

BRISTOL CITY COUNCIL

HUMAN RESOURCES COMMITTEE

2 June 2011

For Resolution

Report of: Report of the Chief Executive & (Acting) Director HR

Title: Market Supplement Payment to Forensic Social Workers

Officer Presenting Report: Lorna Whitehead, Strategic HR Business Partner

Bryn Williams, HR Adviser

Contact Telephone Number: 0117 922 4603

RECOMMENDATION

The Committee is asked: -

- (1) to approve the continuation of a market supplement of £1787.00pa (pro rata) for the period 1st July to 31st March 2012 (as per paragraph 3.14 and 4.2 below), to be paid to the Social Workers in the Forensic Services team;
- (2) not to extend the market supplement for the post of "Forensic Liaison Manager and Social Care Lead" (as per paragraph 3.13 below) beyond the 30th June 2011;
- (3) to agree that a further report will be submitted to this Committee in February 2012, by which time a wider review of mental health care provision, and the pay structure and salaries of Social Work Practitioners, will have been undertaken (paragraphs 3.8 and 3.9 refer).

Summary

This report reviews an existing market supplement payment made to Forensic Social Workers under the provision of the Pay Policy Section 5.5

concerning 'Hard to fill posts' as an aid to recruiting and retaining suitably qualified and experienced staff.

There is currently one vacancy in the team which they failed to recruit to in December to cover a maternity leave, this is consistent with previous problems in recruiting, with low response rates to recruitment coupled with a high turnover, 40% over the past three years.

In addition, evidence gathered (whilst variable) shows considerably higher salaries for similar jobs elsewhere in the region and nationally, and market supplements and allowances in relation to this specialised role are summarised in the Appendices.

There is a risk that removal of the market supplement is likely to result in retention difficulties and cause subsequent recruitment difficulties that the service have consistently experienced over the past three years.

The significant issues in the report are:

1. There is a need to retain the specialist staff, who have the skills and experience to work in the very challenging environment of a secure unit for serious offenders with mental health needs.
2. This service provides a Region wide service.
3. Bristol City Council hosts these posts although they are funded by the PCT and are essential to the Avon and Wiltshire Partnership.
4. Both the PCT and the AWP supports and recommends the continuance of this supplement which will be reviewed during the ongoing mental health service review.
5. The last recruitment process failed to recruit into the post. This leaves employees very vulnerable when they are working in what is already a highly challenging environment.
6. Historically it has been difficult to recruit and retain experienced/qualified staff into these specialist posts and there is no reason to believe that this will change based on the current evidence.
7. There are few Forensic Social Work posts nationally so data comparison is limited.

1. Policy

The payment of market supplements (is approved as an addition to the grade/ salary of posts, as determined by the Council's job evaluation scheme) is provided for by the Pay Policy, Section 5.5 'Hard to Fill Posts - Market Supplements' (Appendix A).

2. Consultation

2.1 Internal

The views of the (Acting) Strategic Director and Service Director, H&SC have been sought, and consultation has also taken place with the Head of Mental Health Services for BCC, the Forensic Liaison Manager & Social Care Lead and, the NHS Avon and Wiltshire Mental Partnership (AWP) Service Manager responsible for forensic social work.

2.2 External

Whilst external consultation has not taken place (other than with AWP) it should be noted that NHS organisations and local authorities across the UK providing equivalent forensic social work services have provided pay information directly to the Human Resources Officer, used for comparative purposes in this report (See Appendix B). Appendix C shows regional data for mental health social worker posts provided by the South West Councils Group. Only the posts in Devon are directly comparable Forensic Social Worker posts.

3. Context

The Medium Secure Unit (MSU) Allowance was nationally agreed as an “Environmental Allowance” as described by the Federation of NHS Employers and the RCN. First agreed when Regional Secure Units (RSU's) were first set up - in line with Special Hospitals/High Secure Hospitals. In 1997 it was agreed to replace the Environmental Allowance and replace it with Market Supplements; “to enhance the councils capability to recruit staff in these hard to fill posts”.

3.1 Fromeside is an 80 bed Medium Secure Unit run by the Avon and Wiltshire Mental Health Partnership (AWP) NHS Trust. All service users are subject to the Mental Health Act. The majority have committed serious crimes, which include offences against the person, homicide, serious assault, sex related offences, offences or criminal damage and fire setting. Those admitted are viewed as “dangerous”

and usually come from prison or from High Security Units. The work environment is challenging. Workers are exposed to graphic descriptions of offences that can be disturbing and are subjected to frequent verbal and physical abuse/violence.

3.2 Forensic social work is a specialist role. The jobs require senior and experienced social workers, who are able to work autonomously and within a multi-disciplinary team. The work involves:

- providing expert opinions
- complex risk management planning regarding discharge
- writing thorough and cogent Mental Health Review Tribunal Reports
- attending and be answerable to Mental Health Review Tribunals
- formulating plans for assessment, treatment and rehabilitation

3.3 The City Council's Adult Community Care Department employs five Forensic Social Workers and a Senior Practitioner at the unit and the Forensic Liaison Team Manager . The posts are funded by the Primary Care Trusts.

3.4 There is no directly comparable social work role in the City Council.

3.5 The staff turnover for the last twelve months has been high and compares to the Council's other social work functions as follows:

AWP Forensic Social Care Team - Social Workers (excluding the Forensic Liaison Manager & Social Care Lead)

Headcount: 5

Leavers: 2

Turnover: 40%

CYPS

Headcount: 266

Leavers: 22

Turnover: 8.27%

HSC

Headcount: 216

Leavers: 20

Turnover: 9.26%

3.6 The market supplement reviewed in this report was approved by the (former) Head of Paid Service in 2008 at the request of the Service Director (H&SC) who considered that the options (as set out in the

Council's Pay Policy Section 5.5) would not enable suitably qualified staff to be attracted and recruited at that time. The following options were considered:-

- i. Other ways of filling the vacancy (e.g. secondment, acting up etc)
- ii. Restructuring the section or team
- iii. Redesigning the duties & responsibilities of the post;
- iv. Re-appraising the realism of the job specification;
- v. The introduction of a career grade or trainee position, which will allow the appointment of a candidate with lesser skills and enable them to develop in the post.

A market supplement of £1787.00pa was agreed for a period of 3 years (expiring on 30th June 2011).

- 3.7 The current Interim Service Director - Mental Health, Learning Difficulties and Autism, believes that none of the above options will deliver the service to the standard required in the short term. It is his view that a longer term approach should be taken and issue of pay for all mental health social workers will be reviewed as part of the ongoing AWP/ H&SC Transformation Programme.
- 3.8 This view is shared by the (Acting) Strategic Director (H&SC) who has confirmed with Finance that the supplement is recharged to AWP so it does not incur a direct cost to the Council. Her view is that the supplement for these posts is recharged to AWP so it is not a cost pressure to the City Council as the Council is in effect hosting a regional service. (Non City Council) Health staff working in these settings also receive a supplement. The Council is currently undertaking a programme of work in relation to the future delivery of mental health services, so further consideration of this supplement beyond March 2012 should be part of this work. This would be considered in tandem with the development of a single Children, Adults & Families Directorate.
- 3.9 The Head of Service for the Avon & Wiltshire Partnership, supports the view that none of the options in 3.5 would be feasible and/or enable suitably qualified staff to be attracted and recruited.
- 3.10 The HR Business Partner (for H&SC) advises that :-
- (i) Other ways of filling the one current vacancy (e.g. secondment, acting up etc)

Secondments have been attempted previously, with a market

supplement in place, without success. Due to the specialist and regional nature of the Forensic Social Work post there is no one in the region with the necessary experience.

(ii) Restructuring the section or team

The specialist commissioners of the service require lone autonomous Forensic Social Workers who are based in the multi-disciplinary sector teams. There is no other alternative structure.

(iii) Redesigning the duties & responsibilities of the post;

The duties & responsibilities of the post are prescribed by the service commissioners in line with local requirements and “National Quality Principles & Best Practice Guidance” (Published May 2010). Redesigning the duties and responsibilities of the post is not feasible for the above reasons and also would not yield a grade uplift under the JE scheme.

(iv) Re-appraising the realism of the job specification;

The job specification is at the correct level of experience and qualifications as already defined for reasons set out in ii and iii above.

(v) The introduction of a career grade or trainee position, which would allow the appointment of a candidate with lesser skills and enable them to develop in the post. However Forensic Social Workers are senior practitioners who work autonomously and are based on their own in multi-disciplinary teams (ie not in a social work team where they might have worked under the direction of more senior social work colleagues.) and therefore a career grade or trainee position is not appropriate at the present time.

3.11 Furthermore, under section 5.5 the following criteria must be met before a market supplement can be awarded. (These criteria were judged to be met by the (former) Head of Paid Service in making his decision to approve the supplement in 2008). Following each criteria is the evidence or rationale to fulfil the criteria:

i) Where from available job advertisement information it is considered that the pay for a post is unlikely to attract candidates of sufficient calibre, experience and qualifications it would be appropriate to apply market forces supplements which in pay terms are validated by an independent, accredited pay research organisation.

ii) The Service Director and/or the recruitment adviser acting for the Council regarding appointments at senior management level will have explored and (where relevant) implemented other structure, career grade, and job design/evaluation alternatives, which may result in improvements in the pay/grade of the 'hard to fill' post concerned.

iii) A "risk assessment" will have been carried out to ensure that the above criteria have been objectively applied and are not based upon gender, race, disability, age etc.

iv) Have obtained legal views that any change in pay can be justified in terms of a genuine material defence.

3.12 The following evidence has been assembled (in response to the above criteria) :-

A survey of pay information for Social Workers (Forensic Services) and for Advanced Mental Health Practitioners has been carried out by HR in conjunction with South West Employers Group for regional data (Appendix C). The national data in Appendix B was submitted by the relevant organisations directly to HR.

The results, which are set out in Appendices B and C (attached) show that: -

- i. not many other comparable local authorities provide the specialist social work services similar to the one which the forensic team in Bristol undertakes;
- ii. there is no readily identifiable 'market rate' for these posts, as pay structures and roles vary considerably between local authorities;
- iii. where such benchmarking comparisons do exist, it is evident that without some additional supplement, pay levels of posts in the City Council are not competitive.

For example, the data shows that in a number of south west authorities (Dorset, Plymouth and Wiltshire) and in other forensic social work teams nationally (Devon, East London and Sussex) Forensic Social Workers/AMHPs receive higher salaries and in some cases additional payments in the form of allowances or market supplements.

The table below supplied by STS HR Resourcing demonstrates the low response rate to adverts for Forensic Social Worker posts.

Perm or Temp	Date advertised	No. applications	Comments
Perm	Aug 07	8	
Perm	Mar 08	6	
Perm	Jan 10	12	2 ASWs applied but withdrew. Newly qualified SW appointed.
Temp	May 10	5	no ASWs/AMHPs applied . Newly qualified SW appointed
Temp	Dec 10	3	3 applicants who were all ASWs/AMHPs but all withdrew (1 post is currently vacant)

3.13 The Forensic Liaison Manager & Social Care Lead role was regraded in 2008 from BG13 (£35430.00) to BG14 (£41616.00) . Given that option (iii) of the Pay Policy 'redesigning the duties and responsibilities of the post' was successful in increasing the pay for this job, an extension of the market supplement is not valid under the provisions of the Pay Policy set out in Appendix A.

3.14 The (Acting) Director HR advises that market rates within the Council are not normally linked to national/annual salary awards, and that if the 'extension' is agreed, the supplement should be at a fixed rate only.

4. Proposal

4.1 That the payment of a market supplement to Forensic Social Workers at the existing level, is continued until 31st March 2012. During this time this team should be subject to a full review alongside other mental health services in line with the Health & Social Care Transformation Programme.

4.2 Given changes in the UK's financial and employment situation, the rate should revert to its original level approved by the Head of Paid Service of £1787.00pa. (It currently equates to £1830.84pa).

5. Other Options Considered

5.1 To discontinue the payment of a market supplement.
It is likely that this would have a significant negative impact on the recruitment and retention, as well as morale and motivation of staff, in this specialised and challenging role given the significantly more favourable pay conditions elsewhere.

5.2 To continue to pay a market supplement which is linked to national pay awards, is not consistent with the Council's normal approach. Market supplements should (only) be increased in line with periodic (annual) pay benchmarking, and are limited to a review period to a maximum of 3 years.

6. Risk Assessment

6.1 The risk assessment taking into account the criteria set out in the Pay Policy is:-

Risk	Impact	Likelihood	Mitigation
(A) Equal pay claims from other qualified social workers who consider they are in similarly onerous roles	High	Low	CYPS and ACC employ over 300 qualified social workers. Forensic Social Workers are a unique group working in a unique environment. Forensic Social Workers receive significantly higher salaries elsewhere, as well as market supplements/ allowances. There have been ongoing recruitment problems.
(B) Discontinuation of the market supplement	Medium	Medium	The views of the (Acting) Director H&SC, are accepted in so far as it would be difficult in employee relations terms to discontinue the allowance completely at a time when the Council's mental health provision is under review. A further six/nine months will enable a wider 'practitioner' pay structure review to take place.

7. Equalities Impact Assessment

7.1 Removal or renewal of market supplement will have an equal impact on all equalities groups in the forensic team.

Legal and Resource Implications

Legal

The proposal contained within this Report is in accordance with the Council's Pay Policy. The reasons provided for payment of the market supplement are likely to be a defence to any claim for equal pay. It is advisable to ensure the supplement is reviewed as proposed in the report to assess whether this defence still applies

Advice from Husinara Jones for Head of Legal Services

Financial

(a) Revenue:

The cost of the additional market supplement is estimated to be £33k for 3 years (or pro rata for fewer years). The service is funded by Avon and Wiltshire Mental Health Partnership NHS Trust who are recharged the cost of this service. The recharge agreement, will need to reflect the continuation of the market supplement.

Advice from Denise Hunt, Finance Business Partner for Adult Community Care.

(b) Capital/Land: N/A

Personnel As above

Appendices

Appendix A: Pay Policy Extract
Appendix B: Forensic Social Worker Pay Details (National)
Appendix C: Comparator Pay AMHP & SW's South West
Appendix D: EqIA for Forensic Social Workers

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None

Appendix (9) A

Bristol City Council - Pay Policy

5.5 Hard to Fill Posts – market supplements

Before implementing the following scheme HR advice must be sought.

Where it is difficult to fill a vacancy because the evaluated grade for a post may not attract any suitably qualified and experienced/skilled candidates, the Service Director will consider:

- Other ways of filling the vacancy (e.g. secondment, acting up etc)
- Restructuring the section or team
- Redesigning the duties & responsibilities of the post;
- Re-appraising the realism of the job specification;
- The introduction of a career grade or trainee position, which will allow the appointment of a candidate with lesser skills and enable them to develop in the post.

If these measures will not resolve the recruitment problem, in that the salary range is unlikely to attract a suitably qualified & experienced person(s), the Service Director can seek approval for the award of a market supplement up to the maximum of 15% above the top of the current grade.

The following criteria must be met before a market supplement can be awarded:

- i) Where from available job advertisement information it is considered that the pay for a post is unlikely to attract candidates of sufficient calibre, experience and qualifications it would be appropriate to apply market forces supplements which in pay terms are validated by an independent, accredited pay research organisation.
- ii) The Service Director and/or the recruitment adviser acting for the Council regarding appointments at senior management level will have explored and (where relevant) implemented other structure, career grade, and job design/evaluation alternatives, which may result in improvements in the pay/grade of the 'hard to fill' post concerned,
- iii) A "risk assessment" will have been carried out to ensure that the above criteria have been objectively applied and are not based upon gender, race, disability, age etc.
- iv) Have obtained legal views that any change in pay can be justified in terms of a genuine material defence

The market supplement:

- Will not change the grade of the post
- Must be reviewed periodically (at least every three years). The level of the market supplement may be revised up or down as a result of any such review. The market supplement may also be discontinued as a result of the review.




- Must cease if it is no longer difficult to recruit for the same type of job. Note that the criteria, which must be met before a market supplement can be awarded, must also be met when the market supplement is reviewed for an existing employee if the market supplement is to continue after the date of the review.
- Will be pensionable
- Pay protection will not apply when the supplement is removed.

Authority to award, revise or discontinue market supplements:

- HR Committee for 1st & 2nd tier posts
- A Selection Committee and the “Head of Paid Service”, for 1st or 2nd tier posts, upon the advice of a recruitment adviser acting for the Council regarding appointments at senior management level (Such decisions will be reported to the HR Committee thereafter, for ongoing monitoring and review”).
- Head of Paid Service & Service Director: Strategic HR and Workforce Strategy or all posts at 3rd tier level and below

Appendix (9) B

Authority	Job Title	Grade	Pay Scale	Salary (Minimum)	Salary (Maximum)	Special Allowances	Other Benefits/Information
Bristol City Council	Social Worker - Adult Care	Main grade	SCP30 - 34	£25,472	£28,636	1830.84 market supplement	up to 29 days holiday (plus 8 public hols), final salary pension
		Advanced grade	SCP34 - 37	£28,636	£30,851	1830.84 market supplement	up to 29 days holiday (plus 8 public hols), final salary pension
East London NHS	Forensic Social Worker		PO3-PO4	35,055	40,506	£1446.00 Forensic Lead	27 days plus 5 days for long service 5 years plus (plus 8 Bank Holidays) final salary pension
East London NHS	Senior Practitioner		PO3-PO4	35,055	40,506	£1446.00 Forensic Lead	27 days plus 5 days for long service 5 years plus (plus 8 Bank Holidays) final salary pension
Sussex	Senior Social Worker					£1400 forensic lead payment	
Sussex	AMHP					£1200 supplement	
Devon	AMHP				£34,000	£3000 market supplement	
Merseyside	Forensic Social Worker	NHS Band 6	21-29	£25,472	£34,189	yes, tbc	
Merseyside	Senior Forensic SW	NHS Band 7	26-34	£30,460	£40,157	yes, tbc	
Birmingham	Forensic Social Worker	grade 5			£38,961	£1800 per annum forensic-environmental allowance	

Authority	Job Title	Grade	Pay Scale	Salary (Minimum)	Salary (Maximum)	Special Allowances	Other Benefits/Information	Job Descriptions/Person Specification
Bristol City Council	Social Worker - Adult Care	Main grade	SCP30 - 34	£25,472	£28,636			
		Advanced grade	SCP34 - 37	£28,636	£30,851			
Devon County Council	Advanced Professional (Approved Mental Health Professional / Mental Health)	Grade H	SCP 40-44	£33,661	£37,206		includes £3k market supplement	
Dorset County Council	Social Worker/Youth Justice Worker	Grade 9	SCP 26-31	£22,221	£26,276			The generic JD and PS applies to all Social Worker, Care Manager and Youth Justice Officer posts.  
		Grade 10	SCP 30-35	£25,472	£29,236			
		Grade 11	SCP 34 - 40	£28,636	£33,661			
Plymouth City Council	Social Worker - Adult Social Care	Grade H	SCP 36-40	£30,011	£33,661			
Wiltshire Council	Social Worker level 2		SCP 31 - 34	£26,276	£28,636			
	Social Worker level 3		SCP 34 - 37	£28,636	£30,851			
	Social Worker level 4		SCP 37 - 40	£30,851	£33,661			
	Approved Social Worker		SCP 40 - 43	£33,661	£36,316			
Somerset County Council	No equivalent role, but some of the duties are undertaken by: Social Worker - Adults	G10	SCP 32 - 37	£27,052	£30,851			
Bath & NE Somerset Council	No equivalent role							
Bournemouth	No equivalent role							
South Gloucestershire Council	No equivalent role							

Equality Impact Assessment (EqIA)
Stage 1: Initial Screening Form for New/Revised HR Policies or Functions

A: Summary Details

Directorate: Health and Social Care
Section: Forensic Social Work Team, Fromside
Person responsible for the assessment: Bryn Williams
Contact details: 0117 922 2655
Issue to be assessed: Social workers pay
Is this a new or revised policy: Revision of existing arrangements
Date policy scheduled for Overview and Scrutiny/Cabinet/LAB:

B: Preparation

It is important to consider all available information that could help determine whether the policy could have any potential adverse impact. Please attach examples of available monitoring information, research and consultation reports.

1. Do you have monitoring data available on the number of people (from different target groups) who are using or are potentially impacted upon by your policy? *Please specify what monitoring information you have available (your monitoring information should be compared to the current available census data to see whether a proportionate number of people are taking up your service).*

Data available by team/areas

2. If monitoring has NOT been undertaken, will it be done in the future or do you have access to relevant monitoring data for this area? If not, specify the arrangement you intend to make; if not please give a reason for your decision.

If the market supplement is approved, it will be applied for all Forensic Social Workers in future.

3. Please list any consultations that you may have had and/or local/national consultations, research or practical guidance that will assist you in completing this EqIA

Discussions with senior managers and team manager.

C: Your Policy or Function

What is the main purpose of the revision?

To consider a market supplement payment for frontline social work to aid recruitment and retention in this area; make Bristol City Council a more competitive employer.

Are there any other objectives of the policy or function, if so what are they?

No.

Do any written procedures exist to enable delivery of this revision?

There are procedures to guide assessment of proposed action.

Are there elements of common practice in the service area or function that are not clearly defined within the written procedures?

No.

Who are the main stakeholders of the policy?

Social workers in the Forensic Team at Fromeside.

Is the policy associated with any other Council policy (s)?

Pay policy.

Are there any areas of the service that are governed by discretionary powers? If so, is there clear guidance as to how to exercise these?

no

Is the responsibility for the proposed policy or function shared with another department or authority or organisation? If so, what responsibility, and which bodies?

The Forensic Social Workers are employed by BCC and work in partnership and under the joint management of the Avon and Wiltshire Mental Health Partnership.

D: The Impact

Assess the potential impact that the policy could have on each of the target groups. The potential impact could be negative, positive or neutral. If you have assessed negative potential impact for any of the target groups you will need to also assess whether that negative potential impact is high, medium or low – see glossary in the attached guidance notes for definitions.

1.

a) Identify the potential impact of the policy on men and women:

Gender	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Women	x			
Men	x			

b) Identify the potential impact of the policy on different race groups:

Race	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
	x			

c) Identify the potential impact of the policy on disabled people:

Disability	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
	x			

d) Identify the potential impact of the policy on different age groups:

Age Group (specify, for example younger, older etc)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
	x			

e) Identify the potential impact of the policy on lesbian, gay men, bisexual or heterosexual people:

Sexual Orientation	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
Lesbian	x			

Gay Men	x			
Bisexual	x			
Heterosexual	x			

f) Identify the potential impact the policy on different religious/faith groups?

Religious/Faith groups (specify)	Positive	Negative (please specify if High, Medium or Low)	Neutral	Reason
	x			

g) As a result of completing Question 1 a-f above what is the potential impact of your policy?

High

Medium

Low

If you have assessed the potential impact as HIGH you must complete a full Equalities Impact Assessment

2. Could you minimise or remove any negative potential impact that is of medium or low significance? Explain How.

N/A

Race:

Gender:

Disability:

Age:

Sexual Orientation:

Religious/Faith groups:

3. If there is no evidence that the policy promotes equal opportunity– could it be adapted so it does? How?

NA

Please ensure that all actions identified are included in the attached action plan and in your service plan.

Please sign and date this form, keep one copy and send one to Equalities Team.

Signed
Lead Officer
Date 27/04/2011

Bryn Williams

Signed
Departmental Equalities Contact
Date