predominantly the majority of schools (87%) already signed up to paying the Living Wage allowance at the Foundation rate of £7.85. There is a concern and reluctance to increase this rate in line with the Living Wage Foundation increase to £8.75 and affordability has been raised as a real concern.

Step 3 - Now you need to consult!

Who have you consulted with?

Pay Steering Group
Members
Unions - through JOSF

If you haven't consulted yet please list who you are going to consult with

Schools Executive Board

Please give examples of how you have or are going to consult with specific groups or communities e.g. meetings, surveys

Consultation meetings

Step 4 - What's the impact?

Is there an impact on some groups in the community? (think about race, gender, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups)

Generic information that covers all equality strands (Optional)

The implementation of Living Wage will impact more females than males due to the fact that the postholders of the roles affected are predominantly women approximately 91% (365) and 9% (38) men are eligible for the current Living Wage rate of £8.75.

However for those that have transferred in under TUPE, as it will impact more males than females with approximately 17 male (55%) and 14 women (45%)

Therefore, implementation of the Living Wage will promote equality for women.

Ethnicity or race

No

Gender including transgender

See above.

Age

No

Disability

No

Religion or belief

No

Sexual orientation

No

Pregnancy and maternity

No

Other socially excluded groups or communities e.g. carers, areas of deprivation, low literacy skills

No

Health Impact

Have you referred to the Joint Needs Assessment (www.jsna.portsmouth.gov.uk) to identify any associated health and well-being needs?

Yes

No

What are the health impacts, positive and / or negative? For example, is there a positive impact on enabling healthier lifestyles or promoting positive mental health? Could it prevent spread of infection or disease? Will it reduce any inequalities in health and well-being experienced by some localities, groups, ages etc? On the other hand, could it restrict opportunities for health and well-being?

According to the Living Wage Foundation, evidence suggests that in those companies/authorities that have implemented Living Wage, sickness absence and labour turnover has decreased. This is attributed to the fact that many of those who were in working poverty worked more than 1 job to make ends meet and consequently were suffering from stress/fatigue, etc. Therefore, there is evidence that paying LW will contribute to improving health, along possibly with families being able to afford to buy healthier food, for example.

Evidence is also cited that employee engagement and loyalty had increased.

Step 5 - What are the differences?

Are any groups affected in a different way to others as a result of your policy, service, function, project or strategy?

No. The Living Wage will be paid to all those earning below £8.75 per hour and therefore there are no groups with protected characteristics to be treated differently. Should schools not adopt the same

Living Wage rate there may be some disparity between those who are eligible for the payment being paid a different amount.

It is proposed that a consolidated payment does have additional implications that Members will need to consider such as increased cost and implications on the overall pay structure as described above. This also does not allow for the council to say they are a foundation living wage employer.

5.3. It is recommended to apply a non-consolidated "top-up" to the basic salary of those employees who have transferred in under TUPE. This will ensure that PCC is not in breach of TUPE regulations as by applying an non-consolidated 'top-up' we will not be fundamentally changing their terms and conditions.

Does your policy, service, function, project or strategy either directly or indirectly discriminate?

Yes No

If you are either directly or indirectly discriminating, how are you going to change this?

Not Applicable

Step 6 - Make a recommendation based on steps 2 - 5

If you are in a position to make a recommendation to change or introduce the policy, service, project or strategy clearly show how it was decided on

The Members requested to review our current stance on implementing the Foundation Living Wage.

The Employment Committee will make the final decision regarding what rate to implement, taking into account the increase to the Foundation rate and the introduction of the National Living Wage rate.

What changes or benefits have been highlighted as a result of your consultation?

Increasing the hourly rate for in line with the Foundation Living wage, as a consolidated payment (but without committing to be a FLW employer) enables the council to pay the foundation living wage without the restrictions that accreditation has.

Applying the FLW as a consolidated payment does have additional implications that Members will need to consider such as increased cost and implications on the overall pay structure as described above. This also does not allow for the council to say they are a foundation living wage employer.

It is recommended to apply a non-consolidated "top-up" to the basic salary of those employees who have transferred in under TUPE. This will ensure that PCC is not in breach of TUPE regulations as by applying an non-consolidated 'top-up' we will not be fundamentally changing their terms and conditions.

If you are not in a position to go ahead what actions are you going to take?
(Please complete the fields below)

Action	Timescale	Responsible officer
Not Applicable	Not Applicable	Not Applicable

How are you going to review the policy, service, project or strategy, how often and who will be responsible?

The Living Wage is set annually each November by the Centre for Research in Social Policy at Loughborough University. Organisations committed to the Living Wage then have until the following April to implement any changes to the LW rate. It is recommended that the City Council reviews the Living Wage annually, via the Employment Committee. This annual review will allow the council to respond to any changes in the Living Wage amount or changes to the Living Wage concept as well as enabling the authority to respond to efficiency pressures and will ensure that the integrity and transparency of the pay structure is not compromised. It will also allow any necessary adjustments to be made to the supplement, having taken into account national pay awards and individuals receiving increment rises.

Step 7 - Now just publish your results

This EIA has been approved by: Jon Bell

Contact number: 023 9283 1967

Date: 18th June 2018

Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your full EIA.

Telephone: 023 9283 4789

Email: equalities@portsmouthcc.gov.uk

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