

Agenda item no: 6(c)

DERBYSHIRE COUNTY COUNCIL

CABINET

29 JUNE 2017

Report of the Strategic Director – Adult Care

**IMPLEMENTATION OF NEW CARE WORKER CONTRACTS WITHIN
DIRECT CARE HOMES FOR OLDER PEOPLE**

ADULT CARE

1. Purpose of the Report

To provide Cabinet with the outcomes of the review of the voluntary transfer of Care Assistant and Night Care Assistant staff onto the new Care Worker contract that was approved by Cabinet in June 2015.

To seek approval for the implementation of proposed contractual changes to conditions of employment for Care Assistants and Night Care Assistants within Direct Care Homes for Older People.

2. Information and Analysis

On 16 June 2015 Cabinet approved a restructure of management and staffing arrangements in Residential Care Homes for Older People and Residential Community Care Centres within Adult Care Direct Care Services. This involved the restructuring of management and staffing arrangements, the introduction of new work rotas and the introduction of a new Care worker contract which replaced the Care Assistant (in some establishments these staff are referred to as Day Care Assistants but shall be generically referred to as Care Assistants for the remainder of this report) and Night Care Assistant contract within the affected establishments.

The restructuring of management and staffing arrangements is now complete; new staffing rotas for care staff are also now ready for implementation. The final stage of the restructure arrangements is to complete the transition onto the new Care Worker contract for all remaining Care Assistant and Night Care Assistant staff.

In June 2015 Cabinet approved a proposal for all new staff employed from that point to be recruited to the new Care Worker contract requiring them to work a flexible shift pattern including daytime, night time and weekend shifts on a rotational basis (a three shift system) according to the needs of the service. At that time Cabinet also agreed to have a period of up to two years for the full introduction of new work contracts for existing staff to enable them to have the time to make any adjustments to home and personal arrangements and to be able to adapt to the associated revised working patterns. It was envisaged that due to the natural turnover of care staff leaving the service during this two year time period there would be a gradual move towards all affected post holders being on the new contract. In addition, those existing staff who were willing to do so have been moved over to the new contract.

It was agreed that at the completion of the two year period a review would be undertaken to identify the position in relation to the transfer onto new contracts.

This review has now been undertaken and as at 21 June 2017 of the 777 staff affected by this change there are now only 167 individuals who have yet to sign up to the new Care Worker contract. Of those 130 have indicated that they are willing to sign but have not yet returned the signed document, 11 are relief staff whose contract will change automatically and the remaining 26 are made up of 7 who were undecided and 19 who had previously refused to transfer voluntarily. Discussions with those 26 people are ongoing and subject to any changes of position this is the group of people with whom we will need to enter a formal variation of contract process.

Once implemented this change in contract arrangements will enable managers to put into effect the three shift rota arrangements which will improve the provision of care and support to residents living in Direct Care establishments by delivering continuity and consistency as a result of care staff having knowledge of residents' needs over the full 24 hour time period.

3. Financial Considerations

The changes described in this report will have a neutral financial impact.

4. Human Resource Considerations

In order for our clients to realise the full benefits of the revised contracts and to fully implement the new rota, it is essential that the employees who remain on a Care Assistant or Night Care Assistant contract transfer onto the Care Worker contract.

Consultation regarding the implementation of the revised working pattern was completed in June 2015. It is proposed that further consultation will take place with employees and Trade Unions with a view to reaching collective agreement to transfer over onto the Care Worker contract. Should this not prove possible it will be necessary to implement the new arrangements for the remaining employees by way of a variation to contract process. This will involve the issuing of dismissal notices and offers of re-engagement on the revised contract. Below are the details of the proposed implementation process and timeline.

If this report is approved, notices under Section 188 (notification to the Trade Unions) and Section 193 (notification to the Secretary of State) of the Trade Union and Labour Relations (Consolidation) Act 1992, will be issued.

Indicative Timescales for Implementation of Changes to Care contracts in Older People Residential services

| Date | Action |
|-----------------------|---|
| 29 June 2017 | Cabinet |
| w/c 10 July 2017 | Special DJC |
| w/c 17 July 2017 | Consultation |
| 7 August 2017 | Issue variation to contract letters to affected staff groups (attach revised job profile) |
| 8 September 2017 | Return date |
| w/c 11 September 2017 | Issue dismissal and re-engagement letters to those employees who haven't signed variation to contract letters |
| 5 November 2017 | Reminder letter issued |
| 3 December 2017 | Last day to accept new contract |
| 4 December 2017 | New contracts start |
| 4 December 2017 | Confirmation of termination |

5. Social Value Considerations

The Direct Care services which this report relates to support vulnerable older people who require high levels of care and support, the changes to staffing arrangements will improve the provision of person centred support to residents by enhancing continuity of care.

6. Other Considerations

In preparing this report the relevance of the following factors has been considered; legal, prevention of crime and disorder, equality of opportunity, and environmental, health and transport considerations.

7. Key Decision

No

8. Is it required that call-in be waived in respect of the decision proposed in this report?

No

9. Officer Recommendation

That Cabinet notes the outcomes of the review of the position with relation to the voluntary transfer onto Care Worker contracts by existing Care Assistant and Night Care Assistant staff.

That Cabinet approves the commencement of a dismissal and engagement process with the remaining staff in order to enable the department to fully implement the restructure arrangements agreed by Cabinet in June 2015.

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