

## FULL COUNCIL

<b>Report title</b>	Charter Recognitions
<b>Director</b>	James Bromiley, Strategic Director for Finance, Governance and Support
<b>Date</b>	28 March 2018
<b>Purpose of the report</b>	To recommend that full Council agrees to sign up to certain charters and protocols as put forward by the Trades Unions and contained in this report.
<b>Summary of the report</b>	The report details the charters and protocols that the Trades Unions have requested that Middlesbrough Council signs up to. The report covers the amendments that have been made to enable the sign up to these and the reasons why at this moment in time Middlesbrough Council cannot commit to signing up to one of the charters that was requested.
<b>If this is a confidential report, which exemption(s) from the Schedule 12a of the Local Government Act 1972 applies?</b>	N/A
<b>Decision(s) asked for</b>	That full Council approves the signatory of the Trades Unions charter agreements as detailed in this report.
<b>Impact of decision(s)</b>	The decision to sign up to these charters will mean that Middlesbrough Council has clear protocols in place for the way in which it manages apprenticeships, the provision of ethical care and the procurement of work with the construction industry.
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## **What is the purpose of this report?**

1. The purpose of this report is to gain the approval of full Council to sign up to certain charter agreements as put forward by the Trades Unions.

## **Why is this report necessary?**

2. This report is necessary in order to gain full Council's agreement to the signatory of these charter agreements and to make full Council aware of the changes that have been made to the original charters so as to enable Middlesbrough Council to sign up to the commitments contained in the charters.

## **What decision(s) are being asked for?**

3. That full Council approves the signatory of the following:

Apprenticeship Charter	(Appendix 1)
Ethical Care Charter	(Appendix 2)
Construction Charter	(Appendix 3)

4. To agree that Middlesbrough Council is currently unable to sign up to the Residential Care Charter for the reasons outlined in paragraph 17.

## **Why is this being recommended?**

5. At a meeting between the Chief Executive and the Trades Unions in November a request was made by the Trades Unions for sign up to the above charters. Having reviewed the content of the charters, it was agreed that the signatory of the charters should be considered for approval by Executive and then taken, with the agreement of Executive, taken to full Council.
6. The commitment of Middlesbrough Council to comply with the charters detailed above will mean that there is agreement in place with the Trades Unions as to the way in which the council manages apprenticeships, ethical care provision and the commissioning and procurement of projects with the construction industry. The charters provide a clear criteria for the council to work to in these areas. The signature of the charters provides a commitment by the council to promote the criteria laid out in the charters.
7. The signature of these charters will support the close and positive working relationship that Middlesbrough Council has with its recognised Trades Unions and will help to maintain an environment of constructive employee relations.
8. Information relevant to the individual charters is provided below:

## **Apprenticeship Charter (Appendix 1)**

9. UNISON's Apprenticeship Charter provides a framework for the treatment of apprenticeships in the council and provides a tool to ensure apprenticeships deliver positive outcomes for both apprentices and employers. The council is already complying with the provisions of the charter with the exception of two small amendments that have needed to be made.

- With the exception of two criteria (one on the Apprenticeship side and one on the Employer side), the Council already adheres to the Apprenticeship Charter. These particular criteria provide an undertaking of a real job at the end of the apprenticeship. In practise, a high percentage (82%) of apprentices working in the Council secure a substantive post with the Council, however it is not possible to guarantee that every apprenticeship will do so. These criteria have therefore been amended to read 'A job offer, once their apprenticeship is complete, *wherever possible*' and 'Ensure the apprenticeship leads to a real job, *wherever possible*' (Employer).

## **Ethical Care Charter (Appendix 2)**

10. The Ethical Care Charter provides criteria for the commissioning of homecare services. Middlesbrough Council embarked on a re-commissioning exercise for homecare services throughout 2017 and engaged new providers in November 2017. As a result much of the Ethical Care Charter requirements were built within the service specifications and contractual requirements. There is only one point that the Council cannot adhere to which is in Stage 3 – Occupational Sick Pay Scheme (see below). The rest of the points have been built into the new contract. There are three key areas of note where the wording of charter will need amending to ensure future compliance with the charter:

- 15 minute calls: These will be delivered in some circumstances, however, these will not be utilised for care delivery and will only be utilised for safety monitoring calls.
- Zero-hours contracts: The council would prefer not to mandate no zero hour contracts, but to suggest that providers offer the choice of employment contracts where this is requested by one of their employees.
- Occupational Sick Pay Scheme: This has not been included within the re-commissioned services and therefore further discussions with the sector will be necessary. Therefore the Stage 3 wording regarding the Occupational Sick Pay Scheme will be amended to read: *"The provision of an Occupational Sick Pay scheme will be subject to future discussions with re-commissioned services"*.

11. With regard to the remaining elements of the Ethical care charter Commissioning and Procurement believe that Middlesbrough's commissioned homecare providers are already committed to delivering these standards.

## **Construction Charter (Appendix 3)**

12. The Trades Unions have asked that Middlesbrough Council signs up to the North East Construction Projects Minimum Standards Charter.

13. Following consultation with the relevant service areas and Legal, Middlesbrough Council would be unable to sign up to the charter in its current form due to the challenges that this could present when carrying out OJEU procurements and the risks around compliance and being anti-competitive for the market.

14. However, after reviewing the construction charters signed up to by other local authorities such as Sheffield, Barnsley and Liverpool, it has been agreed that the attached Middlesbrough Council Construction Charter, which is modelled on the North Yorkshire Council charter, can be agreed. Durham County Council have also agreed their own construction charter.

15. In addition, it has been suggested to the Trades Unions that, if they have not already done so, they may also look to make contact with the North East Procurement Organisation (NEPO). Regional commissioning is a significant part of NEPO's work programme and this could support the introduction of a regional charter.
16. Signature of the Middlesbrough Council Construction Charter will be the first step towards signing up to the North East Construction Projects Minimum Standards Charter.

#### **Residential Care Charter (Appendix 4)**

17. The Residential Care Charter relates to the commissioning of residential care provision. Our current contractual arrangements do not meet the requirements but we will aim to build the principles of the Charter into our new contractual arrangements.

#### **Other potential decisions and why these have not been recommended**

18. The alternative decision to Middlesbrough Council signing up to the three charters included in this report, would be the decision not to do so. That decision would mean that Middlesbrough Council fails to agree to the minimum standards/criteria included in the charter and this could impact on the council's reputation as a good employer and as an ethical procurer/ commissioner of external contracts.
19. Failure to sign up to the charters could also have a negative impact on our working relationships with the recognised Trades Unions.

#### **Impact(s) of recommended decision(s)**

##### ***Legal***

20. As detailed in paragraph 14, the advice from Legal is that Middlesbrough Council would be unable to sign up to the Construction Charter in its original format. This advice has led to the development of the Middlesbrough Construction Charter at Appendix 3.

##### ***Financial***

21. There are no financial implications for the Apprenticeship Charter as Middlesbrough Council is already adhering to the criteria included in the charter.
22. With regard to the Ethical Care Charter, taking into account the caveats outlined in paragraph 13, there is no immediate financial impact on the council, however, there may be in the future for re-commissioned services with regard to the standard of having in place an occupational sick pay scheme
23. There are no financial implications with regard to the Middlesbrough Construction Charter.

## ***The Mayor's Vision for Middlesbrough***

24. By signing up to these Charters, Middlesbrough Council will be supporting the priority of Fair Access to secure, well-paid jobs and meaningful training, as contained in the Mayor's Vision for Middlesbrough.

## ***Policy Framework***

25. This report is aligned with the policy framework, which sets out how the council ensures its governance processes are fit for purpose, as articulated by the 'business imperatives' element of the Strategic Plan.

## ***Wards***

26. The signature of these charters could have a positive impact across all Wards by supporting the access of the people of Middlesbrough to secure, well-paid jobs and meaningful training.

## ***Equality and Diversity***

27. Protected groups will not be adversely affected by the decision.

## ***Risk***

28. Signing up to these charters will help to maintain good working relationships with the recognised Trades Unions and reduce the risk of employee relations issues. Signature of the Apprenticeship Charter will help to promote Middlesbrough Council as a good employer and attract talented individuals to apply for apprenticeship opportunities within Middlesbrough Council, supporting the development of a robust talent pipeline and potentially reducing the risk of skills gaps within the workforce.

## **Actions to be taken to implement the decision(s)**

29. Following the agreement and signature of these charters, Middlesbrough Council's sign up will be widely promoted both internally and externally and included in the appropriate commissioning and procurement documentation.

## **Appendices**

30. Apprenticeship Charter (Appendix 1)  
Ethical Care Charter (Appendix 2)  
Construction Charter (Appendix 3)  
Residential Care Charter (Appendix 4)

## **Background papers**

No background papers were used in the preparation of this report.

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# UNISON's Apprenticeship Charter



UNISON's apprenticeship charter provides a tool to ensure apprenticeships deliver positive outcomes for both apprentices and employers.

Well funded, high quality apprenticeships which lead to a meaningful job, make an important contribution in addressing skills gaps and tackling youth unemployment. The most effective apprenticeships are developed by a joint approach, involving employers, trade unions, training providers, and apprentices.

UNISON will actively support schemes which meet the following criteria:

### **Apprentices have the right to:**

- An employment contract.
- A job offer, once their apprenticeship is complete, wherever possible.
- Payment at the apprenticeship rate for the job
- The same terms and conditions as existing workplace policies and procedures.
- High quality training - both on and off the job.
- Appropriate job supervision, pastoral support and clarity about rights and responsibilities.
- Not be used for job substitution, including covering staff shortages of any duration.
- A safe and healthy working environment - free from discrimination and bullying.
- Join and participate in a trade union of their choice.
- Remain on the same contract, terms and conditions, if they are already existing employees who start an apprenticeship.

### **Employers have a responsibility to:**

- Conduct a skills audit, to properly determine their organisation's needs.
- Negotiate with relevant trade unions, to develop a high quality apprenticeship scheme, which ensures apprentices' rights are respected.
- Select and monitor a high-quality training provider.
- Ensure the apprenticeship leads to a real job, wherever possible.
- Recognise apprenticeships as investing in future labour, rather than 'cheap labour'.
- Keep existing employees informed about the introduction of the apprenticeship scheme.
- Provide support and training for the supervisors of apprentices.
- Meet regularly with apprentices and their representatives.
- Actively challenge job stereotyping.
- Encourage and celebrate apprentices

[unison.org.uk/apprentices](http://unison.org.uk/apprentices)

**Apprentices can join UNISON for just £10**

## Ethical care charter for the commissioning of homecare services

### Stage 1

- > The starting point for commissioning of visits will be client need and not minutes or tasks. Workers will have the freedom to provide appropriate care and will be given time to talk to their clients
- > The time allocated to visits will match the needs of the clients. In general, 15-minute visits will not be used as they undermine the dignity of the clients
- > Homecare workers will be paid for their travel time, their travel costs and other necessary expenses such as mobile phones
- > Visits will be scheduled so that homecare workers are not forced to rush their time with clients or leave their clients early to get to the next one on time
- > Those homecare workers who are eligible must be paid statutory sick pay

### Stage 2

- > Clients will be allocated the same homecare worker(s) wherever possible
- > Zero hour contracts will not be used in place of permanent contracts
- > Providers will have a clear and accountable procedure for following up staff concerns about their clients' wellbeing

- > All homecare workers will be regularly trained to the necessary standard to provide a good service (at no cost to themselves and in work time)
- > Homecare workers will be given the opportunity to regularly meet co-workers to share best practice and limit their isolation

### Stage 3

- > All homecare workers will be paid at least the Living Wage (as of November 2013 it is currently £7.65 an hour for the whole of the UK apart from London. For London it is £8.80 an hour. The Living Wage will be calculated again in November 2014 and in each subsequent November). If Council employed homecare workers paid above this rate are outsourced it should be on the basis that the provider is required, and is funded, to maintain these pay levels throughout the contract
- > All homecare workers will be covered by an occupational sick pay scheme to ensure that staff do not feel pressurised to work when they are ill in order to protect the welfare of their vulnerable clients.

## **MIDDLESBROUGH CONSTRUCTION PROJECTS**

### **MINIMUM STANDARD CHARTER**

Middlesbrough Borough Council procures a wide range of construction projects. It is our intention to adopt and expect all organisations tendering for work within Middlesbrough Borough Council to promote and support this charter.

#### **Health and Safety**

The health and safety of all workers is paramount. Construction is a dangerous industry. We expect all contractors to ensure that:

- Health and safety standards are rigorously implemented and adhered to
- Welfare facilities for construction workers are appropriate for the 21<sup>st</sup> century, including reasonable standards for toilets, mess and drying facilities

#### **Employment and Skills**

We require the highest standards of project delivery in order to ensure that resident's aspirations are met and the projects serve our communities well in the years to come. We are also mindful of the projected skills shortage across the sector and wish to work with the industry to train the next generation of skilled workers for the future. We therefore encourage, and will require where appropriate, all contractors to:

- Be able to demonstrate the skill level of their employees on the project by ensuring appropriate checks are carried out by contractors
- Comply with the employment and skills requirements set out in our tender documents, promoting and encouraging apprenticeships to an NVQ Level 3 standard wherever possible
- Prioritise hard to reach and under-represented groups in employment and skills initiatives
- Work with us to support initiatives aimed at promoting and improving opportunities in education training of employers and employees engaged on all construction projects within Middlesbrough.

#### **Pay and Benefits**

Middlesbrough Borough Council is a living wage employer and believes that all workers should be fairly rewarded for their efforts.

We also expect that all employees, and encourage that all workers, should have access to:

- Paid holidays
- A sickness benefit scheme
- A pension scheme
- Accident compensation
- Death in service benefits



## **Employment Rights**

Middlesbrough Borough Council expects direct employment wherever possible. We believe that Trade Unions play an important role in creating a safe and productive worksite and developing good industrial relations. We therefore expect our contractors – within the context of the contract let – to:

- Employ workers under recognised industry collective agreements as set out in JIB, JIB-PMES, HVAC, CIJC, NAECI and TICA or other EU equivalent
- Promote the benefits of belonging to a recognised Trade Union
- Recognise on-site Shop Stewards as having an important role to play in achieving and promoting good industrial relations
- Ensure that the Trade Union has input into the development of Health and Safety policy (to ensure members' priorities are reflected)
- Actively promote the election of Health and Safety Representatives and support their role in helping to ensure a safe site
- Provide quality and opportunity for all
- Be able to certify that they have not engaged in the practice of blacklisting workers for any reason.

Middlesbrough Borough Council looks forward to working with contractors to help them support the aims set out in this charter

# UNISON'S Residential Care Charter



**Many residential care workers are poorly paid and poorly treated. So they struggle to make ends meet and struggle to provide quality care within a system in crisis. Yet their role is crucial for a civilised society to function.**

UNISON, the leading representative for care workers in the UK, is campaigning for higher standards of care across all residential settings. Dignity and justice must be at the heart of a care system. Everyone in residential care deserves to be supported and properly looked after – irrespective of their wealth, age or disability. For this to happen, care workers must be valued.

Residential care workers across the UK came together to discuss the barriers that plague their sector and solutions that would enable them to provide dignified care.

UNISON's Residential Care Charter is the outcome of this discussion. It sets out the minimum standards and employment conditions required to deliver decent care. Employment levels, pay, conditions and training directly impact the quality of care. A more stable, well-equipped workforce is essential to deliver high quality, consistent care.

Care workers urge councils, commissioners and providers in the voluntary and private sector to adopt the Residential Care Charter, which sets out solutions to raise the standard of care.

UNISON will campaign for decision makers to adopt the Charter and continue to call for adequate funding for social care.]

# UNISON'S Residential Care Charter

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## Protecting and supporting residents

- Employers will maintain adequate staff ratios, that enable quality care to be delivered. This must be care that extends beyond basic tasks and includes a social dimension.
  - Care workers, residents and families must be given information about how to raise concerns and protection if they decide it is necessary.
  - Employers will have clear and accountable procedures to follow up any concerns raised.
  - Care home providers will ensure all residents have ready access to any NHS services required.
  - Providers will carry out thorough risk assessments to ensure the safety of residents and care workers.
  - Employers will provide care workers with safe equipment.
  - Care workers will be given time to provide regular activities and effective forms of therapy for residents.
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## Training and support for employees

- All care workers – including bank and relief staff – will be regularly trained to meet the needs of all residents, as set out in their care plans.
- Training requirements will be met. Training must be free and carried out in work time, so cover staff must be arranged.
- DVD and e-learning will be used to complement high quality, face-to-face learning.

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## **Decent pay for quality work**

- All residential care workers will be paid at least the Living Wage – as calculated by the Living Wage Foundation or Greater London Authority every November.
- Councils which outsource employees on or above the Living Wage should ensure that new providers are required to maintain pay levels throughout the contract.
- Extra payment will be made for working unsocial hours, including weekends and Bank Holidays.
- Pay for sleep-ins must be at a level to ensure that the average hourly rate does not drop below the Living Wage.
- Holiday periods must also be paid as if at work.
- All care workers will be paid occupational sick pay.
- Employers will pay for Disclosure and Barring Service checks.

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## **Time to care**

- Zero hours contracts will not be used.
- Care workers will be given adequate breaks during their working day.
- Care workers will be paid for the time it takes to carry out a proper handover between shifts, which ensures safety and continuity of care for residents.
- Rotas will be planned well in advance to ensure adequate staffing levels and allow planned, time off for employees.

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## **Part of the union**

- Employers will recognise UNISON – negotiating pay and conditions with them and encouraging employees to join them.
- UNISON representatives will be given adequate paid time for the required training.
- Employers will provide opportunities for UNISON to meet members and employees as necessary.