

Greater London Provincial Council Annual General Meeting

Tuesday 18 October 2022 11.30am (or on the rising of the Employer/Union sides)

Employers' Side: MS Team Meeting 10.45am
Union Side: MS Team Meeting 10.45am
Contact Officer: Debbie Williams
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Agenda item

1. **Apologies for Absence**

2. **Election of Chair and Vice-Chair for 2022-23 (The Chair alternates between the two sides. This year it is the turn of the Employers' side to Chair the GLPC).**

3. **Listing of the membership of the GLPC as determined by Leaders Committee and Co-Secretaries of the GLPC** To be confirmed at meeting

4. **Notes of previous meeting held on 14 October 2021 including any matters arising** Attached

5. **Cost-of-Living Crisis – what boroughs are doing to support their staff – Steve Davies, Employers Side Secretary** Attached

6. **Local Government Pay Claim 2022 – Steve Davies, Employers Side Secretary** Attached

7. **Local Government and NHS Employment Service Passport – Steve Davies, Employers Side Secretary** Attached

8. **Schedule of Outstanding Differences** Attached

9. Any Other Business

10. Date of Next Meeting – Thursday 28 May 2023 (Group meetings 10am and Joint Meeting 11.30am)

Helen Reynolds
Union Side Secretary
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Steve Davies
Employers' Side Secretary
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Tel: 020-7934 9960

GREATER LONDON PROVINCIAL COUNCIL

The Minutes of the Greater London Provincial Council Annual General Meeting held virtually on MS Teams on Thursday 14 October 2021.

PRESENT

Employers

Cllr Alison Kelly	London Borough of Camden
Cllr Callton Young	London Borough of Croydon
Cllr Linda Perks	Royal Borough of Greenwich
Cllr Carole Williams	London Borough of Hackney
Cllr Amanda De Ryk	London Borough of Lewisham
Cllr Richard Clifton	London Borough of Sutton
Mayor John Biggs	London Borough of Tower Hamlets
Cllr Clyde Loakes	London Borough of Waltham Forest
Cllr Guy Senior	London Borough of Wandsworth
Cllr Rachel Robathan	City of Westminster

Unions

Helen Reynolds	UNISON
Simon Steptoe	UNISON
Andrea Holden	UNISON
Christine Lander	UNISON
Sean Fox	UNISON
Gloria Hanson	UNISON
Vaughan West	GMB
Sonya Davies	GMB
George Sharkey	GMB
Donner Spicer	GMB
Penny Robinson	GMB
Gary Cummins	Unite
Henry Mott	Unite
Susan Matthews	Unite

Others in attendance

Steve Davies	Employers' Side Secretary
Debbie Williams	Regional Services Officer
Jade Appleton	Conservative Political Advisor
Ella Watson	Labour Political Advisor
Daniel Houghton	Liberal Democrats Political Advisor
Julie Kelly	UNISON

Item 1 - Apologies for Absence

1. Apologies were received from Cllr Danny Beales (Camden), Cllr Nesil Caliskan (Enfield), Cllr Robert Benham (Havering), Cllr Candice Atterton (Hounslow), April Ashley (Unite), Danny Hoggan (Unite) and Neil Tasker (Unite).

Item 2 - Listing of the membership of the GLPC as determined by Leaders Committee and Co-Secretaries of the GLPC

Borough	Rep	Party
Barking & Dagenham	Sade Bright	Lab
Camden	Daniel Beales	Lab
Croydon	Callton Young	Lab
Enfield	Nesil Caliskan	Lab
Greenwich	Linda Perks	Lab
Hackney	Carole Williams	Lab
Havering	Robert Benham	Con
Hounslow	Candice Atterton	Lab
Hillingdon	Douglas Mills	Con
Lewisham	Amanda De Ryk	Lab
Sutton	Richard Clifton	LD
Tower Hamlets	Mayor John Biggs	Lab
Waltham Forest	Clyde Loakes	Lab
Wandsworth	Guy Senior	Con
Westminster	Rachel Robathan	Con

UNISON

Helen Reynolds (Secretary)
Sean Fox
Mary Lancaster
Gloria Hanson
Clara Mason
Andrea Holden
April Ashley
Christine Lander
Simon Steptoe

GMB

Vaughan West (Observer)
Penny Robinson
George Sharkey
Donna Spicer
Sonya Davis

UNITE

Gary Cummins

Danny Hoggan
Susan Matthews

Item 3 - Notes of previous meeting held on 18 May 2021 (note for information only)

1. The notes from the previous meeting held on 18 May 2021 were noted

Item 4 - Matters Arising from the Minutes of 18 May 2021

2. There were no matter arising from the notes of the meeting held on 18 May 2021.

Item 5 - London Living Wage – Presentation and Summary of the Position in London

Presentation by Phoebe Devenish from Living Wage Foundation

3. Phoebe Devenish, Programmes Officer from the Living Wage Foundation informed that she has worked for the Foundation since 2021 and works with organisations on the Accreditation of the London Living Wage.

Attached is a copy of Phoebe's presentation.



London Councils
Presentation.pdf

4. Mary Lancaster (UNISON) stated that she is from Ealing Council where we have had a significant campaign outing the borough for not implementing payment of the London Living Wage (LLW) with indirect employees or contracted staff. It has taken the authority 13 years to finally implement payment for a group catering staff even though they had it written in the contract that the LLW should be implemented. I would be interested to know what the Foundation does in terms of monitoring local authorities in a more detailed way as the view of many unions is that boroughs are signed-up to the LLW but do not actually make sure indirect staff are paid the LLW. I would also be interested to know how early do you implement the increases? The catering company I just mentioned have stated that they may go bust if they must pay LLW and are worried about this year's increase so where does that fit in? Are we going to have people on two tiers? Some on this year's LLW rate and some on the increased LLW rate? Also, do you look at terms and conditions? it is very well for lots of staff to earn the £10.85 per hour but many staff are on zero-hour contracts and in an insecure workforce so is there any movement that the Foundation are going to pick up issues other than pay rates?
5. Donna Spicer (GMB) enquired why councils are not making sure that contractors are paying the LLW?

6. Phoebe responded that in terms of monitoring the Foundation first started in 2012 when several boroughs joined, and this was not in place or part of the contract. The Foundation is now really focussing on those authorities who are being non-compliant. We are developing an audit system for local authorities. The problem with ensuring that all contractors are paying the LLW is that all authorities report back differently so it is hard to find out if they are paying so we rely on whistleblowing by employees so we can work with councils on their non-compliant contracts. We do understand that there is some non-compliance going on. We have worked with Ealing quite closely specifically on the catering staff contract. The accreditation is based on trust and every year we meet with councils who are accredited to go through our milestones. We are getting a more stringent policy in place.
7. The Chair stated that he would expect a LLW employer to tell their employees they are a LLW employer and what that means.
8. Gloria Hanson (UNISON) enquired whether the Foundation monitors where a local authority has 51% control of a smaller outsourced businesses to whether a particular business is paying the LLW?
9. Helen Reynolds, Union Side Joint Secretary stated that Phoebe mentioned that the new LLW rate will be announced on the 15 November 2021 and that employers have six months to provide employees with the uplift so would like to know if it took an organisation six months to implement the uplift would this be backdated to the 15 November? In terms of monitoring, you say that you rely heavily on whistleblowing so could this information come from the unions as well as the employees?
10. George Sharkey (GMB) enquired whether when the uplift is recalculated on 15 November will the fact the increase next year on National Insurance? In-house poverty needs to be considered.
11. Phoebe responded that in term of outsourcing to smaller business, currently these would to be an accredited employer as it seen as a separate entity to the local authority. The authority would have to accredit the separate business as a LLW employer. We do know that authorities have control of smaller businesses, and this is something we are hoping to bring into scope but if they own or part own separate business, we are unable to enforce as part of their licence agreement but have discussed how we could adjust the remit of our licence.
12. In terms of implementing the uplift we give employers six months to implement but not to back date it. The six months are given to ensure that the uplift does not cripple organisations, it gives them time to implement the new rate.
13. For monitoring we rely on whistleblowing whether that be from an employee or from someone who has insight to an organisation so we would be happy for the unions to report to us. We have a strict whistleblowing policy in place.
14. In term of recalculation, we are unable to give people a heads-up on what the new rate will be as we will consider any new government policy e.g., the uplift in the new national insurance rates. The new rate is recalculated several times before the announcement, so we do take into consideration any increases going on

elsewhere.

15. Simon Steptoe (UNISON) enquired whether the Foundation remove the accreditation from Boroughs which do not pay LLW to staff working for contractors and do not have satisfactory plans to do so?
16. Phoebe responded that the Foundation will firstly work with the borough and go through a policy of trying to uplift however if we have continual issues and they do not have a plan in place we will remove their accreditation. We have and we will do that.
17. The Chair stated that this item may come back to this committee in the future for an update.
18. The report was noted.

Item 6 - Recap of Greater London Provincial Council and Greater London Employment Forum meeting items during last 12-15 months

19. The Chair stated that this report was a recap of the work that had taken place at this Committee as well as the Greater London Employment Forum during the last year as well as highlight topics for the coming year, so would welcome comments/contributions from colleagues.
20. There was a conversation at the Employers' Side meeting around mental health, hybrid working, tackling racial inequality issues and the return-to-work experience post-Covid which are already included in the future work programme. There is already some innovative stuff going on in boroughs but there are also some challenges for us. We would like to do some more work on all of these. If colleagues have any items, they would like to add these of course can be brought up with the Joint Secretaries throughout the year.
21. The report was noted.

Item 7 - Local Government Pay Claim 2021

22. Harry Honnor, Local Government Association (LGA) stated that there was not much to say today other than the National Employers final offer, as set out in the agenda paper, was made on 27 July 2021 and it is no secret that the final pay offer was subject to a vote of the National Employers and there was no political consensus. Votes on the annual pay round are quite rare, only three in the last 20 years.
23. The unions have consulted their members and all three unions recommended rejection of the offer which has been the outcome of those consultations. All three unions are now at stages of moving towards industrial action.
24. The National Employers are expecting a letter today from the unions to formally table a pay dispute and outline what they plan to do next as well as expecting the National Employers to reopen negotiations. Colleagues will be notified of the outcome via Steve Davies in the usual way.

25. George Sharkey (GMB) stated that with the increase in national insurance contributions looming the offer on the table from the Employers would mean a 0.5% pay increase and wonder if local authorities have thought about the uprise impacting on them as employer, which will ultimately impact on services boroughs provide.
26. Harry responded that the national insurance increase announcement has only just recently happened so the Employers Side fully expect it will feature quite significantly in the 2022 pay round as this is when it will kick in.
27. Sean Fox (UNISON) stated that it was no secret that our members rejected the offer heavily. We recognise this is not the body to make an offer but what we need from London employers is to recognise that a 1.75% increase is no good for employees. It is a pay cut on top of all the other increases in energy, fuel prices etc. Members are angry and tired and feel they deserve better. Also, I am aware that a significant number of London authorities have budgeted for more than a 1.75% increase, so the unions ask today is that employers feedback their views and say that London is a high-cost city, and we need better.
28. Harry responded that if elected members wished to make their views known then they can do so via the LGA's group offices before the National Employers meet on 19 October.
29. The Chair stated that any views do need to go through the National Machinery. It would be good to have this sorted.
30. The report was noted.

Item 8 - Schedule of Outstanding Differences

31. The schedule of outstanding differences was noted.

Item 10 - Any Other Business

32. There was no further business.

The meeting concluded at 12.14pm

Item 11 - Date of Next Meeting – Tuesday 17 May 2021 (Group meetings 10am and Joint Meeting 11.30am)

Greater London Provincial Council

Cost-of-Living Crisis – what boroughs are doing to support their staff

Item: 5

Report by: Steve Davies **Job title:** Head of London Regional Employers' Organisation

Date: 18 October 2022

Contact Officer: Steve Davies

Telephone: 020 7934 9964 **Email** Steve.davies@londoncouncils.gov.uk

Purpose: To report on what London boroughs are doing to support their staff during the cost-of-living crisis.

1. Major contributors to inflation

1.1 The following factors/ elements are the major contributors to inflation.

- Energy costs - with household energy tariffs and petrol costs increasing. From August 2021 to August 2022, domestic gas prices increased by 96% and domestic electricity prices by 54%.
- Housing costs coupled with transport (fuels) and energy costs - have contributed to over 50% of consumer price inflation in the last year.
- Supply & demand - strong demand from consumers and supply chain bottlenecks, have been one factor causing rising inflation
- War in Ukraine – Russia's invasion has caused implications for the world economy with rising gas prices initially, although gas prices on international markets have fallen steadily, while oil prices have remained high. Also, Russia and Ukraine are large producers and exporters of agricultural products, such as wheat, and some metals. These products have become more expensive on international markets, leading to increases in food and materials prices in the UK.

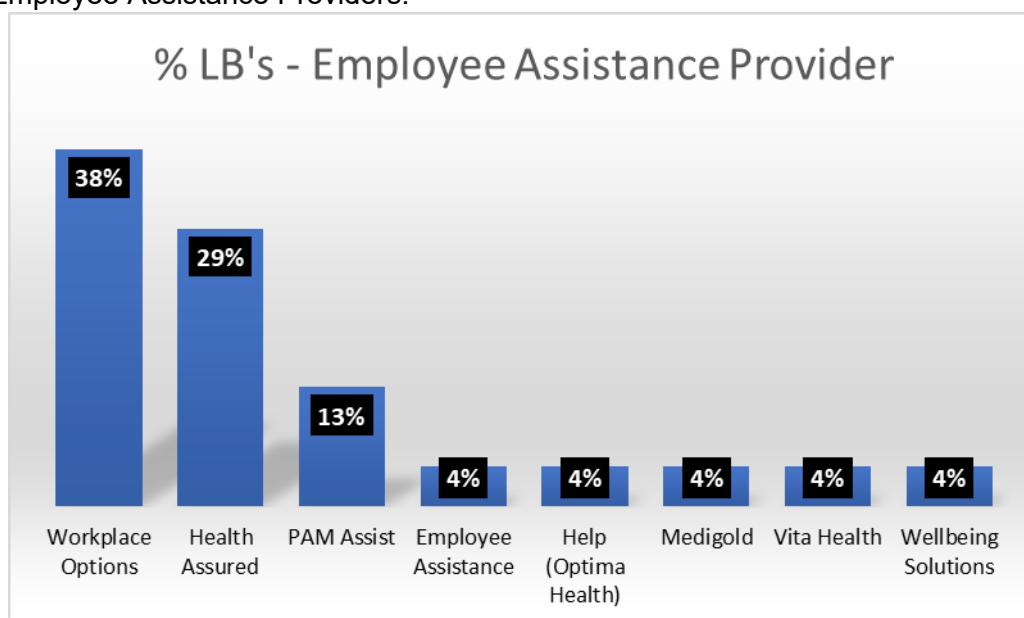
2. London boroughs response

2.1 London boroughs have been working to understand who in their communities are suffering the biggest impact as a result of cost-of-living pressures/ challenges, and the following elements are being analysed to help assess that.

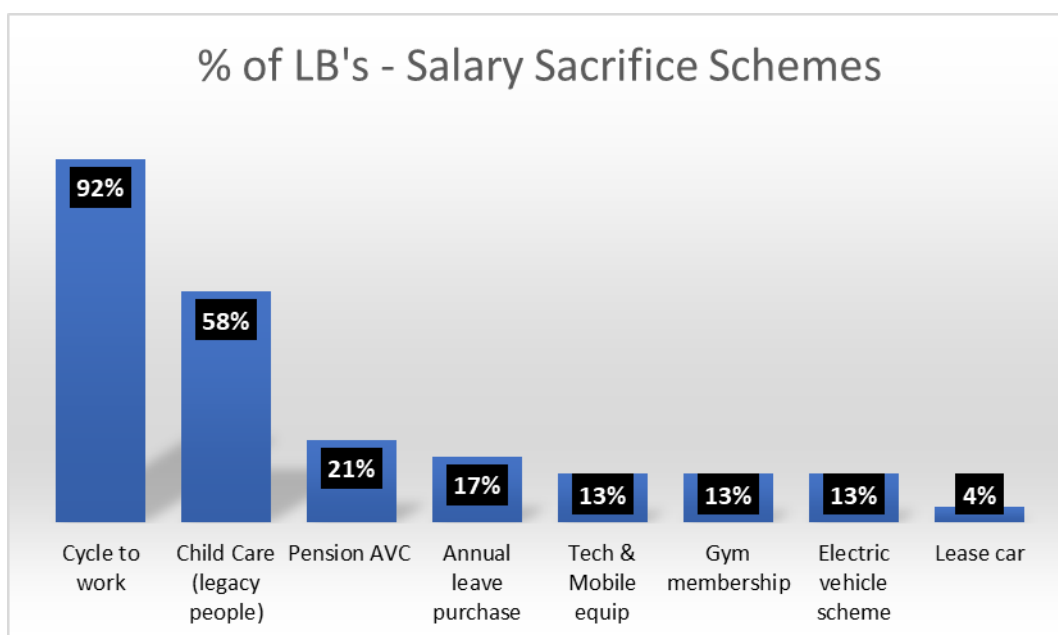
- Rent arrears
- Discretionary housing payment and local welfare assistance applications/awards
- Homelessness presentations
- Free school meals
- Council tax arrears

2.2 However, we have also undertaken a survey to understand how London boroughs are supporting their workforce to deal with the cost of living. The areas that the survey covered are Employee Assistance Provider; Salary Sacrifice schemes; Interest free and other loans; Other financial benefits; and Employee Wellbeing Support. Twenty-four (24) London boroughs provided information. Summary findings from the survey are outlined below.

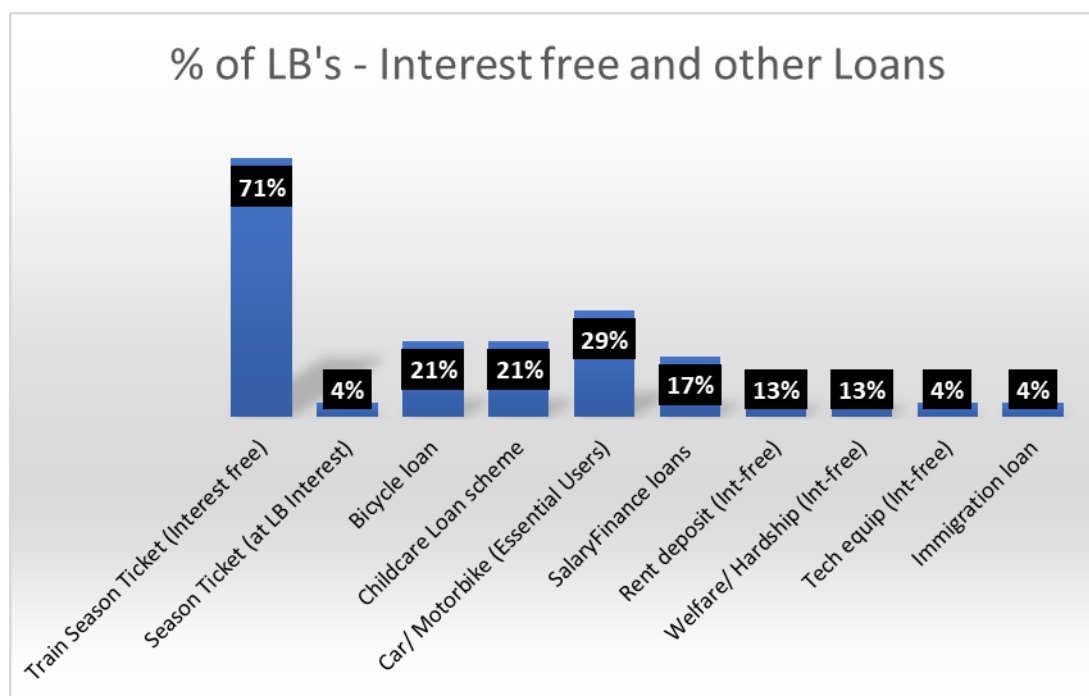
2.3 The chart below shows the percentage of London boroughs using particular Employee Assistance Providers.



2.4 The chart below shows the percentage of London boroughs providing types of Salary Sacrifice schemes. It should be noted that the government ceased childcare voucher or directly contracted childcare salary sacrifice schemes in October 2018 but any staff already part of a scheme on or before 4 October 2018 can keep getting vouchers or directly contracted childcare as long as they are with the same employer.



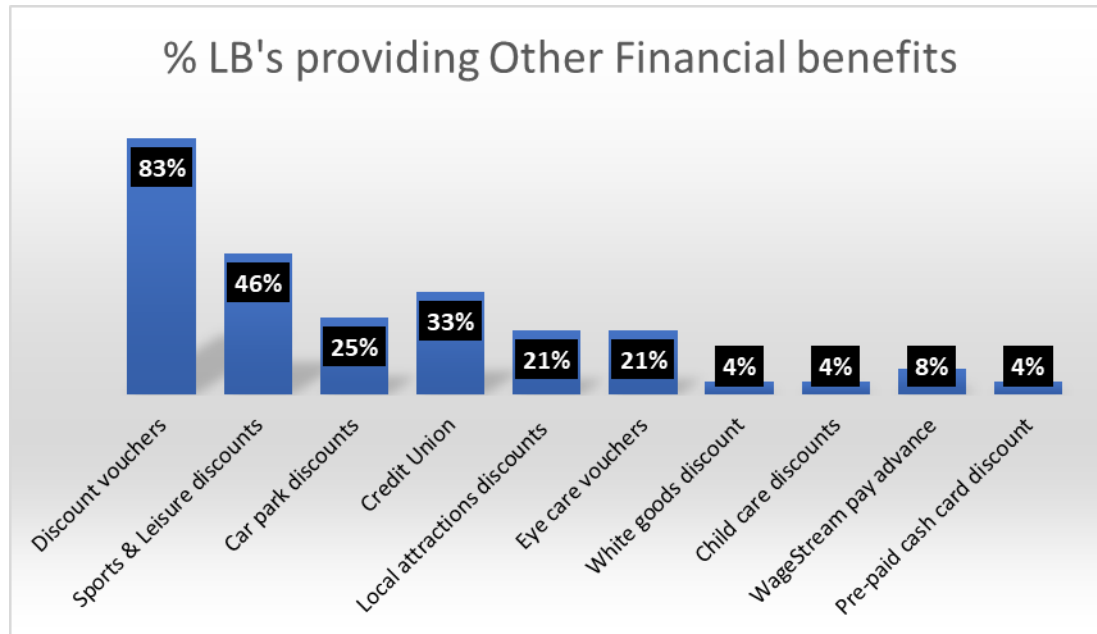
- 2.5 The chart below shows the percentage of London boroughs providing types of interest free loans or other types of favourable interest loans.



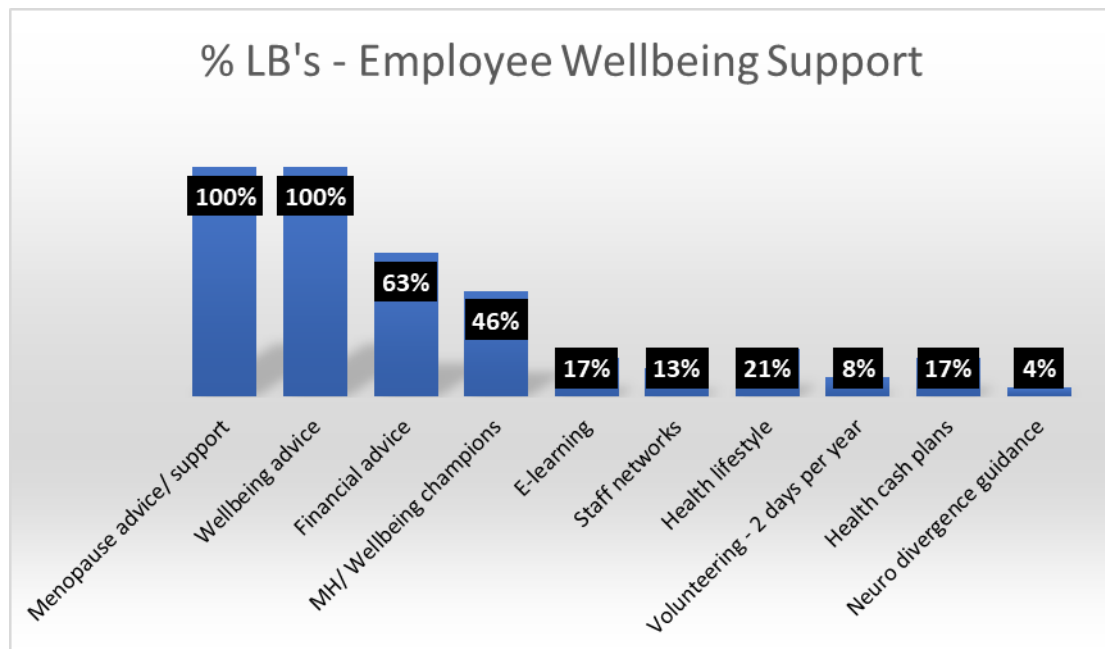
- 2.6 Three respondents to the survey outlined rent/tenancy deposit schemes designed to help staff manage the initial upfront costs of finding a large rental deposit to cover several months of rent as part of a deposit to the property owner. The London boroughs that do this are: Camden provide a tenancy deposit loan –an interest free loan of up to £3,000 repayable over up to 10 months to support staff

with tenancy deposit costs; Hackney also provide an interest free loan of up to £3,000 repayable over 10 months; Tower Hamlets provide an interest free loan repayable within 12 months but the amount is limited to the equivalent of the individual employee's net monthly pay.

- 2.7 The chart below shows the percentage of London boroughs providing other types of financial benefit to their staff.



- 2.8 The chart below shows the percentage of London boroughs providing different types of employee wellbeing support to their staff.



2.9 Other types of benefit provided by different London boroughs include the following:

- MS Office discounts
- Birthday leave
- Virtual exercise progs
- Staff awards
- Long service awards
- Zip car - van/ car hire for work
- Pool bikes for work
- Cottage short breaks

Greater London Provincial Council

Local Government Pay Claims 2022

Item: 6

Report by: Steve Davies **Job title:** Head of London Regional Employers' Organisation

Date: 18 October 2022

Contact Officer: Steve Davies

Telephone: 020 7934 9964 **Email** Steve.davies@londoncouncils.gov.uk

Purpose: To report the latest position on the local government pay claims for 2022.

3. Summary of the current position

3.1 The unions submitted their pay claim for local government services staff effective from 1 April 2022 on 6 June 2022. This is as follows:

The claim is for:

- A substantial increase with a minimum of £2,000 or the current rate of RPI - whichever is greater - on all spinal column points.

In addition:

- A Covid-19 recognition payment
- A national minimum agreement on homeworking policies for all councils and the introduction of a home working allowance
- An urgent review of all mileage rates currently applying
- A review and update of NJC terms for family leave and pay
- A review of term time only contracts and consideration of retainers
- Reduction in the working week (without loss of pay) to 35 hours (34 in London) plus one additional day of annual leave

- 3.2 The Chief Officers claim is *“a substantial increase in rates of pay and all relevant allowances; taking into account private sector comparator pay rates and the cost of living crisis (as reflected in current 12-month inflation of 11.1 per cent”*.
- 3.3 The Chief Executive’s claim is *“a pay increase that is the same as the generality of local government staff, through implementing a direct and immutable link, so that chief executives would receive the same increase as staff covered by the NJC pay points 25 to 43....”*.
- 3.4 The National Employers met on 25 July to consider in detail the unions claim, information from the regional employer briefings and other relevant issues and agreed unanimously to make the following one-year (1 April 2022 to 31 March 2023), final offer to the unions representing the main local government NJC workforce:
- **With effect from 1 April 2022, an increase of £1,925 on all NJC pay points 1 and above**
 - **With effect from 1 April 2022, an increase of 4.04 per cent on all allowances (as listed in the 2021 NJC pay agreement circular dated 28 February 2022)**
 - **With effect from 1 April 2023, an increase of one day to all employees’ annual leave entitlement**
 - **With effect from 1 April 2023, the deletion of pay point 1 from the NJC pay spine**
- 3.5 In London we have our own regional pay spines for inner and outer London to recognise that London Weighting was consolidated into the pay spine as part of the London Regional Agreement from 2000 onwards.
- 3.6 The London Agreement specifies that inner and outer London pay spines will be amended each year in line with the same methodology approach and key principles of the agreement reached at the NJC for Local Government Services.
- 3.7 London Councils wrote to London boroughs outlining that the potential rates of pay for London from 1 April 2022 based on the national employers’ pay offer to the unions representing Local Government Services employees would be:
- With effect from 1 April 2022 the national offer is for a pay increase of £1,925 on all NJC pay points.

- In London this translates to an equivalent offer of £2,229 on all Outer London pay points and an increase of £2,355 on all Inner London pay points.
 - Allowances to be increased by 4.04%
- 3.8 The national pay offer also includes the addition of one day's annual leave. For clarity the intention of the NJC national employers' is that it's for a permanent (ie, not just for 2023) extra day on the contractual entitlement for all employees on Green Book conditions, regardless of their current leave entitlement or length of service.
- 3.9 The unions are out to consultation on the pay offer. Their consultation timetables are outlined below:
- 3.10 **UNISON's** consultation ran from 15 August to 19 September. On 27 September notification was received that on a turnout of 34%, UNISON's members have voted by 63.5% to 36.5% to **accept** the National Employers' pay offer.
- 3.11 **GMB** consultation started on 22 August and runs to 21 October.
- 3.12 **Unite** has been consulting its members from the end of August to 14 October.
- 3.13 Of course, in order for the pay deal to be finalised so that it can be implemented and paid to employees, GMB and / or Unite must also vote to accept the employers' offer. If that is the case, then GLPC joint secretaries have authority to follow the London Agreement to apply the national methodology and communicate to London boroughs the changes and increases to the London pay spines and allowances as outlined above. There is no need for a separate GLPC meeting.
- 3.14 For chief executives and those on chief officer terms and conditions the national pay offer with effect from 1 April 2022 is an increase of £1,925 on basic salary. There is no additional annual leave offered.
- 3.15 Note - chief executives and chief officers are not part of the GLPC arrangements so don't get the London rates of £2,355 or £2,229 applicable to their staff.

4. Context and background information

- 4.1 The unions submitted their claim in June with a lot of background information in support of their claim. Outlined below are some of the key points they made in submitting their claim:
- Local government workers have lost on average 27.5% from the value of their pay spine since 2010
 - The new cost of living crisis plus a standstill on NJC conditions has devalued low pay even further
 - Inflation is forecast to peak at over 10% this year
 - For 10 of the last 11 years, NJC pay awards have fallen below average pay awards in other sectors
 - Household debt in the UK is now rising at its fastest rate since Covid-19 began

- UK household credit card borrowing in February 2022 saw the biggest increase since records began
 - 78% of councils are experiencing some form of recruitment and retention difficulties
 - Some traditionally low-paid retail jobs have quietly overtaken local government pay at the bottom
 - HMRC mileage rates which have remained unchanged since 2011-12 and do not reflect new cost of living rises to fuel – an urgent review of all mileage rates is needed
 - A reduction in the working week (without loss of pay) and an additional day of annual leave would help to offset historic low pay
- 4.2 Regardless, of the points raised by the unions, the current economic situation and cost of living crisis, local government employers have been grappling with the challenges and pressures created on the bottom of national pay scales by the National Living Wage (NLW). The National Living Wage is the minimum hourly rate of pay across the country and calculated by the Low Pay Commission (LPC). It is not to be confused with the Real Living Wage which is calculated by the Living Wage Foundation and based on the cost of living.
- 4.3 Since its introduction in 2014, the National Living Wage (NLW) has presented a huge challenge for the National Joint Council (NJC) in managing to maintain headroom between the bottom pay points of the local government pay spine and the statutory NLW.
- 4.4 Ahead of the last General Election, the Conservative Party announced a policy of increasing the NLW from 60 per cent of national median earnings to 66 per cent by April 2024. This has formed the remit of the LPC since and has resulted in some significant annual increases in the NLW.
- 4.5 The NJC managed to achieve some breathing space in 2018-19 by revamping its pay spine. At that point, there was 79p headroom between the lowest local government pay rate and the NLW.
- 4.6 The NLW has had several years of significant increases and reached £9.50 on 1 April 2022. The NJC has now seen all of that headroom eroded. Consequently, the bottom pay point is at parity with the NLW at £9.50 and will remain so until the 2022 pay round has been finalised.
- 4.7 The LPC calculates forecasts the NLW rate a few years ahead based on economic forecasts and predictions. It can be quite volatile, which has made it difficult for the NJC to plan effectively over the past few years.
- 4.8 The economic turmoil over the past two years has only increased the volatility of the projections. This can be illustrated as follows.
- In April 2020, the LPC set out that the projected NLW rate for April 2024 was £10.69.

- In December 2020, due to the impact on the economy of the COVID pandemic, the Office for Budget Responsibility (OBR) revised down this forecast to £10.10
 - By April 2021, when the LPC published that year's NLW consultation documentation, the projection had increased to £10.33.
 - By the Budget in Autumn 2021, the projection had rebounded once more and stood at £10.70.
- 4.9 The LPC has now issued its latest forecast alongside the call for evidence on the NLW rate for 1 April 2023, the LPC wrote:
- “Although our recommendations in the autumn will be subject to Commissioners’ assessment of economic conditions, our current best estimate for the on-course NLW rate in April 2023 is £10.32, within a range of £10.14 - £10.50. Our current best estimate of an NLW set at two-thirds of median earnings for those aged 21 and over (the minimum age is reducing from 23) in 2024 would be £10.95 within a range of £10.58 - £11.33. These are based on the latest wage growth forecasts, but actual wage growth may turn out higher or lower, and we will update these ranges in the summer based on changing forecasts. We will publish a report, to coincide with the increase in NLW and NMW rates, setting out this pathway in more detail”
- 4.10 This projection is the highest rate yet predicted for the NLW in 2023 and 2024 and there is no guarantee it won't rise further due to the ongoing economic volatility, potential impact of the international context and expected further increases in the rate of inflation.
- 4.11 The problem for the NJC is caused less by in-year comparisons but more the practicalities of when the government announces the increase to the NLW for each forthcoming April (usually in October / November) and the NJC's negotiating timescales, which almost always run past the usual implementation date of 1 April due to the timing of the local government funding settlement, trade unions' pay claim, the consultation process and sometimes the electoral timetable.
- 4.12 In order to remain compliant with NLW legislation and allowing for forecasts to jump again beyond the LPC's latest projections, but nothing else (in terms of a 'normal' pay award), the NJC would need to do the following:
- To achieve a bottom rate of £10.50 in 2022 would require deleting SCPs 1-5
 - To achieve a bottom rate of £11.50 in 2023 would then require deleting SCPs 6-10
 - Just doing this and nothing else would potentially put 35 per cent of the full time equivalent (FTE) national local government workforce on the same bottom pay point. This seems impractical and unworkable.

5. The London Pay Spines and GLPC role

- 5.1 The outer and inner London pay spines were created in 2000 as part of 1997 national agreements to implement 'single status' (merging officer and manual worker conditions of service).
- 5.2 The Greater London Provincial Council Employers (GLPC) side has authority to act on behalf of all the authorities covered by the London Agreement. The purpose of the GLPC is to consult on, negotiate and determine regional agreements including the London pay spines.
- 5.3 The London Agreement specifies that inner and outer London pay spines will be amended each year in line with the same methodology approach and key principles of the agreement reached at the NJC for Local Government Services. Historically, the London pay spines have been amended each year in line with the pay awards agreed by the NJC for Local Government Services and GLPC joint secretaries have authority to follow the London Agreement and apply the national methodology in communicating to London boroughs the changes and increases to the London pay spines and allowances as outlined above. There is no need for a separate GLPC meeting.

6. The London Living Wage

- 6.1 It is important to note the minimum pay rate on the Outer London pay spine is above the London Living Wage rate. The London Living Wage rate effective from April 2022 was set in November 2021 as £11.05 per hour. The minimum rate on the Outer London pay spine is £12.50 per hour based on a 36-hour working week.
- 6.2 All 32 London boroughs and the City of London currently pay their directly employed staff above the minimum of the London Living Wage (LLW), although Bromley and the City of London are not part of the London Agreement and have their own pay scales separate from the London pay spines.
- 6.3 Accredited Living Wage employers must confirm that they pay all of their directly employed staff the real Living Wage and have a plan in place for contracted staff. There are currently twenty-five (25) boroughs including the City of London accredited as Living Wage Employers. See list below

Borough	Accredited LLW Employer
Barking & Dagenham	Yes
Brent	Yes
Camden	Yes
Croydon	Yes
Ealing	Yes
Enfield	Yes
Greenwich	Yes

Hackney	Yes
Hammersmith & Fulham	Yes
Haringey	Yes
Hounslow	Yes
Islington	Yes
Kensington & Chelsea	Yes
Kingston	Yes
Lambeth	Yes
Lewisham	Yes
Newham	Yes
Redbridge	Yes
Richmond/Wandsworth	Yes
Southwark	Yes
Tower Hamlets	Yes
Waltham Forest	Yes
Westminster	Yes
City of London	Yes

Greater London Provincial Council

Local Government and NHS Employment Service Passport

Item: 7

Report by: Steve Davies **Job title:** Head of London Regional Employers' Organisation

Date: 18 October 2022

Contact Officer: Steve Davies

Telephone: 020 7934 9964 **Email** Steve.davies@londoncouncils.gov.uk

Purpose: Reports on the introduction of an Employment Service Passport agreement have been shared at previous meetings of GLPC and also this July's GLEF committee meeting.

The Employment Service Passport would be between employers in the NHS and local government to recognise accrued service for individuals that get jobs in each other's sector and therefore count their continuous service for certain contractual entitlements, such as annual leave, occupational sick pay, occupational maternity pay, other leave arrangements.

The aim is to help to make London NHS and local government employers a more attractive recruitment proposition than the private sector and support the recruitment and retention of talent in the public sector workforce in London.

This meeting provides an opportunity to share the arrangements for how it will work and re-energise its introduction since this stalled with the onset of Covid-19.

1. Introduction/ Background

- 1.1 HR leads from NHS London and local government have met to improve collaborative working across the employer and professional HR networks.
- 1.2 The potential for sharing knowledge, information, workforce practices and understanding of different cultures, systems, governance arrangements, etc. within the NHS and local government across employer and professional HR networks has been identified as important, especially with the vision of health

improvement and prevention articulated by the NHS Long Term Plan and introduction of integrated care systems.

1.3 HR leads from NHS Employers, Health Education England and London Boroughs Regional Employers' Organisation have identified the following areas for collaboration/ knowledge sharing/ understanding:

- HR network linkages
- Apprenticeships
- Recruitment and Career pathways
- Equalities, Diversity and Inclusion – sharing good practice that stimulates greater workforce diversity and inclusion
- Leadership development opportunities – e.g., training, mentoring, secondments
- Employment Service Passport

2. Employment Service Passport

- 2.1 A key aspect of improving collaboration and networking is the potential to get some tangible benefits from working together. Having greater flexibility of employment across public services is an ambition shared by the organisations and recognised trade unions. Therefore, the opportunity to get an employment service passport agreement between the NHS and local government is something that can demonstrate the collaborative working relationship across HR.
- 2.2 **What is an Employment Service Passport?** - An Employment Service Passport is an agreement between NHS and local government London employers to recognise accrued service for individuals that get jobs in each other's sector and therefore recognise their continuous service for certain contractual entitlements, such as annual leave, occupational sick pay, occupational maternity pay, other leave arrangements. Note - This relates to individual recruitment only and does not cover service transfers which fall under TUPE or TUPE like arrangements.
- 2.3 A key benefit of such an arrangement is making NHS and local government employers a more attractive recruitment proposition than the private sector, or some other public sector organisations and supporting the recruitment and retention of talent in the public sector workforce in London.
- 2.4 The principles and arrangements for an Employment Service Passport have been discussed and approved by respective NHS and London boroughs heads of HR meetings and the meeting of the London NHS Partnership – Social Partnership Forum on 5 March 2020, which is a meeting of NHS employer and recognised trade union representatives.

- 2.5 The GLPC and GLEF union side is supportive of the proposed arrangements.

3. How will the Employment Service Passport work?

- 3.1 The aim is not to change the terms and conditions of service for each individual organisation in scope; all local agreements, employment benefits and terms and conditions will be retained. However, where there has not been a break of one clear week or more between the employments, any new local arrangements that refer to continuity of service, e.g., additional leave entitlement, will take account of the recognised other employer service as part of the calculation of certain contractual entitlements. So, for example, if an employee moved from an NHS employer and had 10 years continuous service, the 10 years will be recognised for long service annual leave enhancements and better sick pay entitlements. The alternative (and current practice) is the employee's NHS service is not recognised and they get only the basic annual leave or sick pay entitlements. The individual will still be subject to all other elements of their new employer's terms and conditions (local and national) and their entitlement to their previous contractual benefits shall not transfer.
- 3.2 For NHS employer bodies the preferred route of governance agreement would be agreement by NHS employers at regional board level for Integrated Care Systems (ICS) and therefore agreement on behalf of several regional NHS employer bodies. During the Covid 19 pandemic the focus of NHS employers was on the pandemic response and moving to the new organisational arrangements for the delivery of ICS systems which means further work needs to be undertaken within these new governance arrangements for the employment service passport to be agreed.
- 3.3 For London local government the best mechanism for recognising this kind of arrangement would be incorporation into the London Agreement. This will need further consultation, understanding and agreement before this can happen amongst the London borough employers.
- 3.4 It is not proposed to proceed with any formal agreement and implementation timetable until both parties – London NHS and London local government – have agreed arrangements in place.

4. What are the Benefits?

- Supporting the recruitment and retention of talent in the public sector workforce in London

- Recognition of continuous service for certain contractual entitlements will provide a potentially wider pool of applicants.
- Making NHS and local government employers a more attractive recruitment proposition than the private sector, or some other public sector organisations.
- A flexible/mobile workforce can have both economic and social benefits, with a direct impact on engagement and turnover, while providing increased development, motivation, and job satisfaction for employees. This increases staff morale, and it is agreed that a motivated workforce is more productive.
- A flexible/mobile workforce will strengthen cross organisational cultural understanding, enhance professional links and increase partnership working. Learning best practice from each other can only improve the totality of approaches adopted individually by each organisation.
- Having a geographically and organisationally mobile workforce will benefit all organisations and many individuals and will expedite the integration of social care and healthcare.

5. Concerns/ Issues and Mitigation / Answers

Concerns/ Issues/ Questions	Answer/ Mitigation
Do we need to change contracts of employment or terms and conditions in each organisation to do this?	<p>No.</p> <p>The proposal is not to copy or transfer the individual's contract of employment (which happens with TUPE), or to change the recruitment organisations terms and conditions, but just to recognise the years' service someone has with their previous organisation so that they will not lose the benefit they built up of having longer service for key leave provisions.</p> <p>For example, an employee from the NHS (or vice versa local government), with 10 years' service joining a London borough (or vice versa NHS), will have that 10 years recognised for the purpose of getting additional annual leave entitlement with the London borough (or NHS), full sick pay benefits and other service related leave benefits.</p>
How much extra will this cost?	<p>Nothing.</p> <p>The budget cost for any job vacancy (position/post) will be exactly the same as at the point of advert and appointment.</p> <p>There may be some productivity costs due to giving extra leave or sick pay because of the recognition of accrued service from a different employer. However, these costs will not add to the budget cost for the post and therefore will be no different than had an individual been taken on from local government with 10 years' service.</p>
Will there be likely extra costs for redundancy?	<p>No.</p> <p>There will be no recognition of previous service for the purposes of redundancy or severance calculations.</p>

Will service be recognised for pension or redundancy/ severance payments?	<p>No.</p> <p>Recognising service for redundancy or pension purposes would require changes in legislation to make it work. Plus, it would incur a potentially significant cost to employers. Similarly, service recognition for severance payments would require changes to the new employers' contracts of employment and terms and conditions which are deemed to problematic as well as incurring a potential cost to the new employers.</p>
What will the previous service be recognised for?	<ul style="list-style-type: none"> • Additional annual provisions with the new employer, for example long service leave benefits. • More generous maternity leave, and maternity pay provisions • Sick pay entitlements, which improve with greater levels of continuous service • Any other leave provisions whereby service length grants additional benefits
Will this apply in TUPE or TUPE like situations	<p>No</p> <p>This is a measure to support normal recruitment and retention arrangements. Where a TUPE situation arises the individual transfers to the new employer with most of their previous contractual conditions intact (excludes pensions) and protected.</p>
Will someone who is subject to this arrangement have their service and entitlement protected if subsequently part of a TUPE transfer	<p>Yes</p> <p>Where an individual has had their previous service recognised and is now enjoying additional leave entitlements as a result with their new employer, then if they are subsequently transferred as part of a service TUPE or TUPE like transfer, they will have their entitlements protected since it will be deemed to be in their contract of employment terms and conditions.</p>

Greater London Provincial Council

18 October 2022

Item 8

List of differences and disputes as at October 2022

Outstanding cases

There are currently no outstanding differences and/or dispute cases.

There are currently no outstanding job evaluation appeals.