UNISON

Joint North Yorkshire branches

LGR Update

Updates on Local Government Reorganisation from the joint North Yorkshire local government branches; Craven branch, Harrogate branch, North Yorkshire branch, Ryedale branch and Scarborough branch

Issue 8
21 July 2022

Focus on Increments

We are devoting the whole of this update to the work we have been doing on the NYCC Increment Policy. This is one of the most controversial issues facing our members as we move towards LGR in April next year.

The current Increment Policy at NYCC is a big issue for UNISON and our members. Let's be clear; nobody joining the new Council from the district and borough councils would choose to have the NYCC Increment Policy applied to them.

We have made clear to NYCC that we cannot support the current Increment Policy being transferred to the new Council and we want it to be withdrawn for all staff from 1 April 2023.

Although NYCC have indicated that they are open to looking at the policy again, we haven't yet received assurances that it will be withdrawn.

We attended six online staff engagement sessions at the end of last month which sought views from staff across the eight councils about the NYCC policy.

The sessions were extremely uncomfortable for NYCC to listen to, and rightly so. NYCC staff shared their views and experiences of the policy, and district/borough staff let it be know that they cannot believe an employer would punish staff who are ill in such a way.

We wanted to share with you more details about how the policy works, the views and experiences of staff and what we think should be the policy for the new Council. We will continue to make the case for this policy to be withdrawn, and if it is not we will consider what further action we need to take with you, our members.

Which branch?

Craven District Council
Neil Braham
neilbraham@gmail.com

Harrogate Borough Council
David Houlgate, 01423 556109
unison.branchsecretary@harrogate.gov.uk

Ryedale District Council
Serena Williams, 01653 600666
unisonbranchsecretary@ryedale.gov.uk

Scarborough Borough Council
Andy Adamson, 01723 232355
andy.adamson@scarborough.gov.uk

Hambleton District Council
North Yorkshire County Council
Richmondshire District Council
Selby District Council
Wendy Nichols, 01609 532317
unison@northyorks.gov.uk

How does the NYCC policy work?

Increments can be withheld or removed if you have a live disciplinary warning, if you are on a formal capability plan or if you have an 'unsatisfactory' level of absence. Almost all decisions to remove or withhold increments are based on absence.

What is 'unsatisfactory' absence?

If you have more than 7 days absence in the year you are classed as having 'unsatisfactory' attendance. This includes all sickness absences, for any reason; even recovery from operations, cancer treatment or other long-term conditions. Before removing or withholding an increment, they will then look at your absence over the previous 3 years; if it is more than 21 days over the 3 years you will fail the increment process. So if you have an average of more than 7 days off per year you will lose an increment.

Are there any exceptions?

Absence due to Covid was exempt, but since 1 April this year is no longer exempt. Managers can apply an exemption in cases of serious or terminal illness but only where the employee has an average of less than 4 days' absence per year throughout their career.

What about people with disabilities, or long-term health conditions?

NYCC will discount a maximum of 10 days' for people who have a disability or long-term health conditions. So, if you need 90 days (3 months) off due to recovery from cancer treatment, NYCC will count only 80 days as 'unsatisfactory' absence; you would, of course, still lose an increment.

What about older workers, or female workers?

As we get older it is likely we will need more time off work due to ill-health, or following operations. The policy applies to everyone with no specific allowances for age. Similarly, statistics suggest that women will need more time off due to sex-related health conditions, but the policy makes no allowances for this.

Words used by staff from across the 8 councils to describe the policy…..

Between 10% and 14%

of all staff have an increment removed or witheld each year

What does the law say?

We believe that this policy might be unlawful, because it does not take into account the fact that some people may need more time off than others due to their sex, their age, if they have a disability or long-term health condition. In law, an employer can discriminate but only where the policy is a 'proportionate' way to achieve a 'legitimate' outcome. NYCC must therefore argue that 'reducing sickness absence' is a legitimate aim, and that the policy is 'proportionate'.

The reality of the NYCC Increment Policy….

- Female employee had to have a hysterectomy, had an increment removed as she needed six weeks off work to recover.
- Employee diagnosed with cancer. Had an increment removed, died the next year,
- Employee with cancer has only moved up one increment point in 4 years and is unlikely to progress for next 10 years.
- One member fell and broke her ankle, she needed six weeks off work; lost an increment.
- Currently having cancer treatment, likely to need 4 to 8 weeks off work. Already been told by manager that he will lose an increment.
- Employee who was shielding during Covid, caught a chest infection. Lost an increment. Now caught Covid this year and will lose an increment again next year.
- Someone had a hernia operation and then caught shingles in the same year; lost an increment.
- An employee with 30 years' service broke her ankle and needed time off to recover. She lost an increment.
- Female employee was diagnosed with cancer and needed a hysterectomy in the same year. She had an increment removed. Cancer has come back again this year and she will have the increment removed again,
- Someone had a close family member diagnosed with a brain tumour, then caught Covid, and then the family member died. She had an increment removed because of the time she took off work.
- Several employees report having had hip replacements, knee replacements, etc. Operations that help them to stay at work in the longer term, but all had increments removed or withheld.
- An increment is worth between £370 and £1,500 for full-time employees.

The impact of LGR: will the policy apply to district/borough council staff?

LGR gives us an opportunity to campaign to have this policy withdrawn for all staff. However, your pay is a contractual matter and therefore our members who currently work for the district and borough councils cannot have this policy applied to them unless they choose to move on to the new council's terms.

If this policy remains we would strongly advise our members NOT to move onto the new council's terms and conditions. You never know when you might get ill, injured or need an operation.

What should replace the policy?

We have listened to our members and the views expressed by staff at the focus groups run by NYCC and we think the Increment Policy should be replaced with:

Once attained, increments should not be lost as a punishment. Instead, incremental pay progression should be based on contribution and acquiring skills, knowledge and experience when someone is new in post.

More support for managers to help come up with innovative solutions to help staff with long-terms health conditions to remain at work as much as possible or to undertake other appropriate work (where reasonable) as they recover.

Support managers to appropriately manage staff in those few cases where there may be legitimate concerns about staff who have regular unplanned absences.

What happens next?

We have communicated our concerns to Richard Flinton, NYCC Chief Executive. We have had a positive response and hope to meet with the Assistant Chief Executive in the next few weeks. If you have any views that you want to share with us please contact your branch (see front page).

UNISON

Joint North Yorkshire branches

UNISON

RECRUIT A FRIEND TO UNISON

Together we're stronger

£500, £250, £125 prize draw

£20 shopping voucher

£100 monthly prize draw

The joint North Yorkshire local government branches have come together to run a 'recruit a friend' campaign to encourage as many colleagues as possible to join UNISON before the councils merge in April 2023.

For every new member you recruit we will send you a £20 shopping voucher and add your name to the prize draws. Each month there will be a prize draw for £100 for those recruiters that month, and at the end of the year everyone will enter the big draw with prizes of £500, £250 and £125.

Your colleagues can join online now: join.unison.org.uk

To enter, all you need to do is encourage your colleagues to join UNISON. Just email the North Yorkshire branch office to let us know who you have recruited, we will check that they have joined and send you your voucher and enter your name into the prize draws.

If you need application forms where you work please contact us or your local rep.

01609 532317 unison@northyorks.gov.uk www.northyorks-unison.org.uk