

AGENDA ITEM**8****COMMITTEE:** Administration & Regulation**DATE:** 9th September 2019**SUBJECT:** Organisational Change Assessment – Passenger Transport Unit- PTU Teacher Training days and excess Hours calculations for Annualised Hours Contracts**REPORT BY:** Shaun Askins**CONTACT OFFICER:** Jon Preston**IMPLICATIONS:****LEGAL****COMMUNITY SAFETY****EQUALITIES****ENVIRONMENT****FINANCIAL** ✓**CONSULTATIONS****STAFFING** ✓**OTHER****WARDS AFFECTED:** All

PURPOSE

1. This report seeks the approval of the Administration & Regulation Committee to implement the proposals to make changes to the Council's Passenger Transport Unit fleet operations.

RECOMMENDATION(S)

2. Committee is recommended to approve the outcomes of the Organisational Change Assessment outlined in this section 5 of this report.

BACKGROUND

3. The Passenger Transport Unit delivers transport for vulnerable clients, identified by our commissioners in children and adult services, to allow them to attend schools and centres.
4. With regard to the Passenger Transport Unit operational crews, staff are placed either on Term Time Only or Annualised Hours Contracts. Annualised Hours Contracts are offered to staff who work 52 weeks of the year and are designed to reflect that for 39 weeks of the year school transport and adult social care is required and for 13 weeks only adult social care transport is required.
5. Confusion has arisen due to schools being open for 39 weeks but school pupils only attend for 38 weeks due to 5 Teacher Training Days that are interspersed throughout the academic year. Because they are set by the individual schools they are not uniform across the Borough.
6. Thus overall school transport is required for 39 weeks but transport for an individual school is for 38 weeks. Passenger Transport Unit staff are not allocated to a specific school as part of their contract and can change specific duties on a daily basis.
7. With regard to working additional hours, due to the nature of the work, traffic conditions, client and route changes, the hours worked can vary from day to day and week to week. At present staff are required to record the hours worked after each shift so that their hours worked can be monitored. This allows for any staff working additional hours, over and above their contracted average monthly hours, to be paid accordingly

REPORT

8. The proposal consulted on was to clarify the position going forward with regard to teacher training days and ensure that excess hours were calculated and paid in line with Council financial instructions
9. The original Organisational Change Assessment was put out for consultation on 10th April, with the period of 45 days ending 31st May a 21 day extension was agreed up to 21st June to allow further discussions with unions. However following representations on the information in the document, it was agreed to refresh the Organisational Change Assessment and following a joint Trade Union/management meeting on 26th June, the consultation commenced on 1st July for 30 days.

Post title	Grade	FTE	Headcount	Vacant (Yes)
Driver/Passenger Assistant	L2	31	46	5
Passenger Assistant	L2	14	22	1
Total		45	68	6

10. Employees and their representatives queried some aspects of the Organisational Change Assessment, which was responded to by management and the clarifications are set out below;
- Teacher training days are decided by each school and vary from school to school. There is no one list that includes them all.
 - Some Passenger Transport Unit teams have two social care runs. This is a school runs issue, as such those undertaking two social care runs are unaffected.
11. In practise this means that;
- Additional hours may only be claimed where an employee has worked in excess of the hours they are contracted for that month. For clarification a couple of examples of actual hours worked are shown below;
 - An employee with 25 hours a week contract during term time, who works 10 hours on Monday then 5 hours each day from Tuesday to Friday, could claim for the additional 5 hours worked provided that the required monthly hours are worked. The employee cannot for example then just take Friday off.
 - An employee with 25 hours contract during term time, who works 6 hours Monday, 4 hours on Tuesday & Thursday, 6 hours Wednesday and 5 hours Friday, No additional hours for Monday and Wednesday can be claimed, as the overall total remains 25 for the week.
 - An employee who works in Week one 25 hours, week two 23 hours, week three 27 hours and the fourth week 25 hours. Monthly total 100 hours so no additional hours are worked.

PROPOSAL

12. It is proposed that of the two options outlined in the Organisational Change Assessment, that **Option B** is implemented, namely that;

“We formalise the existing 39 week’s pay at the longer hours and these additional hours, when the schools are closed; could then be utilised for covering absent colleagues, training, team meetings, cleaning/re stocking the buses etc.”

EQUALITIES IMPLICATIONS / INTEGRATED IMPACT ASSESSMENT

13. An IIA has been undertaken. Overall, the assessment indicates that the impact is neutral on the affected workgroup.

STAFFING / HR IMPLICATIONS

14. There are 68 employees affected, all had the opportunity to engage in the process, attend a 1 to 1 meeting, attend one of the 3 briefings ask questions and make comments on the proposals - during the cumulative consultation period of 96 days. The trades unions preferred option B of the two alternatives presented.
15. An end of consultation meeting was held on 1st August and an outcome letter was sent to all affected staff.
16. This report has been cleared by Angela Claridge, Service Director of HR & Monitoring Officer on 21.08.2019.

FINANCIAL IMPLICATIONS

17. There are no financial implications; the options if approved will be delivered within existing budgets. Payments with regard to the teacher training anomalies noted in the Organisational Change Assessment related to the period January to December 2018 have also been funded from within existing budgets.
18. This report has been cleared by Dev Gopal, Service Director of Finance on 21.08.19.

LEGAL IMPLICATIONS

19. By making the changes recommended, there is a risk of grievances and potential employment tribunal claims for breach of contract, unpaid wages and/or constructive dismissal. Providing the Organisational Change Procedure is followed and there are sound business reasons for making the changes, then the risks of any claims should be low.

20. This report has been cleared by Jasbir Josen, Solicitor on 21st August 2019.

APPENDIX

Appendix 1 – Organisational Change Assessment (1st to 30 July)

Appendix 2 - Organisational Change Assessment outcome letter circulated to all affected staff

Appendix 3 - IIA

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D