**HAY/SMG4/Public Health & Agenda for Change**

**Local pay offer 2018/19 and 2019/20**

**UNISON response**

**1.0 Introduction**

1.1 UNISON has already submitted an interim response in line with the previous deadline which was subsequently extended. This final response should be read alongside that. The interim response is embedded in this document as an appendix.

1.2 UNISON members do expect a response to the concerns they have raised. Not all concerns or queries have been addressed within the FAQs document which management have issued and updated. Please can a response be issued which addresses the concerns and queries raised herein and in the initial, interim submission. See also 2.26 below.

1.3 This paper should not on the whole duplicate concerns already raised by UNISON members in the interim response. These are for the most part additional concerns, comments and queries that have been relayed to us since the consultation was extended. Occasionally we repeat a point for emphasis or because it has been framed in a different way.

**2.0 Further member concerns and queries**

2.1 It is conceivable that NJC 12A staff will catch up with and overtake HAYA staff if they are denied incremental progression and cost of living pay awards. Does WSCC see this as an issue, and what will it do to counter this if so?

2.2 The Spring Pulse survey results show an inconsistent approach to appraisal activity currently taking place within the organisation. [‘I receive regular feedback which is meaningful’ – range of only 59/82 agreement; ‘I have a clear understanding of my role in the future plans for my team’ – range of only 53/84 agreement.] It is undesirable, arbitrary and dangerous therefore to link cost of living awards and incremental progression to the appraisal system at the current time. Why is WSCC not fixing the current system, testing it and showing it is fit for purpose, before even countenancing changing pay award and progression mechanisms?

2.3 If the person doing the appraisal has been appraised themselves as not being ‘good’ or ‘outstanding’, what implications does this have for the integrity of the pay and reward system proposed?

2.4 Staff were concerned about the long-term impact on their pension of missing out on consolidated cost of living awards. It was felt unjustified to penalise staff into their old age in this way.

2.5 There is continued strong opposition to individualise pay and reward in this way and move away from collective approaches. Members wish to see collective bargaining used instead of the proposed systems. This is backed up with a belief that performance related pay is inherently divisive system and not does not result in highly motivated staff in the public sector where most people are not strongly-motivated by financial reward alone.

2.6 Some staff are explicitly telling UNISON they would rather leave the organisation than accept these changes. Some of these are in hard-to-recruit social work roles.

2.7 Some staff reported distrust in the employer to such an extent that they did not trust the employer to truthfully report the overall results of individual acceptances and rejections of the offer. What steps can WSCC take to provide this transparency and restore trust with the staff group?

2.8 UNISON is aware of one example where a team sent in a single email giving seven rejects. The council was not planning to accept it from 6 of them because they had not all individually sent the email, but were copied in. The council were not planning to tell them this though. UNISON asked the question because they were UNISON members who had made the union aware of their action. Has the council gone back to staff in all cases similar to this one, or has it left such responses unanswered so as they would count as positive returns from staff who had not responded?

2.9 Members stated that the Director Roadshow meetings on the pay offer were an unnecessary distraction for those directors, who should have been concentrating on the multiple service challenges facing the organisation. Adults’ and Children’s Services staff particularly felt this.

2.10 In addition it was reported to UNISON that these Director Roadshow meetings were not always simply information-sharing exercises: not all but some directors attempted to ‘sell’ the deal. One Director encouraged their staff to return a yes vote. Some staff felt this was an abuse of power and coercive. It was also reported that unrealistic promises were made: that in practice no staff would be rated lower than ‘good’ or ‘outstanding’. This is not something UNISON understands to be the organisation’s commitment to staff, and such promises are storing up problems for the future.

2.11 There was concern that some managers will under-score staff and be consistent under-scorers, whilst others will be consistent over-scorers, and moderation will not be sophisticated enough to pick this up. There will be variation by department, which is not equitable.

2.12 The relationship staff have with their appraising manager will be key to getting a pay rise and incremental progression. This will discourage challenge, which is contrary to the West Sussex values, and could be dangerous in some operational circumstances.

2.13 Valuing staff is about much more than just money. Fairness is the most important value, and the most important motivational value, for staff.

2.14 Some staff believe that the executive leadership does not truly care about staff, and this exercise reinforced that view.

2.15 There will be a disproportionate impact on staff not at the top of their pay scale. This is inherently unfair.

2.16 Interdependencies are crucial as to whether you achieve your objectives – these cannot effectively be taken account of in the appraisal process as the FAQs suggest will happen rather glibly. The work is too complex and the reliance on internal and external agencies to achieve objectives is too difficult to quantify and evaluate, and this is exacerbated by the pressure appraising managers are under to do their day job i.e. they will not have the time to do justice to such matters. In the public sector, it is not a simple matter of counting sales figures or widgets produced to determine productivity.

2.17 We will see many more grievances as staff will seek to challenge poor appraisal scores.

2.18 Members do not agree that the organisation should accept lack of response as a positive endorsement of the proposals. This caused significant anger. The decision should be based on responses only.

2.19 Members vehemently disagree that cost of living awards should be part of PRP. Cost of living pay awards should apply to all.

2.20 There are many examples within WSCC of departments where the turnover of managers is so high that this, combined with the freezing of vacancies or delay to their appointment, means that appraisals are simply not happening. This will obstruct the smooth-running of any PRP scheme.

2.21 The position of HAY managers in schools will be unclear if WSCC breaks from the usual pay process and awards, and it is possible that a disparity between HAY managers in schools and HAY managers in the corporate council will grow. It is unclear if some schools will attempt to follow the WSCC lead on PRP, and others will not, and if WSCC will issue advice to schools in this regard. If pay in schools does differ from the corporate approach, this is felt to be inherently unfair as WSCC managers will earn less overall than their direct counterparts in schools.

2.22 There was concern that WSCC had apparently not considered the ‘electoral group’ for the consultation/ballot. Were the HAY/SMG4/AfC groups to be considered together or separately for purposes of achieving a majority? That this had not been considered, as was confirmed to members, further undermined member confidence in the process.

2.23 There was concern that WSCC had apparently overlooked some of its staff on maternity leave. This led to letters being issued to the home address which did not arrive until 7th September. UNISON advised accordingly when we were approached, but there was member concern that they had significantly less time to digest the consultation and respond than other staff. There was also concern that other staff on maternity, sick leave and career breaks may have been overlooked and perhaps counted as positive responders giving positive consent.

2.24 It should be noted that a group of Agenda for Change (AfC) staff are on rates of pay equivalent to NJC rates, as they have administrative roles, rather than managerial or strategic ones. These staff are at the top of their grades and so rely on cost of living awards to see improvement in their salaries to meet increased living costs. No staff should have cost of living awards linked to performance of ‘good’ or ‘outstanding’, and the detrimental impacts on staff, their wellbeing and that of their families will be particularly acutely felt by these AfC workers who are not paid at HAY rates.

2.25 Members wanted to underline that this episode has reflected what they believe to be a ‘souring of the culture’ at WSCC, which is not reflective of the council’s assumed values. The council must take these views seriously, and work hard to address the root cause of the current frustration by changing its proposals (‘listening and acting upon’) and working to restore trust.

2.26 It is unclear whether the exercise, which has been branded as a consultation exercise, will be a meaningful one, or is more of an information-giving exercise. Members were concerned that no date had been given for a management response, and that no commitment had been given to UNISON to respond to members’ concerns as raised by us.

2.27 A number of members had only just been placed on HAY A pay scales (due to children’s social work progression) but were overlooked within the consultation and not written to. These members were concerned they had been disenfranchised by the exercise, or worse may be counted as positive responders. These HAY A members also pointed out that they had been downgraded from the top of HAY A in a previous reorganisation, only to be placed at the bottom of HAY A after career progression, but with a much less certain chance of incremental progression. These staff were also now liable for £180 HCPC registration charges, leaving them feeling that the career progression exercise was of little value to them – the exact opposite the employer would wish to achieve as it is trying to retain these staff through the scheme.

2.28 UNISON heard this refrain again and again throughout the consultation period: “I have been a member of Unison for years, and thank you for your support on this. I have never felt less valued in this organisation than in 2018.”

**3.0 Evidence base for performance-related pay in the public sector**

3.1 It may be tempting for management to try to conclude that the local pay offer made to staff contains good concepts perhaps which have been poorly communicated; or that an attempt was made to implement them at too fast a pace, before the detail was worked out and which only requires more thought to make the offer palatable. However, this would be a wrong conclusion to draw and does not fit with UNISON members’ views.

3.2 There is no evidence available anywhere that these types of pay systems have positive impacts in the public sector, even when employers take the time to deliberate over them.

3.3 If management believes it has evidence that PRP-type pay schemes work well in the public sector, please will it supply it. It is not enough to tell staff that these pay systems will motivate and incentivise staff to staff. Staff would like to understand the evidential basis on which the executive leadership is basing these statements.

3.4 The independent research UNISON has seen does not lend itself to support the introduction of PRP schemes. It also highlights a range of negative consequences which should be addressed by West Sussex management if implementing such a scheme. One of these is equalities considerations (see below). Others include:

* The complexity of the public service ‘good’ and how to devise accurate and meaningful performance measures because of this complexity and interdependence;
* This ‘good’ relies on collaboration and team-working which makes it difficult to attribute individual responsibility. Trying to do so can mitigate against effective team-working.
* Such schemes in the public sector can tend to try to measure objectives which are most easily measurable; yet these may not be the most desirable ones for the organisation to prioritise (effort displacement).
* ‘Gaming’ may also become a feature in the workforce, where staff seek to focus on targets which are linked to pay, to the detriment of other activity.

3.5 Given the risks associated with PRP which other public sector employers have found to their cost and have been academically assessed and evidenced, has WSCC considered other forms of incentives? E.g. one-off cash bonuses, the provision of additional annual leave, and so on.

**4.0 Equalities considerations**

4.1 A 2016 academic study into performance-related pay in the UK civil service found evidence that black, disabled and older workers tended to do less well and that it was inherently discriminatory.

4.2 Please can management describe what engagement it has had with the BAME and Disabled Staff Groups, and what their views are.

4.3 Please can management describe what active steps it will take to counter the potentially discriminatory effects of linking pay to performance.

4.4 Please will management confirm if it has completed an Equalities Impact Assessment for the proposals, and if it has done so, share it with the trade union and staff.

**5.0 Conclusion and UNISON member requests**

5.1 UNISON members are strongly opposed to the proposals in their entirety. This is evidenced through this consultation response, member meetings held, and the fact that staff have proactively rejected the proposals in high numbers, directly with the employer.

5.2 Considerable efforts will need to be made to repair trust and goodwill with this group of managers.

5.3 UNISON has been criticised by management for its role during this process. UNISON has not been criticised for the role it has played by members and has received a lot of unsolicited positive feedback and thanks. We have also seen our density increase rapidly with scores of new members joining. UNISON would ask management to recognise that it is the trade union’s responsibility to represent the interests of its members and to work to improve their conditions of employment. We are an independent and free trade union, certified with the relevant government body for the purpose, and are able to do this through negotiation, legal, campaigning and industrial means. We should not be penalised for accurately representing our members’ views and seeking to defend their material interests.

5.4 UNISON member density has increased from 33% to 43%.

5.5 UNISON requests the following:

5.5.1 That proposals to link cost of living and incremental progression to appraisal scores are halted.

5.5.2 That the 2% pay offer made to UNISON previously is reinstated for July 2018-March 2019 and is supplemented by a 2% award for 2019/20. This would reflect the NJC award made, and bring the HAY/SMG4/AfC pay year into line with their NJC colleagues.

5.5.3 That work is done to establish the desirability of re-linking local pay bargaining to national NJC pay bargaining and that this is consulted on in due course.

5.5.4 Reflecting UNISON’s improved density as outlined in 5.4, and to avoid any doubt or ambiguity about the arrangements in place, existing or past, whilst recognising that firm views exist on both the management and trade union side, that a voluntary recognition agreement is entered into for HAY/SMG4/AfC staff for the purpose of negotiating an annual pay award and/or variation to the pay and reward system.

5.5.5 That WSCC should consider other incentive systems or awards, such as those outlined in 3.5 above.

5.5.6 That WSCC should deal with poor performance through the establish performance improvement processes.

5.5.7 That WSCC should find other ways to enforce appraisal compliance so that all staff receive regular, consistent, high quality and developmental annual appraisal, which is free of the taint that comes from linking the appraisal process to pay.

5.6 UNISON is convinced that its members feel strongly enough about this issue that it should keep all campaigning and industrial options open if the proposals are implemented in one or both of the key respects (cost of living and incremental progression), or are set for implementation at a later date. UNISON is a democratic trade union and the final say in determining the strategy going forward will be members’ own. UNISON would also need to work with our members in the NJC group so they are aware of the potential negative repercussions for them.

**6.0 Appendix**

Please see the UNISON interim response below. This final response should be read alongside the interim document submitted on 10th August 2018.


Compiled on behalf of UNISON members by:

Dan Sartin Karen Daubney
Branch Secretary Deputy Branch Secretary
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