

## **BRECKLAND COUNCIL**

### **REPORT OF THE DEPUTY CHIEF EXECUTIVE - CABINET PORTFOLIO to the LJCC COMMITTEE – 20<sup>th</sup> March 2008 GENERAL PURPOSES COMMITTEE – 26<sup>th</sup> March 2008**

#### **STANDBY PAYMENTS REPORT**

##### **1. Purpose of Report**

- 1.1 **This report considers options and recommendations for the formal adoption of an out-of-hours Standby provision procedure.**

##### **2. Recommendations**

It is recommended that the Committee:

- 2.1 Approve the approach to Standby payments as specified in paragraph 3.3.1 (c).
- 2.2 Review the amount payable as a Standby payment in 2010.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

3.1.1 Since May 2007 Housing, Building Control and Environmental Health have been taking part in a pilot scheme to establish the volumes and types of activity undertaken 'out of hours' and payments made under this scheme (known as the 'Standby Payment').

3.1.2 Examples of the out of hours activities being undertaken by these teams are as follows:

- a) Housing – Dealing with urgent applications for housing the homeless and other vulnerable people.
- b) Building Control – Assessing the risk posed by dangerous structures and taking the appropriate action.
- c) Environmental Health – Investigating noise incidents and dealing with stray and dangerous dogs.

###### **3.2 Issues**

###### **3.2.1 Standby Rota.**

Each team operates a separate rota. The duty of the person on the rota is to be available from home on the end of the telephone to receive emergency calls from partners and agencies that need advice or assistance from Breckland Council.

The officer on the rota is therefore required to be in an appropriate position to respond on behalf of the council on the receipt of an emergency call. The practice is that they curtail social activity accordingly. For example officers on a standby rota do not stray from the telephone and do not take part in any activity such as drinking

alcohol that would compromise their ability to respond.

### 3.2.2 Standby Payments

This plainly places a significant burden on Officers outside of normal working hours that has the potential to impact significantly on their domestic arrangements. This led to the introduction of compensatory standby payments.

During the extended pilot, which ran from May 2007 to March 2008, officers who were on standby received a single flat payment for each week they were on standby. This was a flat payment of £100 per week.

3.2.3 Officers called out whilst on the Standby rota are allowed time off in lieu from their normal office hours for the total period they were engaged in a callout. At the discretion of the Service Manager overtime may be paid as an alternative but must be funded from their existing budget.

3.2.4 Since the trial period began a total of £13,800 has been paid in respect of standby payments (May 07 – Feb 08 inclusive), broken down by Service area as follows:

- a) Building Control = £4,900
- b) Environmental Health = £4,800
- c) Housing = £4,100

3.2.5 A total of 90 actual payments made during the above period. These are detailed in Appendix A. 15 officers have received standby payments during this period. Individual officer breakdown per service area are detailed in Appendices B - D. The number of events which were logged whilst on standby are displayed by Service Area/Month at Appendices E – F.

### 3.3 Options

3.3.1 Members have asked to be advised on what alternative options there may be to properly compensate Officers for out of hours working. The basic options are:

- a) Incorporate out of hour's service provision within the employment contracts and adjust the shift pattern of Officers accordingly, so Officers in these teams move away from the standard contracts to a 24/7 service pattern.
- b) Incorporate out of hour's service provision within the employment contracts but do not adjust the shift pattern of Officers. Instead, maintain the rota/s but include any out of hour's salary payments within the employment contract.
- c) Incorporate out of hour's service provision into employment contracts but do not adjust the shift patterns of Officers. Instead, maintain the rota/s and make a Standby payment to an officer each time he/she works the rota (as per the pilot period).
- d) To cease making compensatory payments for Officers who work out of hours (cease standby payments).

3.3.2 Each of options (a) – (c) possess some merit.

3.3.3 Option (a) removes the need for such an out of hours payment but as the actual number of events logged during the out of hours periods will show, it does not seem an effective use of officer time for this to be classed as part of their weekly contracted hours.

3.3.4 Option (b) has the benefit of low administration; an annual allowance is set-up and automatically paid to the officers 'in-scope' with no further paperwork needing to be processed. It does however provide little flexibility or incentive to re-organise shift cover if necessary. An equal annual allowance paid to officers requires an equal allocation of rota'd weeks of standby duties if to ensure fairness and to avoid

potential resentment amongst colleagues. If an officer is genuinely unable to carry out his/her allocation of cover provision resulting in a colleague having to do extra, under this option both would receive the same financial benefit but with one officer having the inconvenience and disruption of an additional/unscheduled week of standby duties. If however the scheme is rolled out to additional service areas where the need arises, this option may be more manageable on an administrative basis.

- 3.3.5 Option (c) rewards officers who do 'actually' carry out the standby duties. As appendices A -C show there are clear and wide ranging differences in the number of actual claims by individuals, ranging from 1 claim through to 27 claims during the period covered by this report. With work -life balance being a key issue this procedure can be described as a fair method of compensation for disruption of the officers' social time 'out of hours'. Where officers 'in-scope' may have difficulty providing rota-cover the incentive of an additional £100 payment may allow the flexibility for a colleague to swap responsibility. Whilst offering added flexibility it must however be ensured that rota's are not being consistently 'manned' by the same officer so not to breach any working-time directive.
- 3.3.6 During the pilot period option (c) has proved to be a convenient and low cost method of dealing with out of hours working. Managers forward a monthly list to Payroll, who then make appropriate payments to the officer concerned.
- 3.3.7 If the Council ceases to make standby payments the risk is that Officers will decline to make themselves available resulting in a significant deterioration in the level of service available to the public 'out of hours'.
- 3.3.8 At the moment the standby payments are not formally incorporated into Officer's contracts of employment. If they are incorporated, under the regulations of the pension scheme, Standby payments will become pensionable. This will be both a cost and a benefit to the officer. The council will incur the appropriate additional employer pension cost as a result (17.2% for FY 2007/08, 18.0% for FY 2008/09).
- 3.3.9 Feedback received from Departmental Heads of Service (Housing & Building Control) steers towards wishing to continue with the 'current' procedure (option 3), with statements such as "(the present system) *gives flexibility for officers to decide or change their weeks depending on family commitments etc*". Similarities were also made with a scheme implemented by Capita at Salford Council which worked well in practice. The BDC pilot scheme has been "*flexible and responsive to the housing service's needs*". It was also felt that Option 3 was the best way forward in order to retain staff support (and positivity) about the provision of this service. The actual level of recompense was raised as an issue questioning whether the current £100 per week figure was sufficient moving forward.

#### **4. Risk and Financial Implications**

##### **4.1 Risk**

- 4.1.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the changes/issues covered by the recommendations are not significant in terms of risk.

##### **4.2 Financial**

- 4.2.1 Proforma B (shown at Appendix G) provides the financial implications in respect of the scheme.
- 4.2.2 The cost of the scheme ongoing is embedded within the staffing budget in the next round in Autumn 2008. The proforma B indicates the nature of the change in funding to support these costs in future years.

## **5. Legal Implications**

- 5.1 Whilst standby payments are made as a non-contractual gratuity there are no significant legal implications provided it is recognised that if they cease or are changed, the council cannot compel its Officers to make themselves available for work on a regular basis out-of-hours.

## **6. Other Implications**

- a) Equalities: An Equalities Impact Assessment has been conducted and can be found at: L:\Keep\Equality Impact Assessment\Completed EQIA re Reports\Human Resources\Ref 1 Standby Mar 08
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: Working Time Directive and Health & Safety at Work Act 1974
- e) Human Rights: Human Rights Act 1998
- f) Other:

## **7. Alignment to Council Priorities**

- 7.1 The matter raised in this report falls within the following Council priorities:
- A safe and healthy environment
  - A prosperous place to live and work

## **8. Ward/Community Affected**

- 8.1 N/A

### Background Papers

*LJCC/GP Committee Report: Out of Hours Services Report 13/19<sup>th</sup> September 2007*

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### Key Decision Status (Executive Decisions only):

This is not a key decision.

### Appendices attached to this report:

- Appendix A: Standby payments processed May 2007 – February 2008 inclusive
- Appendix B: Building Control Standby Payments (May 07 – February 08 inclusive)
- Appendix C: Environmental Health Standby Payments (May 07 – February 08 inclusive)
- Appendix D: Housing Payments (May 07 – February 08 inclusive)
- Appendix E: Number of events logged – Building Control
- Appendix F: Number of events logged – Housing
- Appendix G: Proforma B – financial implications