

CAN Mezzanine, London (Sporta)
Notes

Attendees

See Appendix

Update of GDPR from an HR perspective

Paul Seath, Partner at BWB and Trustee, Active Luton

Paul Seath presented to the group around the upcoming GDPR, specifically the principles and definitions in relation to HR. Key points to note included:

- As most trusts are Data Controllers, it is necessary to have an overall Data Policy which outlines how trusts meet the conditions of the new regulations
- It is important to update and ensure all Data Processing Agreement (DPA)'s with third party processors are sufficient (e.g. payroll and pension providers)
- Privacy notices are in place between Controller (trust) and Data Subjects (e.g. customers, members, employees)
- Don't rely on consent to process employee data. The lawful basis for doing so is that 'processing is necessary for a contract' and/or 'processing is necessary for you to comply with the law'.
- Processing can also be 'necessary for your legitimate interests'. It is important to document how you have gone through the process of justifying this basis
- As well as overall Data Policy, it is advantageous to have a specific GDPR Policy as part of demonstrating compliance
- Data Subjects (e.g. employees) must be informed of their rights through a Data Privacy Policy.
- Have processes in place for Data Subject Access Requests, and reporting in the case of a data breach

Please see full presentation slides attached to main email.

Status and Holiday Pay

PS also updated on the pertinent topic of interest which was discussed at the previous meeting. Members were informed of a case where, in the instance of an individual being mistakenly categorised as self-employed (rather than a 'worker'), they were able to claim backdated holiday pay when they left the organisation. This may present a threat in the future if more people try to claim, especially given the removal of tribunal fees which were previously a barrier to mounting claims.

Ronnie Erskine raised two points following receipts of information from other trust members relating to the correct calculation of holidays. PS asked for this information to be passed onto him so that he can research and advise the group accordingly.

Rest Breaks

PS informed members that Health and Safety regulations meant employees were entitled to a 20 minute, uninterrupted break every six hours of work. Members believed this would cause implications where single staff members are on shift to manage a site. It was possible that the law would now require cover for such employees to allow them to take adequate breaks.

- Paul Seath agreed to research rest breaks further and update the group as soon as he can.
- A GDPR webinar focussed on HR issues to be organised by Sporta and BWB.

Westfield Health – Healthy Extras (Staff Benefit)

Zoe Temperton updated the group on the available employee benefit scheme for Sporta member trusts, which includes access to support including: the 'Big White Wall', guided support, online NHS GP, confidential advice line and access to rewards scheme. These were proven to have a positive impact on the mental wellbeing of employees.

Six trusts had signed up to the scheme, which is priced at £1 (inc. vat) per employee.

- Please see the link to the slide deck in the main email

Updates from November Meeting

Items picked up from minutes

DBS Check

Lifeguards were now required to undergo DBS check. Many members reported they had signed employees up to the update service (£15 annually was sometimes reimbursed by the trust). Some members carried out enhanced DBS check for other staff such as Duty Managers and Supervisors. It was agreed to keep the item on the agenda at future meetings.

HMRC

Some members noted that they had received inspections from HMRC. This was part of their efforts to look at leisure trusts to take a wide ranging review of pay and conditions of staff, and officers have requested to speak to front-line staff directly.

This was linked to instances whereby some trusts were technically paying below the minimum wage due to deductions for staff gym membership or expectations to provide own elements of uniform (NB Wagamama case on [footwear](#)). One trust highlighted they avoided this issue through providing all staff with low cost footwear, whilst allowing employees to wear similar articles of their own purchase.

One trust representative explained that she has carried out research on the HMRC website which provided guidance and calculations which allows you to check if monthly paid employees are being paid correctly especially during a month that has 5 weeks within it. The trust representative agreed to provide the link for all of us to view.

Main Agenda: General Discussion

HR Survey

It was noted in the end 49% of trusts in the group completed the 2017 survey. Brief comments on the results outlined in the report included: the high proportion of casual staff employed at trusts (and budgets for casual staff); the variety in determining overtime pay and conditions; and the general overall low level of pay in the sector. It was recommended the survey should again be conducted and reported on later in the year.

Gender Pay Reporting

Many trusts had recently submitted their gender-pay reports. The nature of the workforce meant that the reported differences between male: female pay were often small, and in some cases negative (women paid more). It was mentioned that the higher hourly rates for coaching staff (often female e.g. fitness class instructors) could contribute to distorting of the figures.

Some members felt the methodology used was flawed, in that it focussed on the hourly rate of pay rather than overall earnings. Generally, members did not account any difficulties in submitting their reports.

2018 Pay

Trusts noted that pay increases for 2018 were typically between 1.5% and 2%. This in many instances was greater than offered by the local authority, albeit trade unions were still pushing for larger increases. To accommodate for, and stay ahead of, the expected increases in NMW, some members reported they had increased pay up to 4.5% at the lower end. It was the senior staff that therefore felt the squeeze as their pay had increased at a lower rate. Members emphasised their commitment to offering additional employee benefits beyond pay level.

Apprentice Levy

Highlighted that some trusts have positioned themselves as training contractors, and were therefore able to tap into significant training underspend on the levy budget by their local authority. Some trusts have established a training arm, through which they were providing apprenticeships in sport and leisure. Other trusts were benefitting from accessing this service.

Pensions

Trusts who are members of the Friends Life Scheme (now run by Aviva) are still experiencing issues with having a suitable contact name when it comes to raising queries. One trust explained that they have a good contact which they will share with the group.

- Ronnie to contact Punter Southall to ask if they might be able to assist in this matter.

Staff Recruitment

Many trusts were having issues recruiting quality staff - especially at the more senior level – which was thought to be linked to pay levels. The 'Workable' advertising software was recommended, through which there had been experience of big increases in the numbers of good applicants. Other methods included 'Strictly People', 'Leisure Jobs', 'Leisure Opportunities' (expensive but will do deals with trusts), and social media (Facebook).

The importance of advertising the wider staff benefits working for a trust offers. One member also noted the success of using 'finder's fee' which was paid to an employee upon the successful completion of their probation of new referred staff.

HR Systems

ITrent considered the leading organisation for HR software, a major benefit being it could handle multiple organisations on the same system. There were some concerns, however, with the ethics of the organisation. Members discussed poor experiences of using 'Access', and that trusts must be careful not to get caught out in the small print of contracts.

The potential for collective buying power of the group was considered. It was agreed open dialogue about experiences with different systems should be encouraged, and that it would be helpful to produce a product matrix to capture which systems were being used.

AOB

Occupational Health

There was appetite to gather which provider everyone uses. Potential again for collective bargaining amongst the group.

Group arrangements – future meetings

Agreed next meeting to take place in 6 months (Oct/Nov)

Northern city near rail line. Offer from Westfield Health to host in Sheffield

Appendix

ATTENDANCE

Ronnie Erskine - Barnsley Premier Leisure – Chair

Lorna Farrant - Active Newham

Katie Harrop - Life Leisure

Lorna Mapson – Impulse Leisure

Andrea Pardoe - Link4Life

Trina Siviter – Sandwell

Dee Carty Burland – Tees Active

David Brind – Absolutely Leisure

Thomas Barton – Everybody Sport and Recreation

Nikki Baker – Fusion Lifestyle

Jackie Turner-Robinson – Freedom Leisure

Victoria Paris – Vision Redbridge

Jennie Pierre-Louis – Vision Redbridge

Helen Lake – Gravesham Community Leisure

Also attending:

Paul Seath, Trustee Active Luton and Partner, Bates Wells Braithwaite

Zoe Temperton – Westfield Health

END

APRIL 2018