

INDUSTRIAL RELATIONS COMMITTEE: 6 MARCH 2014

GENERAL PURPOSES AND LICENSING COMMITTEE: 7 MARCH 2014

HEALTH AND LEISURE CENTRE INSTRUCTORS PAY, TERMS AND CONDITIONS

1. INTRODUCTION

- 1.1 This report outlines proposed changes to Health and Leisure Centre Instructors Pay, Terms and Conditions from 1 May 2014.

2. BACKGROUND

- 2.1 The Council employs 248 instructors covering two broad categories. One to support Swimming/Sports and the other Group Exercise. Instructor led activities are a major contributor to the service. Operationally these activities cost £730,000 but directly support the generation of £2.3 million of income. No instructor works more than 24 hours a week, with the majority working less than 5 hours per week, although a number of instructors may hold more than one role.
- 2.2 Instructors Pay, Terms and Conditions are covered in Local Agreement (No. 16) which was signed by the Council and the unions in 2000.
- 2.3 The current Instructor Pay, Terms and Conditions have generally served the requirements of the Health and Leisure business well and enabled the service to recruit and retain instructors to develop and grow the business.
- 2.4 The current Pay, Terms and Conditions have been in place for some time and therefore it is appropriate to review the requirements of the Health and Leisure business and the supporting Pay, Terms and Conditions. The current pay system has resulted in there being 92 different hourly rates in operation.
- 2.5 To conduct the review and prepare a proposal a Project Board and Project Team were established.
- 2.6 The Project Board members were, Cllr Di Brooks (Health and Leisure Portfolio Holder), Bob Jackson (Executive Director). The role of the Project Board was to sign off the scoping report for the Review and lead on the development of a proposal, involve EMT and key Members and sign off the proposal ready for Pay Panel discussions.
- 2.7 The Project Team members were, Martin Devine (Head of Leisure and Employment) and Manjit Sandhu (Head of Human Resources), Joanne Bailey (Business Development Manager), Catherine Granville (HR Operations Manager) and Alan Bethune (Accounting Technician). The role of the Project team was to advise the Project Board on the most appropriate pay, terms and conditions structure, consult Employee Side, Programme Managers and Instructors as appropriate.
- 2.8 A pay consultant has supported the project work by undertaking a benchmarking exercise to better understand the market situation and complete an Equality Impact Assessment.

- 2.9 The Employer's side of the Pay Panel (Cllrs Barry Rickman, Colin Wise and Maureen Robinson) met with Employee Side (this consisted of local trade union representative, Nancy Gillespie (UNISON), Tadeusz Garman (GMB) and Steve Drodge (UNITE) who were supported by their regional officers Peter Terry (UNISON), Nicola Nixon (GMB) and Ian Woodland (UNITE). The first meeting of the Pay Panel took place on the 18 December 2013, where a proposal was presented for consultation.
- 2.10 Staff and Employee Side were consulted on the proposal during January (letters to all instructors were distributed from the 13 January 2014, giving staff 2 weeks to feedback to management and Trade Unions. A further informal meeting took place with the Employee Side on the 15 January 2014.
- 2.11 The final Pay Panel meeting took place on the 5 February. This meeting discussed the feedback from staff and Employee Side.

3. OBJECTIVE OF THE REVIEW

- 3.1 To ensure the Health and Leisure Service has an efficient and effective mechanism for the employment of instructors, which is in line with the needs of the Service, is fair to employees and satisfies the objectives of the Council, namely providing good value for money and encouraging active communities.
- 3.2 In meeting the objective the proposal will further align instructor terms and conditions with good employer requirements and ensure the approach is fit for purpose.

4. PROPOSAL

- 4.1 The Pay Panel has considered the objectives of the review and is proposing the following Pay, Terms and Conditions for instructors:
- Variable contracts (no contractual hours) continue to be used.
 - 7 Job descriptions/Job roles identified for job evaluation to date with two more being considered.
 - A fixed financial market related enhancement to be added to some job roles.
 - The fixed financial market related enhancements to be reviewed at least every 2 years. This enhancement recognises the instructor market for the class.
 - All instructors annual leave to be calculated in line with New Forest Terms and Conditions. Staff to be entitled to a minimum of 22 days annual leave plus Bank Holidays (pro rata to hours worked). All annual leave accrued will be paid the following month – when it will be deemed to have been taken.
 - Instructors with more than 5 years local government service are entitled to receive additional 5 days annual leave (pro rata to hours worked) in line with all other Council employees.

- Staff will receive their base rate of pay (in accordance to NFDC sickness scheme) for each period of absence due to sickness; subject to providing a Doctors certificate.

4.2 Following job evaluation and external market benchmarking the following hourly rates of pay are proposed for each of the 7 roles as detailed below:

Jobs	Current Base Rate	*Base rate May 2014	Market enhancement	Proposed Hourly Pay	Current average rate of pay (pre-review)Hourly Pay
Sports/Swimming					
Sports Instructor Level 1 (S1)	£8.46	£8.54	N/A	£8.54	£8.54
Lead Sports Instructor Level 2 (S2)	£10.64	£10.75	£1.50	£12.25	£11.78
Senior Coach/Instructor Level 3 (S3)	£10.64	£10.75	£3.50	£14.25	£15.08
Group Exercise					
Group Exercise Instructor L1 (GE1)	£9.71	£9.81	£5.44	£15.25	£15.38
Group Exercise Instructor L2 (GE2)	£10.64	£10.75	£7.25	£18.00	£16.29
Group Exercise Instructor L3 (GE3)	£10.64	£10.75	£10.75	£21.50	£20.74
Group Exercise Instructor L4 (GE4)	£12.50	£12.62	£12.63	£25.25	£27.62

* As the implementation for the review is 1 May 2014, a 1% pay award is assumed for the purposes of the calculations (therefore base rates are current pay scale + 1%).

4.3 The proposal includes protection (existing terms and conditions) for a 6 month period from scheme implementation, for staff whose overall pay is decreasing.

5. CONSULTATION WITH EMPLOYEE SIDE

5.1 Meetings were held with Employee Side from November to February and during these meetings they asked the Pay Panel to consider the following amendments to the Proposal.

- **Sickness** - The initial proposal was based on staff receiving statutory sick pay (SSP). Having discussed the matter with Employee Side, this has now been changed to base rate, subject to Doctors certificate. Staff currently receive 30% of base rate.
- **Variable hour's contracts** – Employee Side wanted the Council to consider contracting staff above 7-10 hours. We have considered the impact of this change. It would only affect about 10% of the instructor workforce and therefore consider it fairer to keep all staff on the same type of contract.
- **Process for reviewing pay before the 2 year review** – we will work with Employee Side to consider how the market pay is reviewed bi-annually.

- **Protection** – Employee Side wanted the Council to consider protection for staff who would be negatively affected by the proposal. This has been considered and incorporated into the proposal.

6. CONSULTATION WITH STAFF (INSTRUCTORS)

- 6.1 Staff have been kept updated on the review via e-mail. From 13th January 2014 all 248 instructors received a letter detailing the proposal and the proposed hourly rates of pay. The letter also indicated whether based on previous hours worked, they would or would not be adversely affected. Where possible, individual meetings were held with those adversely affected.
- 6.2 24 formal responses were received, 8 from staff adversely affected, 9 positive comments and the remaining 7 responses from staff asking for clarification on the Band/Job role. All the responses have been considered.
- 6.3 The consultation highlighted that there may be a need for two further job roles; Personal Training and Healthy Living Instructor which may require separate job descriptions. If separate job descriptions are required, these will be job evaluated and the outcome of this process will be implemented from 1st May 2014.
- 6.4 There were no other over-riding themes arising from the consultation. Clarification has been provided to individuals where appropriate. There will be individual follow ups, post implementation on specific matters.
- 6.5 The 10 Programme Managers responsible for the management of instructors have played a significant part in the consultation process and support the scheme as proposed.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 A full Equality Impact Assessment (EIA) has been completed.
- 7.2 The recommendations in the EIA report have been considered and any differentials can be objectively justified.

8. PAY PANEL COMMENTS

- 8.1 The Panel considered the feedback from staff and Employee Side and fully support the proposals detailed in section 4.

9. IMPACT OF PROPOSED CHANGES

- 9.1 The overall financial impact to staff of the proposed changes is - 74% of staff will stay the same or see an increase and 26% of staff will see a decrease. These calculations take account of changes in annual leave entitlements.
- 9.2 The proposal includes protection (existing terms and conditions) for a 6 month period from scheme implementation for staff whose overall pay is decreasing.

10. FINANCIAL IMPLICATIONS

- 10.1 The proposed changes are estimated to increase annual costs by £17,000 (plus oncosts); with a further £6,000 for pay protection (this takes account of the assumed 1% pay increase in 2014).

11. ENVIRONMENTAL, CRIME AND DISORDER IMPLICATIONS

- 11.1 There are no environmental or crime and disorder implications arising from this report.

12.1 EMPLOYEE SIDE COMMENTS

- 12.1 Unison, along with GMB and Unite, have been consulted on the Instructor Review from the start. We acknowledge the case for rationalizing the pay structure, and trust that those adversely affected will be given full support if they decided not to accept the new structure. Unison proposed that the instructors should be entitled to the same sick pay as other staff members, and this has been agreed.

13. RECOMMENDATIONS

- 13.1 That it be recommended to the Council that the proposed changes to the Terms and Conditions detailed in section 4 of this report, be agreed and implemented from 1 May 2014.

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Background Papers

Published documents