

 Employment Committee – 15th Feb 2017		Agenda Item No. 5
Title	Sports & Leisure – Contracting Coaches	
For further information about this report please contact	Stuart Winslow Stuart.winslow@warwickdc.gov.uk 01926 456028 Kevin Carty kevin.carty@warwickdc.gov.uk 01926 456202	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	Yes
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Officer/Councillor Approval		
Officer Approval	Date	Name
Deputy Chief Executive	27/1/2017	Andrew Jones
Head of Service	27/1/2017	Rose Winship
CMT	27/1/2017	Chris Elliott, Andrew Jones, Bill Hunt
Section 151 Officer	27/1/2017	Mike Snow
Monitoring Officer	27/1/2017	Andrew Jones
Finance	27/1/2017	Mike Snow
Portfolio Holder	27/1/2017	Cllr Michael Coker
Consultation & Community Engagement		
n/a		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

- 1.1 The report from Cultural Services outlines a proposal to convert the casual coaches and swimming teachers that regularly deliver instructional activities each week within the Sports and Leisure service, into established contracted posts. The recommendation is based on the rationale that these employees work each week and therefore could claim they have a contractual relationship with Warwick District Council.
- 1.2 It is felt appropriate that we address this issue now in advance of the appointment of an external partner to manage the leisure centres and the transfer of staff to the external partner. Potential operators have been advised of the changes proposed in this report.
- 1.3 The table below shows the total hours per week at each site for each role.

2. RECOMMENDATIONS

- 2.1 The Employment Committee is asked to approve the addition of 206.25 "teaching and coaching" hours to the establishment from 1st March 2017, as per the table below.

JOB ROLE	NCLC	SNPLC	AFSP	CFRC	Rate of Pay
SWIM TEACHERS (Term time only)	47.75	22.5	43.5	N/A	£15.03
SWIM HELPERS (Term time only)	26	9	13	N/A	£8.25
GROUP FITNESS (52 weeks)	12	16	2	14.5	£18.79

- 2.2 Casual workers who currently carry out identified hours on a regular basis are offered a contract of employment.

3. REASONS FOR THE RECOMMENDATIONS

- 3.1 The Leisure Development Programme is seeking to appoint an external partner to manage the services at the Council's four main leisure facilities (Newbold Comyn Leisure Centre, St Nicholas Park Leisure Centre, Abbey Fields Swimming Pool and Castle Farm Recreation Centre) and the two dual use sites (John Atkinson Sports Centre and Meadows Community Sports Centre).
- 3.2 Historically, these facilities have operated the extensive range of activity instructional programmes with casual coaches. Operationally, this approach has its advantages as it allows the centres to be flexible about when classes run should the demand change. However, over recent years it has become more and more difficult to recruit coaches and as a result, the coaches that are available has reduced greatly. This has resulted in a greater reliance on a small number of coaches and increasing the risk to the service when coaches cannot, or chose not to, work.
- 3.3 The increased reliance on small number of coaches to cover regular instructional activities could lead to an increased risk of claims from casual staff that they have accrued employment rights and potential legal challenge in relation to the Council's use of casual staff. This proposal seeks to address and minimise that risk to the Council.

- 3.4 Establishing these contracted posts will remove ambiguity regarding the employment relationship of these workers and provide security of employment in accordance with TUPE legislation with the new operator.
- 3.5 Casual coaches and instructors are not obliged to accept work when offered and this often leads to difficulties ensuring that qualified members of staff are available for work during core business hours. Removing this vulnerability will ensure that the service can be delivered consistently and that all staff are suitably trained, which will ensure that standards of service are maintained to an acceptable level.
- 3.6 In preparing for the transfer of staff to the external operator appointed to manage the leisure centres from 1st June 2017, a review has been undertaken to confirm the hours worked by the current coaches and instructors leading to the proposal that where the hours worked could genuinely be considered to be regular and essential to the delivery of the activity programme, the hours worked are converted into part-time contracted posts that are included on the establishment. A similar approach was approved by Employment Committee in June 2014 when casual lifeguard hours were converted to contracted posts. In future, this will limit the use of casuals to covering annual leave and sickness of contracted staff.

4. POLICY AND FRAMEWORK

- 4.1 This proposal supports the Council's Fit for the Future vision by supporting the Cultural delivery of Health and Well Being within the District.
- 4.2 The proposals further support the Council's commitment to Fit for the Future by being a good employer that supports staff by creating established positions offering security of employment and contractual terms and conditions.

5. BUDGETARY FRAMEWORK

- 5.1 Employee costs for the sports and leisure service comprise of Salaries (paid to contracted staff) and Wages (paid to casual workers and coaches). The challenge for the managers within this team is to ensure that these two budgets are continually balanced off against each other to ensure that they operate within budget.
- 5.2 Subject to approval of the recommendation in 2.1, budget would be transferred from Wages to the Salary code to cover the cost of the additional established posts. The reduced Wages budget would remain to cover the costs of the reduced number of "true casual" workers and coaching staff required by the service.
- 5.3 There are no additional costs relating to the establishing the roles as outlined in the report.

6. RISKS

- 6.1 Not converting these regular weekly Instructional hours to contracted posts and relying on a small number of Coaches may leave the Council open to a challenge from a coach regarding the legality of their employment. The risk of this will be increased as we approach the date for transfer of staff to the incoming external operator.

- 6.2 The risk of doing nothing may lead to the service not being able to offer a complete service to the public at all times.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 If the above proposals are not implemented then the service will continue to be vulnerable. Coaches will still have the ability to refuse work that is offered. They have no contractual commitment to the service and can pursue other interests and employment. At the point of transfer, the incoming operator would need to address any challenge made, and if found to be a fair challenge would pass on any liability incurred as a result of this to the Council.

Appendix 1

New posts to be added to Establishment

Role	NCLC	SNPLC	AFSP	CFRC	Totals
Swimming Teacher (Term Time only)					
Post 1	3.5	9	6.5		
Post 2	3	6	3.5		
Post 3	1.5	3	9.5		
Post 4	1.5	1.5	3.5		
Post 5	4	1.5	1		
Post 6	4	1.5	1		
Post 7	1.5		10		
Post 8	4.75		4.5		
Post 9	2		4		
Post 10	1.5				
Post 11	5.5				
Post 12	2.5				
Post 13	1.5				
post 14	4				
Post 15	7				
Swimming Teacher hours sub total	47.75	22.5	43.5		113.75
Swimming Helpers (Term Time only)					
Post 1	5.5	1.5	3		
Post 2	5	2.5	3.5		
Post 3	3.5	1.5	5.5		
Post 4	1.5	1.5	1		
Post 5	1.5	2			
Post 6	4				
Post 7	3				
Post 8	2				
Swimming Helper hours sub total	26	9	13		48
Group Fitness Instructors (52 Weeks)					
Post 1	3	5	1	2	
Post 2	3	3	1	2	
Post 3	2	1		5	
Post 4	2	5		4	
Post 5	2	1		1.5	
Post 6		1			
Post 7					
Group Fitness Instructors subtotal	12	16	2	14.5	44.5
Total Coaching Hours					206.25