
Report To:	Policy & Resources Committee	Date:	12 August 2014
Report By:	Corporate Director Education, Communities & Organisational Development	Report No:	HR/ 17/14/BMcQ
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Subject:	Revised Scheme of Salaries & Conditions of Service for Chief Officials		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Committee of the main changes in the new SJNC Scheme of Salaries and Conditions of Service for Chief Officials and highlight matters which will need to be considered by the Council as a consequence of the new agreement. The new agreement supersedes the previous one and is fully effective from 1 April 2014.

2.0 SUMMARY

- 2.1 The main changes nationally concern preservation and annual leave and in addition for the Chief Executive, the Disciplinary and Capability Frameworks.
- 2.2 Like many other Councils, Inverclyde have an agreed policy to automatically adopt national agreements and this is reflected in the contracts of employment of employees. Accordingly no decision of the Council is required to adopt the new national agreement. However, local consideration requires to be given to salary preservation, annual leave and the working hours of Chief Officials and a number of proposals have been made for consideration by the Committee.
- 2.3 In addition, the Corporate Management Team have been, over time, working to harmonise the terms and conditions of all employee groups within the Council as far as practicable locally.
- 2.4 An audit of the old national agreement has been undertaken to establish if there are any other changes in the new agreement which may impact on the Chief Executive and other Chief Officials. Following consideration of this report by the Committee, all Chief Officials will be advised of the new agreement and its effects on their contracts of employment.

3.0 RECOMMENDATIONS

- 3.1 That the Committee note the introduction of the new SJNC Scheme of Salaries and Conditions of Services for Chief Officials with effect from 1 April 2014.
- 3.2 That the Committee agree to extend the scope of the local policy on salary preservation for employees under the SJC Scheme for Local Government Employees, to include Chief Officials (i.e. one year preservation).
- 3.3 That the Committee agree a reduction in the annual leave entitlement of Chief Officials to that which currently applies to SJC employees within the Council as outlined in paragraph 4(b).

- 3.4 That the Committee agree the participation of Chief Officials in the Flexible Working Scheme as outlined in paragraph 4(c).
- 3.5 That the Committee agree to increase Chief Officials' standard working hours from 35 to 37 hours per week in line with SJC local government employees, as outlined in paragraph 4.3.
- 3.6 That the Committee note that Chief Officials will be advised of the new agreement and its effect on their contracts

Patricia Cassidy
Corporate Director Education, Communities
& Organisational Development

4.0 BACKGROUND

- 4.1 Councils have received from COSLA, the new SJNC Scheme of Salaries and Conditions of Service for Chief Officials. It is known as the Chief Officials Book and is available on the COSLA Employers website. Also available is an additional circular (IR/01/14) issued by COSLA to accompany the new Scheme which provides details on the main changes and provides additional guidance notes. The new agreement supersedes the previous one and is fully effective from 1 April 2014.
- 4.2 Over the last few years, the Corporate Management Team have been working to harmonise the terms and conditions of all employee groups within the Council as far as practicable locally.
- 4.3 **MAIN CHANGES NATIONALLY**

The main changes nationally concern preservation and annual leave and in addition for the Chief Executive, the Disciplinary and Capability Frameworks. The main areas for consideration are detailed below.

a) Preservation

The previous national agreement on preservation, including salary preservation, no longer applies. The only reference to preservation in the new national agreement enables future salary preservation arrangements, if any, to be determined locally. Inverclyde currently do not apply preservation arrangements to Chief Officials.

COSLA circular IR/01/14 advises councils that they may wish to consider extending the scope of any local policy on salary preservation for employees under the SJC Scheme for Local Government Employees, to include Chief Officials. At Inverclyde the current provision is 1 year preservation for Local Government Employees and in accordance with 4.2 above it is proposed that this arrangement is also now applied to Chief Officials.

b) Annual Leave

Annual leave entitlement, which was 27 days, is now harmonised with that within the SJC Scheme for Local Government Employees giving an entitlement of 20 days increasing to 25 after 5 year's service but it was recognised that the 20/25 day entitlement is a minimum entitlement which has been improved at a local level by many councils.

Chief Officials at Inverclyde initially receive 27 days annual leave rising to 30 days on completion of 10 years continuous service. SJC employees within Inverclyde initially receive 20 days annual leave rising to 28 days on completion of 10 years continuous service. All employees also receive an additional 5 days leave (former fixed public holidays) which were added to employees annual leave entitlement by local agreement in 2008.

The essence of the new national agreement is that the entitlement which applies to SJC employees within the Council should also apply to Chief Officials. However, the COSLA guidance circular IR/01/14 also highlights that where a locally determined annual leave arrangement is in place as a result of a local agreement (as is the case in Inverclyde), then this should continue in accordance with the terms of that agreement.

Chief Officials within Inverclyde have discussed the issue of annual leave entitlement and following consideration have indicated they would be prepared to accept the recommendation of a reduction in their annual leave entitlement in line with SJC local government employees consistent with 4.2 above. In most circumstances employee groups would expect some form of buy-out in return for loss of annual leave or other condition but the Chief Officials locally have agreed by way of example that this should not apply locally in this case. The application of this entitlement to Chief Officials within Inverclyde would see a reduction in their annual leave of between 2 and 7 days per annum depending on length of service. Subject to committee approval it is proposed that the reduced annual leave entitlement will take effect from 1 January 2015 with existing Chief Officials annual leave entitlement being protected for one year.

Members should also be aware that the number of Chief Official positions across the Council has reduced in number in recent years by over 50%, placing additional demands and responsibilities on those Chief Officials who remain. This regularly requires Chief Officials to undertake significant additional hours in order to fulfil the duties and responsibilities of their post. Members may also wish to consider potential recruitment and retention issues which may result from a reduced annual leave entitlement for Chief Officials.

c) Flexitime

The COSLA guidance circular IR/01/14 highlights that flexitime arrangements within councils which apply to SJC employees may not apply to Chief Officials. Chief Officials within Inverclyde do not currently participate in the flexible working hours scheme. In light of any changes to Chief Officials annual leave entitlement and from an equalities perspective it is suggested that Chief Officials become eligible to participate in the Council's flexible working hours scheme.

d) Disciplinary Framework for Chief Executives

The national agreement introduces a new Disciplinary Framework for Chief Executives. This framework may only be modified at a local level in regard to timescales, disciplinary sanctions, length of time warnings remain 'live' and representation, to ensure that there is consistency with that which applies within the Council's disciplinary procedure which applies to other Chief Officials.

e) Capability Framework

The national agreement also introduces a new framework for councils to deal with any question or complaint as to the capability of the Chief Executive to fulfil the duties and responsibilities of the post. Again that framework may only be modified at a local level, as per the Disciplinary Framework outlined above.

f) Sick Pay

Chief Officials who start employment after 31 March 2014 will only be entitled to receive occupational sick pay if they have 26 weeks or more continuous service as defined as per paragraph 10.1 of the national agreement at the start of the period of sickness absence. Currently occupational sick pay commences immediately. This brings Chief Officials sick pay conditions in line with SJC employees.

g) Appeals and Grievances

The previous provisions for local appeals and settlement of grievances no longer apply and there is no longer any right of appeal at a national level. The agreement indicates the route by which a Chief Executive should pursue a grievance within a council. The procedure to be followed by a council should as far as possible replicate the arrangements for other Chief Officials.

4.4 Hours of Work

The current national conditions are silent on hours of work for Chief Officials and this does not change in the new agreement. The standard working week for Chief Officials in Inverclyde is 35 hours per week. However, contracts of employment state that the "hours worked will be those required to fulfil the duties and responsibilities attached to the position."

There is no requirement under the new agreement to amend standard working hours, however, it is proposed that the standard working week for Chief Officials is increased to 37 hours per week in line with SJC local government employees. This change would not impact on existing salaries and would be implemented as soon as practicable.

4.5 Other Conditions

The above outlines the main changes arising from the new agreement. It is suggested in the accompanying circular IR/01/14 that councils undertake an audit of the old national agreement to determine whether there are any other conditions which they have applied to their Chief Executive and other Chief Officials and which are now withdrawn from the national agreement. This has been undertaken to ensure there are no other changes in the new agreement which may impact on the Chief Executive and other Chief Officials.

5.0 PROPOSALS

- 5.1 The following proposals are put forward to the Policy and Resources Committee in relation to Chief Officials terms and conditions of employment:

Salary Preservation – To extend the scope of the local policy on salary preservation for employees under the SJC Scheme for Local Government Employees, to include Chief Officials (i.e. one year preservation).

Annual Leave – To reduce the annual leave entitlement of Chief Officials to that which currently applies to SJC employees within the Council as outlined in paragraph 4(b).

Flexible Working Scheme – To agree the participation of Chief Officials in the Flexible Working Scheme as outlined in paragraph 4(c).

Hours of Work – To increase Chief Officials' standard working hours from 35 to 37 hours per week in line with SJC local government employees as outlined in paragraph 4.4.

6.0 IMPLICATIONS

Finance

- 6.1 None.

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Legal

- 6.2 There are no legal implications.

Human Resources

- 6.3 Consultation was conducted nationally on the changes to the Scheme of Salaries & Conditions of Service for Chief Officials. Chief Officials have been informed and consulted on issues locally. Following consideration of this report by the Committee, all Chief Officials will be advised of the new agreement and its effects on their contracts of employment.

Equalities

- 6.4 As outlined in the report.

Has an Equality Impact Assessment been carried out?

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YES

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NO - This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

Repopulation

- 6.5 n/a.

7.0 CONSULTATIONS

- 7.1 Consultation took place with Trade Unions at National level on the amendment to the Chief Officials Conditions of Service.

8.0 LIST OF BACKGROUND PAPERS

- 8.1 a) The Scheme of Salaries and Conditions of Service for Chief Officials
b) CoSLA circular IR/01/14 – Revised Scheme of Salaries & Conditions of Service for Chief Officials