

Brighton & Hove City Council

Strategy Finance and City Regeneration Committee

Agenda Item 65

Subject: Improvements to the use of temporary employment arrangements

Date of meeting: 5 October 2023

Report of: Executive Director Governance People & Resources

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1. A review into the use of fixed term contracts, secondments and acting up arrangements has taken place. The review resulted in the majority of staff on long term temporary employment arrangements being made permanent.
- 1.2. In order to ensure governance and appropriate use of these arrangements going forward it is recommended a new policy on the use of fixed term contracts is put in place. In keeping with the recommendations from the review amendments have also been made to three existing policies – the Secondment Policy, Additional Payments Policy and the Recruitment and Selection Policy. The Committee are asked to approve these new and amended policies.

2. Recommendations

- 2.1 That Committee agrees the amended policies on Secondments, Additional Payments and Recruitment.
- 2.2 That Committee agrees the new Policy on the Use of Fixed Term Contracts.

3. Context and background information

- 3.1 A project commenced in December 2021 to review the council's frameworks and controls regarding fixed term contracts, secondments and acting up arrangements. It was undertaken to address concern over the high number of staff who have experienced long-term acting-up arrangements, secondments and fixed term contracts. This was an issue that created concerns across the organisation and was also raised by GMB and UNISON as a result of the impact on the employment stability for some of our staff.

3.2 The remit of the project was to:

- Ensure we can manage workloads across the organisation and have agile arrangements that enable us to manage peaks of work and project work.
- Ensure that our frameworks provide appropriate opportunities to staff to progress in line with our People Promise commitments on providing opportunities and also being a fair & inclusive employer
- Ensure we have the appropriate controls in place to effectively manage the need, duration, renewals and extensions of acting ups, secondments and fixed-term contracts
- Explore if our current policies are fit for purpose
- Recommend solutions to address long-term acting ups, secondments and fixed-term contracts and reduce any adverse impact on our employees of short term contractual arrangements

3.3 There were specific decisions made following the review to make changes as follows:

Fixed Term Contracts

- Move employees on fixed term contracts exceeding two years to permanent contracts wherever possible
- Introduce a new policy on the use of fixed term contracts, with controls in place for managing the implementation of contracts
- Put in place monitoring of fixed term contracts going forward
- Advertise all fixed term posts internally and externally

Secondments

- Move all secondments of 2 years plus into post permanently
- Put in place monitoring of secondments going forward
- Amend the existing Secondment Policy

Acting up Arrangements

- Review longer term acting up arrangements and discuss with manager with aim of ending of making permanent
- Introduce limit on a period of acting up to, usually 6 months with a maximum of one year
- Review additional payments policy to ensure transparency in access to such opportunities

3.4 Most of the recommendations of the review have been actioned. This has resulted in a high percentage of fixed term contract employees being made permanent. There has been improved monitoring and governance in place going forward. The changes ensure we are not in breach of employment legislation.

Total Number of Fixed Term Contracts		2 years service +		Of these 4 years service +	
Dec 21	July 23	Dec 21	July 23	Dec 21	July 23
401	357	272	53	269	6

Total Number of Secondments		Secondments 2 years +	
Dec 21	July 23	Dec 21	July 23
178	97	137	30

- 3.5 The actions taken have meant more security of employment for many with a positive impact on wellbeing, motivation and commitment. They should also have a positive impact on retention levels where those on fixed term contracts may otherwise have sought alternative employment without a guarantee of on-going employment.
- 3.6 In accordance with the review it is proposed that the Secondment Policy, Additional Payments Policy and Recruitment Policy are amended to ensure the circumstances for these arrangements are clear.
- 3.7 A new Use of Fixed Term Contract Policy has been written to ensure managers are clear on when it is appropriate to use a fixed term contract.
- 3.8 The three amendment policies and the new policy have been shared with UNISON and GMB for feedback and input and amendments made accordingly.
- 3.9 These policies are now presented to Committee for sign off.

4. Analysis and consideration of alternative options

- 4.1 The option to leave the current policies without amendments, and not establishing a fixed term contract policy has been considered. Without these suggested changes there is a risk that temporary work arrangements may be over used, and some of the issues identified in 3.1 and 3.2 will continue.

5. Community engagement and consultation

- 5.1 GMB and UNISON have been consulted throughout the review process and the changes proposed to the policies have been shared and an opportunity to feedback given. The proposals are designed to address concerns that Trade Union colleagues have raised with us, and UNISON have confirmed they are in full agreement with the proposals (see appendix 5). No concerns have been raised by GMB.

6. Conclusion

It is anticipated that the new policies recommended by this report will ensure the aims outlined in 3.2.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report. The proposed amendments to policies will support greater cost

certainty of arrangements and in turn support improved financial management.

Name of finance officer consulted: James Hengeveld Date consulted 22/09/23

8. Legal implications

- 8.1 The recommendations of the review and actions taken will inevitably provide greater certainty and security for those in post, and will assist in mitigating the risk that the Council is in breach regarding any disparity of treatment between those on fixed term contracts and those on permanent contracts.
- 8.2 In general terms Council policies tend to be drafted so as to align as far as possible with any relevant statutory position – including the treatment of fixed term contracts and any related redundancy considerations.
- 8.3 In amending existing policy the Council is making a meaningful effort to ensure that those on fixed term contracts are treated as fairly as possible and, importantly, do not find themselves at a disadvantage when compared to those on a permanent contract.
- 8.4 The recommendations do not significantly alter the landscape from a legal perspective but do provide greater clarity for all concerned parties.

Name of lawyer consulted: Chris Kingham Date consulted 21/08/2023:

9. Equalities implications

- 9.1 Equality Impact Assessments have been completed for the new and amended policies and have been signed off by the Equality Diversity and Inclusion Manager.
- 9.2 The recommendations to advertise all posts externally, to ensure opportunities to act up are more transparent and inclusive and to monitor and limit acting up arrangements, secondments and fixed term contracts will ensure more competitive appointments to these arrangements, as well as ensuring more transparency and fairness.
- 9.3 As at 31 December 2021, Our People Data reports a higher percentage of staff in the council's corporate workforce identifying as BME, White Other, disabled, female and LGBTQ+ employed on fixed term contracts when compared with permanent contracts, and as a % of the total workforce.
- 9.4 Moving employees from fixed-term onto permanent contracts as recommended has increased the percentage of staff from under-represented groups on permanent contracts and support our fair and inclusive aims for proportionate representation of staff across all contract types.

Supporting Documentation

1. Appendices

1. Use of Fixed Term Contracts Policy (new)
2. Secondment Policy (amended)
3. Additional Payments Policy (amended)
4. Recruitment and Selection Policy (amended)
5. Emails to trade unions dated 31.07.2023 and 13.09.2023 requesting any written representations for Committee

