

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR CORE SERVICES

TITLE: EMPLOYEE NOTICE PERIODS (GIVING OF)

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| REPORT TO: | CABINET |
| Date of Meeting | 14 June 2023 |
| Cabinet Member Portfolio | Core Services |
| Key Decision | No |
| Public or Private | Public |

Purpose of report

Approval to change the current notice period arrangements for when employees resign from their role, (currently one month or three months), to a revised structure of four weeks, eight weeks or twelve weeks depending on grade.

Council Plan priority

- Growing Barnsley
- Enabling Barnsley

Recommendations

That Cabinet:

1. Agree the revised arrangements for notice periods for all **new** employees as:
 - Grades 1 – 6 four weeks' notice period.
 - Grades 7 – 11 eight weeks' notice period.
 - Grades 12 and above – twelve weeks' notice period.
2. Agree to **existing** employees in grades 7 - 11 being asked to accept the revised notice period of eight weeks on a voluntary basis.

1. INTRODUCTION

- 1.1 Currently there is a local agreement in place whereby notice periods for employees voluntarily resigning from their position with the council is linked to grade. Grades 1 to 11 are required to give one month's notice and Grades 12 and above are required to give three months' notice.

- 1.2 The current position is resulting in several difficulties organisationally, particularly within the social worker cohort as the bulk of these positions are required to provide one month's notice. Often when an employee resigns, they will have accrued annual leave to take within their notice period. In effect this means someone may remain in post for only two or three weeks before leaving.
- 1.3 Combined with the time it takes to advertise, interview and recruit, and with new employees normally having to give two or even three months' notice at these salary levels in other organisations, the service can be without anyone in post for three to four months. This has significant implications for the service and given that there are circa 1,200 employees who currently occupy roles in the grades 7 to 11, is proving very challenging.
- 1.4 Other areas of the council are also reporting similar problems with the one month notice period: in particular programme/project managers and engineer positions within Growth and Sustainability and a range of roles in the Public Health Nursing service.

2. PROPOSAL

- 2.1 It is proposed that an additional notice period 'band' that is grade related is introduced to help mitigate the recruitment challenges the council is currently facing and give a more manageable timeframe in which to recruit to vacancies.
- 2.2 The additional notice period will be the requirement to give eight weeks' notice for roles that are graded 7 to 11 for all new employees.
- 2.3 The current notice period for grades 1 to 6 is changed to four weeks, rather than one month and that the current notice period for grade 12 and above is changed from three months to twelve weeks for all new employees.
- 2.4 Existing employees occupying grade 7 to 11 roles will be asked to accept a revised notice period of eight weeks on a voluntary basis.
- 2.5 The change from weeks to months for notice periods is to align with other pay related processes: redundancy, pay in lieu, statutory sick/maternity pay for example.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

Director of Finance (S151 Officer) has approved report, noting no financial risks or concerns.

3.2 Legal

Most, if not all, terms and conditions of employment contained within national provisions will provide for a set period of notice which an employee must

render to terminate the employment relationship. The council would require a new local collective agreement with trade unions to amend those terms and conditions and the current local collective agreement relating to a notice period. For the council to approach its current employees and request voluntary acceptance of the change in notice period, the collective agreement would need to record the trade unions agreement to avoid any implication that the council has made unlawful inducements to its trade union represented employees. Current employees must not be subjected to dismissal or any detriment if they refuse.

3.3 Equality

The Equality Impact Assessment pre-screening questions have been undertaken, which shows a full EIA is not required for this change. A copy of the EIA pre-screen is attached at Appendix 1.

3.4 Sustainability

No sustainability decision-making wheel has been completed for this report, as the proposal does not have a direct impact upon sustainability and the people of Barnsley.

3.5 Employee

For new employees joining the council from a date yet to be agreed, there are no implications as contracts will be issued with the revised notice periods.

Existing employees who are currently on grades 7 to 11 will be asked to voluntarily accept a revised notice period.

3.6 Communications

There will be a clear communications strategy in relation to this change to ensure employees understand the rationale for the change. This will include discussions at management meetings and issuing communications via the Heads of Service bulletin and Let's Talk bulletin.

Managers will have a crucial role to play in communicating the change to existing employees via team meetings.

4. CONSULTATION

Consultation has taken place with the recognised Trade Unions who understand the current recruitment and retention challenges and are supportive of the proposal, on the basis that the requirement to change is on a voluntary basis for existing employees.

Consultation has also taken place with the Senior Management Team who are supportive of the proposal.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Other options considered were to make no changes to existing notice periods or to negotiate a new collective agreement to make the change a compulsory contractual change for existing employees, whilst also applying the revised arrangements to future employees.

6. REASONS FOR RECOMMENDATIONS

6.1 The change to notice periods for new employees and the voluntary change for existing employees addresses concerns raised by services over a number of years in relation to the loss of employees so quickly after receiving their resignation.

6.2 The option to voluntarily accept a revised notice period for existing employees ensures the support of the Trade Unions and negates the need for a lengthy and possibly protracted negotiation of a new collective agreement.

7. GLOSSARY

EIA – Equality Impact Assessment.

8. LIST OF APPENDICES

Appendix 1: EIA

9. REPORT SIGN OFF

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| Financial consultation & sign off | Senior Financial Services officer consulted and date Neil Copley 02.06.2023 |
| Legal consultation & sign off | Legal Services officer consulted and date David Nuttall 01.06.2023 |

Report Author: Stephanie Barker

Post: Senior HR & OD Business Partner

Date: 31 May 2023