

EAST HERTS COUNCIL

LOCAL JOINT PANEL – 29 JULY 2010

REPORT BY THE SECRETARY TO THE EMPLOYER'S SIDE

STANDBY AND OUT OF HOURS CALL OUT POLICY

WARD(S) AFFECTED: NONE

Purpose/Summary of Report

To approve the new Standby and Out of Hours Call Out Policy.

<u>RECOMMENDATION FOR : Local Joint Panel</u>	
(A)	The Local Joint Panel be requested to approve the new Standby and Out of Hours Call Out Policy.

1.0 Background

1.1 As part of the terms and conditions review which commenced in early 2009, it was identified that standby allowances were being paid inconsistently across the Council.

1.2 In order to achieve fairness and consistency across the Council, HR worked with the Head of Health and Housing and the Head of Planning and Building Control (the only two services affected) to develop a new Standby and Out of Hours Call Out Policy which makes payment for standby/out of hours duties the same for all staff.

2.0 Report

2.1 Please see Essential Reference Paper 'B' attached to the report now submitted for the full Standby and Out of Hours Call Out Policy.

2.2 A 30 day consultation period on the new policy with both Unison and affected staff began on 25 May 2010 and ended on 25 June 2010.

- 2.3 Issues raised by Unison and staff during the consultation period were as follows:
- 2.3.1 Staff felt that overtime being capped at SCP 28 is unfair as it does not reflect the skills required to do the job. Building Control staff explained that when Building Control have to attend a call out it can be a life or death situation where the emergency services require an immediate decision, paying overtime at SCP 28 is not reflective of the level of skills required when attending call outs. *It was explained that it is a Council policy not to pay overtime above SCP 28 in any instance, this applies to all overtime worked, not just that worked whilst on standby/ out of hours. Building Control were reminded that they did not get overtime for call outs at all at present and so this was an improvement on the current arrangements.*
- 2.3.2 In the Emergency Planning section of the policy it states that 'either overtime or TOIL will be awarded, at the discretion of the Head of Community Safety and Licensing'. Staff asked whether there could be further clarification on this as in the past different systems have been in place for emergencies, sometimes it has been TOIL, sometimes overtime and on one occasion a lump sum payment. People would like to know upfront what they will be receiving, rather than it being decided retrospectively. *Following a discussion with the Head of Community Safety and Licensing and the Director of Neighbourhood Services this was changed to state that the individual could choose to take overtime or TOIL.*
- 2.3.3 Staff asked what will happen if one team agree to the new policy and the other does not? Can it take effect earlier for one team if they agree to it? *It was explained that as it is a corporate policy it applies to both teams on a consistent basis. Also, as Unison have to agree the policy on behalf of all of their members, it will not be agreed until all of their members are satisfied.*
- 2.3.4 When will the new policy take effect from and will pay be backdated? *It was explained that the effective date is not known yet as once the consultation period is over the policy will need to go through CMT, the Local Joint Panel and then HR Committee. There will be no back pay, the new policy will become effective from a particular date and that is when the new payments will commence from.*
- 2.3.5 Building Control staff felt that the proposed new payments would result in a 10% pay cut for them. *It was explained that it was*

always the intention to bring other payments up to the highest level so HR made a commitment to review the figures and come back to the group (please see point 2.4 below for further details).

- 2.3.6 Building Control staff did not think that the Standby Team should get the same payment as them as they do not have the same level of skills and qualifications. There is no recognition for Building Control's professional status. Staff wanted to know why a tiered approach to payments was not considered. *It was explained that people's time outside of work is of equal value and the new payments reflect this. Whilst on standby, everyone's time is equal- it is not until they actually attend a call out that staff are required to use their skills, and then they are paid overtime for this. It was also explained that there is already parity between staff in Environmental Health and the Standby Team and the Environmental Health Officers are professionals, it is just Building Control that are paid differently. In addition, in discussions with Unison, consistency has always been the key issue and so an inconsistent approach to payment is unlikely to be supported as Unison have to represent all of their members.*
- 2.3.7 Building Control staff asked whether they are contractually obliged to provide the service. *It was confirmed that six members of the group have a contractual obligation to take part in the rota.*
- 2.3.8 Building Control staff reiterated that this was just another cut to terms and conditions that will result in a loss of goodwill and morale.
- 2.3.9 Building Control staff felt that the employment package that was brought in for Building Control to help recruit and retain staff is slowly being whittled away and the Council will end up back in the situation where they cannot recruit or retain staff in this service area.
- 2.3.10 Building Control staff asked whether the Council has looked into what the cost would be to get a consultancy service to provide out of hours cover. *Response was that this has not been looked into and it is not considered necessary as the service can be provided in-house.*
- 2.4 Further to point 2.3.5 it should be noted that the primary objective of the review was always to achieve consistency across the Council and keep the payments roughly in line with the department that is currently the highest paid (Building Control) to

ensure that no members of staff were significantly disadvantaged by the changes. Following the query from Building Control staff the figures were re-checked and it was found that the original figures would have meant a 10% reduction for the Building Control staff. The Director of Internal Services agreed that the hourly rate could be adjusted so that Building Control would not be at a detriment. The amendments were made and paperwork was re-issued to all those affected by the new policy, making them aware of the increased payment amounts.

- 2.5 The implications of the new policy (taking into account the increased payment amounts) are that the officers in Environmental Health and the Standby Team will be paid more per annum (total additional cost to the service approximately £8,600) and on average the Building Control officers will be paid approximately the same (increase of £200 per annum to the service as a whole). The extra costs to Health and Housing will need to be found from existing salary budgets and it has been confirmed that there is currently some available budget from vacant hours that could be used to fund this.
- 2.6 Another implication for two members of staff in the Standby Team is the removal of a telephone line rental payment (a historical payment that is no longer required as a mobile phone is provided).
- 2.7 The new policy has been approved by the Corporate Management Team. The meetings of the Local Joint Panel and HR Committee were called on 29 July 2010 especially to ensure that the new terms could be included in the new contracts that will be issued to staff as part of the Terms and Conditions review.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within Essential Reference Paper 'A'.

Background Papers

CMT report- 13 April 2010 - Professional Fees and Standby Allowances

CMT report- 13 July 2010 – Standby and Out of Hours Call Out Policy

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Report Author: Claire Burton- HR Officer

ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/ Objectives:	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	Unison and affected staff were consulted with for 30 days and their feedback is included in the report.
Legal:	Standby allowances are contractual and so any amendment to the payments needs to be with the agreement of Unison and the staff affected.
Financial:	As detailed in the report.
Human Resource:	As detailed in the report.
Risk Management:	None.



East Herts Council

Standby Duty and Out of Hours Call Out

Policy Statement

Policy Statement No [] (Issue No 1)

[month] 2010

1.0 Introduction

- 1.1 A number of services require employees to be available outside working hours to respond to incidents / emergencies which, due to their nature, cannot wait until the next working day.
- 1.2 The purpose of this policy is to compensate individuals for the inconvenience of being at their employer's disposal outside of working hours and for the limitations this imposes on them.
- 1.3 Rates of pay are standardised across the Council in recognition of the principle that employees' own time outside of working hours is of equal value.
- 1.4 Officers carrying out standby or out of hours duties are required to remain contactable, available and fit for duty at the following times:

Day	Start time	Finish time	Total Hours
Monday	5.00pm	9.00am	16
Tuesday	5.00pm	9.00am	16
Wednesday	5.00pm	9.00am	16
Thursday	5.00pm	9.00am	16
Friday	5.00pm	9.00am	16
Saturday	9.00am 5.00pm	5.00pm 9.00am	24
Sunday	9.00am 5.00pm	5.00pm 9.00am	24
Public Holidays	9.00am 5.00pm	5.00pm 9.00am	24

- 1.5 Officers who have to attend call outs are not required to stay at their home address but should be within a reasonable proximity of the district boundary.

2.0 The Standby Team

- 2.1 The Standby Team are responsible for taking calls to the Council outside of normal office hours via a diversion from the Council's switchboard. Callers ringing the Council outside of normal office hours will hear an answer phone message that enables them to

be re-routed to an officer of the Council for further assistance. The immediate response to these calls is the responsibility of the 'Standby Officer'.

- 2.2 Calls for either Environmental Health or Building Control which require immediate action or advice will be passed onto the Environmental Health Officer or Building Control Officer on out of hours duty at that time. Callers may also be directed to other agencies as appropriate.
- 2.3 The Standby Officer on duty also takes responsibility for the emergency phone. The emergency services have the number for the emergency phone and call it when there is an emergency situation in the district that the Council is required to respond to. The Standby Officer is only required to take the immediate telephone call; they will then delegate to the appropriate emergency planning contact to deal with the emergency.
- 2.4 The Standby Team have 2 council owned mobile phones to use whilst on standby duties.
- 2.5 The Standby Team are not contractually obliged to provide this service; they are volunteers and can choose to withdraw from the rota with one months notice.

3.0 Out of Hours Working

- 3.1 Both Environmental Health and Building Control run an out of hours rota whereby one officer is always available outside of normal office hours to respond to emergencies.
- 3.2 The Community Safety and Licensing team also take part in out of hours working but are not required to be on call as they only make proactive planned visits to licensed premises that are routinely causing concern. Officers in this team do not receive additional payments as the out of hours working is taken into account in their job description and therefore basic salary. Officers in this team can claim time off in lieu (TOIL) for any visits made outside of hours, inclusive of travelling time.

4.0 Emergency Planning Activities

- 4.1 A number of members of staff have chosen to be trained as

emergency planning volunteers so that they can be called upon to assist the Council in the event of an emergency. These members of staff have volunteered to provide this service and so do not receive any additional payments. They are not required to be on call but if they are available and fit for duty at the time of an emergency they will be asked if they can assist.

- 4.2 If emergency planning volunteers are called out to attend an emergency outside of normal office hours they will be reimbursed for their time with either overtime or TOIL. It will be the decision of the employee whether they wish to take overtime or TOIL.

5.0 Payment

- 5.1 A corporate approach has been adopted across the Council, with the same level of payment being awarded to all staff undertaking standby and out of hours duties (excluding emergency planning volunteers). The rate per hour is £1.84 (double for Public Holidays) and therefore a standard week is paid at £235.52. If less than a week is worked, the employee will be paid the appropriate rate for the number of hours worked as detailed in the table below.

Day	No. of hours worked	Rate
Weekdays	16 hours	£29.44
Saturdays	24 hours	£44.16
Sundays	24 hours	£44.16
Public Holidays	24 hours	£88.32
Whole week (normal)	128 hours	£235.52

- 5.2 Payments will be increased each year by the same percentage increase as the NJC agreed annual pay award.
- 5.3 If employees are required to be on standby/ out of hours duties on Public Holidays they will be paid for an enhanced rate for that day, as detailed in the table above.
- 5.4 Officers in Environmental Health and Building Control can claim overtime for any call outs they are required to attend, inclusive of travelling time. If a telephone response takes longer than 15 minutes, overtime can also be claimed for the entire length of the

telephone call.

5.5 The standby/ out of hours duty payments that employees receive form part of the employee's pensionable pay.

5.6 Overtime payments will be paid as set out below:

- Monday to Saturday Time and a half
- Sundays and Public Holidays Double time

Overtime is paid at plain rate until officers have completed 37 hours that week. However, weekend and Public Holiday rates apply regardless of whether 37 hours have already been completed that week.

The overtime rate for officers above Scale Point (SCP) 28 is capped at SCP 28.

5.7 Where staff are unable to provide planned standby/ out of hours cover (e.g. through sickness or annual leave) staff are required to swap duties with a colleague. Staff will not be paid for standby/ out of hours duty whilst on annual leave or off sick. Staff must make every effort to take annual leave at a time when they are not on standby/ out of hours duty.

5.8 However, if staff wish to continue to undertake standby duties whilst on annual leave, e.g. they are staying at home and will be contactable and available to take calls/ attend call outs, then this is permissible, subject to approval from the relevant manager.

5.9 If in the course of their duties, employees incur costs on their home/personal mobile phone bill then these costs can be claimed back using the Expenses Claim Form, ensuring that a copy of the relevant phone bill is attached to the form.

6.0 Job Descriptions, Person Specifications and Written Particulars of Employment (not applicable to Standby Officers or emergency planning volunteers)

6.1 Job Descriptions – It must be stated in all appropriate job descriptions that it is a requirement of the job to perform out of hours duties.

- 6.2 Person Specifications – It must be stated on all appropriate person specifications that the employee must be available to work out of hours in line with service requirements.
- 6.3 Written Particulars of Employment – It must be stated that the employee will be required to participate in an out of hours rota.

7.0 Administration

- 7.1 An overtime claim form should be completed by employees, passed to the relevant manager for authorisation and forwarded to Payroll for payment by the 6th of the month following the month claimed. The manager who authorises the payment and associated overtime / TOIL must be an authorised signatory. This will ensure that payment is only made to those employees who have carried out this service.

8.0 Policy Review and Amendment

- 8.1 This policy shall be reviewed after two years, or sooner in line with legislation and best practice to reflect the best possible level of support and management.

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