

BRECKLAND COUNCIL

LJCC COMMITTEE – 13 September 2007

GENERAL PURPOSES COMMITTEE – 19 September 2007

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REPORT OF THE OPERATIONS MANAGER CABINET

(Author: Colin Fleet – OD Manager)

OUT OF HOURS SERVICES REPORT

Summary: This report considers Breckland Council's policy and procedure on service provision outside of office hours.

The current policy is that the Council does not provide a service except in the case of an emergency; which is either life threatening or a *blue light* request.

The practice however is that other services are being provided out of necessity.

There is an Out of Hours Policy and Procedure attached for consideration, approval and implementation that standardises and clarifies the Council's position moving forward.

1. INTRODUCTION/BACKGROUND

1.1 There is a need to clarify and then standardise the elements of out of hour's service provision. Each service team can then operate consistently within the framework. And the Council can ensure that value for money is being achieved in service provision.

1.2 There are a number of services who provide out of office hours services. These include Housing, Building Control and Environmental Health. Each of these teams have participated in a 6 Month monitoring exercise to establish the volumes and types of activity undertaken out of hours.

1.3 Examples of the out of hours activities being undertaken by these teams are as follows;

- Housing - Homeless
- Building Control – Dangerous Buildings
- Environmental Health – Noise; Dogs.

1.4 The issues that concern out of hours work are as follows;

- Standby rotas
- Callout
- Working Time Directive & Health and Safety at Work Act 1974

1.5 Standby rotas

Each Team operates a separate Rota. The basic role of the person on the rota is to be available from home on the end of the telephone to receive emergency telephone 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.

For the officers that participate on the rota/s it is therefore necessary to make some appropriate provision.

1.6 Standby provision

The options for Breckland Council are as follows;

1. Incorporate out of hours service provision within the employment contracts and adjust the shift pattern of officers accordingly. So officers in these teams move away from the standard hours contracts to a 24/7 service pattern.
2. Incorporate out of hour's services provision within the employment contracts but don't adjust the shift pattern of officers. Instead, maintain the rota/s but include any out of hour's salary payments within the employment contract.
3. Incorporate out of hour's services provision within the employment contracts but don't adjust the shift pattern of officers. Instead, maintain the rota/s and make a standby payment to an officer each time he/she works the rota.
4. Outsource the out of hour's service provision in part or altogether.
5. Set up a collaborative approach with other Districts, Partners and Agencies.

1.6 (i) For options 4 and 5 further investigative work will be required.

1.6 (ii) For reasons that can be explained in greater detail by the Managers of the services in scope it is felt that its best for the Council to opt for bullet point 3 above presently. This is what the officers who provide these services would most likely respond to.

1.7 Standby System

The rotas that the Council operates are established as weekly rotas and this system works rather well. Assuming bullet point number 3 above, the main options include:-

1. Maintain a weekly standby rota system for each team.
2. Set up one weekly standby rota system for the whole organisation.

1.7 (i) For option 2 further investigative work will be required.

1.7 (ii) For reasons that can be explained in greater detail by the Managers of the services in scope it is felt that its best to opt for bullet point 1 above presently. The primary reason being that the officers on standby do not currently have the expertise to provide services expertise in areas outside their own teams. For example a Housing officer couldn't advise or be called out to deal with a dangerous structure.

1.8 Standby Payment

Options for making a payment for officers who are on standby include:-

1. A single flat payment each time an officer is on Standby (During the 6 month monitoring period this was a payment of £100 per week on the Standby rota)
2. A payment that is connected to the volume of calls taken while the officer is on standby. This could operate on the basis of a sliding scale.

3. A payment broken down into the service areas and the type of calls likely to be taken.
 4. A payment based upon the grade of the officer on the standby rota.
- 1.8 (i) The single flat payments referred to in bullet point 1 have worked. This system is easier to understand and administer and is based on a compensation for the officers who are on standby on unsociable hours.
- 1.8 (ii) The cost of running the rota/s can be accurately forecast based upon bullet point 1. For example if the 3 current rotas in operation in 1.3 above continue to run the cost to the Council can be accurately calculated as 52 weeks x 3 rotas x £100 = £15,600.
- 1.9 Call Out
- Over and above the basic role of the person on the standby rota which is to be available from home on the end of the telephone to receive emergency telephone calls from partners and agencies that need advice or assistance from Breckland Council; there is the question of callout. Call out could be performed by the officer on standby or another officer.
- 1.9 (i) Callout occurs when an officer performs out of hour's duty over and above those conducted on the standby rota. So for example a Building Control Officer who is called out to attend a dangerous structure.
- 1.9 (ii) Call out can be managed in two obvious ways;
1. An officer called out outside normal office hours can take time off in lieu from their normal office hours for the total of the callout. This has the benefit of controlling costs but reduces the availability of those officers called out in normal hours.
 2. An officer can claim callout as an overtime payment. This keeps policy consistent and has the benefit of ensuring normal office hours cover is adequate.
- 1.9 (iii) For reasons that can be explained in greater detail by the Managers of the services in scope it is felt that its best to opt for bullet point 2 above presently. The primary reason being that there are adverse effects of jeopardising adequate cover arrangements during normal office hours.
- 1.10 The cost of operating the callout service can be managed in the following ways;
- 1.10 (i) operate callout strictly in accordance with the existing policy for out of office hours service. That is to say only to callout officers in emergencies where it's either life threatening or a *blue light* request.
- 1.10 (ii) ensure as far as is possible that the officer on standby is trained to respond to requests with telephone advice in timescales where it doesn't become overtime; and, that arrangements are made to completed the Council's responsibilities within normal office hours.
- 1.11 Where callout cannot be avoided or where telephone advice extends into overtime this should be reimbursed as overtime.
- 1.12 Where an officer above the overtime limit is called out or provides telephone advice that extends into overtime their participation in the standby rota should be treated as prior authorisation to pay planned overtime in the event that it happens.

1.13 Working Time Directive and Duty of Care under Health and Safety Legislation

In operation of any of the above options the Council will need to operate within the Law and would want to actively implement its duty of care towards its employees.

1.13 (i) Where an officer has undertaken out of hours service either on standby taking calls and/or in being called out; the Council will ensure officers do not transgress the Working Time Directive.

1.13 (ii) Where through callout or standby an officer has hit a target within the working time directive he/she will be required to have the appropriate rest period as laid out in statute.

1.14 (iii) It is the responsibility of the Manager to ensure that rotas are arranged and revised accordingly to meet this requirement.

1.15 It is suggested that the proposed Out of Office Hours Policy and Procedure are reviewed within 6 Months of their implementation.

2. KEY DECISION

2.1 This not a key decision.

3. COUNCIL PRIORITIES

3.1 The matter raised in this report falls within the following Council priorities:

- A safe and healthy environment
- A prosperous place to live and work

4. OPTIONS AVAILABLE

4.1 Approve the approach outlined in Section 1 above. In summary

- The Policy of Breckland Council is not to provide a service out of hours; except in life threatening or emergency 'Blue Light' requests.
- There is a flat standby payment of £100 per week for an officer on standby.
- Callout and telephone calls that extend over into overtime are claimed as overtime
- The Working Time Directive and HASAWA 1974 are integral to operating out of office hours working
- Implement the Out of Hours Policy and Procedure and review this in 6 Months
- Amend the contract of employment for each designation of officer in scope to include a clause requiring them to participate in a standby rota if requested

4.2 Approve the approach outlined in Section 1 above but take one or more different options to be recorded in the Minutes.

- The Working Time Directive and HASAWA 1974 are integral to operating out of office hours working
- Amend the drafted Out of Hours Policy and Procedure accordingly

4.3 Not to approve any of the options outlined above.

5. REASONS FOR RECOMMENDATION(S)

- 5.1 As the investigatory work into a consistent fair and affordable approach to managing out of office hours services has taken considerable time of the Council; it's best to put in place something clear and manageable.

Should further investigatory work be required the Council will still require an interim position.

6. RECOMMENDATION(S)

- 6.1 To implement either option 4.1 or 4.2 above.

Appendices:

- Draft Out of Hours Policy
- Draft Out or Hours Procedure

This report complies with the following legislation:

- The Council's Equal Opportunities Policies and Gender Equality Scheme
- Human Rights Act 1998