

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – People and Technology

Council Meeting: 26 May 2021

Subject: Use and Payment of Casual Workers**1. Purpose**

- 1.1 The purpose of this report is to provide Council with a summary of the use and payment of casual workers over the last year (2020/21).

2. Recommendations

- 2.1 Members are asked to note the content of this report.

3. Background

- 3.1 At the Council meeting held on the 24th February 2021, officers were requested to prepare a detailed report on the numbers of casual workers employed by West Dunbartonshire Council who have *not* been offered any hours during the pandemic.
- 3.2 To facilitate the use and payment of casual workers WDC retain information of those available for work (supply lists) and the hours casual workers have worked. We do not retain information of all offers made or work not offered as this is not required on the basis that there are no obligations on either party to either offer or accept work offers. Therefore the changes in casual usage must be demonstrated by comparing different periods which include information on those who *have* worked and the number of hours paid.
- 3.3 West Dunbartonshire Council, similarly to other local authorities, uses casual workers to support 'ad hoc' work that cannot absolutely be forecast. A casual worker does not have a 'Contract of Employment' but, by registering, has entered into a relationship with the Council where there is no obligation on the Council to provide work, and equally no obligation on the worker to accept any offer.
- 3.4 Casual workers are managed in accordance with the agreed Casual Workers' Policy and monitoring of casual workers (including supply Teachers) is undertaken on a bi-annual basis and reported to the Performance and Monitoring Review Group and to Corporate Services Committee.
- 3.5 There are currently 607 workers registered as available for casual and/or supply work across the council. These are predominantly in Education and HSCP linked to their more extensive supply pools, created to ensure that statutory provision can be maintained, e.g. in care and delivery of education. Of this 607, 145 have substantive 'Contracts of Employment' as well as being

registered for casual/supply work leaving 462 registered for casual/supply work only.

4. Main Issues

- 4.1** In April 2020, an [SJC circular](#) and separate [SNCT guidance](#) were issued acknowledging the disruption the COVID pandemic would have to established patterns of work and service delivery arrangements and the impact this would have to *existing* offers of work made to casual and supply workers. A compensation scheme was proposed under Scottish Joint Council (SJC) covering conditions and advice for Local Government Employees and a job retention scheme under Scottish National Conditions for Teachers and Associated Professionals (SNCT).
- 4.2** The circulars recommended that any casual/supply worker who had accepted an offer of work in the period 1st January 2020 to 31st March 2020, who worked regularly and who were known to remain available for work should receive compensation by way of an average payment, calculated with reference to the average hours worked over the preceding three month period. The purpose of this payment was to replace *expected* pay.
- 4.3** Councils had discretion on how to apply, review and decide on duration dependant on circumstances. In the SJC circular, it was suggested that compensation should be considered for each pay period commencing after 20/3/20 (when schools were closed by the Scottish Government) and discontinued when it was judged that working arrangements had regularised. In the SNCT guidance, it was explicit that the job retention scheme was open until the end of June and would then cease.

Process of implementing compensation payments

- 4.4** Prior to commencing the average pay exercise, a reminder was issued that any casual/supply worker who had worked on a continual basis, full or part time, for one month or more should have been offered a temporary or fixed term contract to reflect this arrangement. Details of contracts issued is contained in Tables 2 and 3.
- 4.5** Casual/supply workers, who had been working in a more ad hoc fashion, had the terms of the circulars applied. The relevant line managers were advised of the average hours for individual workers to support them in undertaking work in the same way as their employed colleagues, either by working from home or relocated to assist in other service areas.
- 4.6** In some service areas there was no requirement for average hours payments as the need for these workers continued and did not affect the offers of work so these were made and accepted as usual. Managers were advised of the mechanism and eligibility criteria should service delivery or personal circumstances change but this was not required. This was specific to HSCP; Youth Services (Sessional Youth Services Workers); Care at Home; Residential Children's Homes and Care Homes for Older People.

Break-down of casual hours payments

- 4.7** 46 people met the criteria for an average payment under the SJC provisions. 36 had only casual working arrangements and 10 had both casual arrangements and other substantive employment contract(s) with the Council. 105 teachers met the criteria for an average payment under the SNCT provisions with 64 having only supply arrangements and 41 with other substantive employment contract(s) with the Council. This is broken down by service in Table 1.

Table 1: Casuals by Service

Service Area	Team	No. of Casual Workers paid average hours	Work Available
Children's Health, Care & Criminal Justice	Criminal Justice	5	No
Housing & Employability	Ashton View	11	Yes
Citizens, Culture & Facilities	Libraries & Culture	3	No
Education	Early Years	21	Limited
	Learning Assistants	6	Limited
	Teachers	105	Yes but reduced

- 4.8** Table 2 shows the current status of the 46 eligible casual workers covered by the SJC provision and paid the average compensation payment and Table 3 the same for the 105 eligible supply teachers covered by the SNCT provision.

Table 2: SJC Status of Workers

	Number
Casual Worker	18
Withdrawn from register	3
Fixed Term Contracts issued	6
Permanent roles secured	12
Perm substantive role in addition to casual status	7
Total	46

Table 3: SNCT Status of Workers

	Number
Casual Worker	50
Withdrawn from register	10
Fixed Term Contracts issued	7
Permanent roles secured	0
Perm substantive role in addition to supply status	38
Total	105

- 4.9** Over the period March to July 2020, use of casual/supply workers has varied with some services offering work throughout, others had reduced requirements and some had no requirements at all if the service was unable to deliver due to the restrictions or difficulties in delivering an effective service in the circumstances. Where possible casual/supply workers were used at least to the level of their average hours. If they could not be used they were paid average hours as compensation for hours lost.
- 4.10** As services resumed, to varying degrees and in line with the 'Protection Levels' from mid-July, there was no need for the compensation option as services normalised. While there is no central recording of work refused, managers of those who had been eligible under either the SJC or SNCT provisions and therefore in receipt of the compensation or retention payments, confirmed that none of their casual/supply workers refused work during the compensation period.

Context of Casual Use

- 4.11** Table 4 below shows the number of casual workers registered as available for work and subsequently used in the last two years to provide a context, reported in 6 month periods. The usage is also shown in a percentage to aid comparison. In general terms, April – September 2019 and the same period in 2020 shows a similar pattern of usage. However it is evident that there is an increase in availability in the October 20 – March 2021 period when compared to previous reporting periods with a corresponding reduction in those used. This would be expected. Casual/supply work is required to cover ad hoc, unplanned and unexpected tasks resulting from unforeseen circumstances such as sickness absence, an increased workload due to particular events etc. These instances, where casual/supply workers would usually be called upon did not arise due to reduced service delivery, more flexible ways of working and a marked reduction in sickness absence. It is normal that, in any given period, the full quota of those registered as available will not be required, will not all be offered work and of those offered, a proportion will not accept (as is their right).

Table 4

	April - September 2019			October 2019 - March 2020		
	Available	used	%	Available	Used	%
Teachers	257	153	60%	229	172	75%
Local Government	362	154	43%	315	167	53%
Total	619	307	50%	544	339	62%
	April - September 2020			October 2020 - March 2021		
Teachers	287	160	55%	290	125	43%
Local Government	284	114	39%	317	118	37%
Total	571	274	47%	607	243	40%

4.12 At the outset of the significant restrictions (Level 4 plus additional measures) introduced on 26th December 2020, there was no re-introduction of the SNCT job retention payment for teachers (the circular having no effect after end of June when schools closed at term end) and eligibility was not reconsidered under SJC provision due to the following:

- The Level 4 protection measures were different from the ‘lockdown’ in March 2020 and the restrictions fewer;
- Different risk mitigations, safe working arrangements, provision and use of PPE, were all relevant and in place which was not the case in March 2020; and
- Additional work was available for casual workers linked to the COVID response, e.g. crisis support, social care and the vaccination centres.

The initial lock down period in March 2020 presented little in the way of notice and many casual workers had an expectation of work and associated earnings. The current restrictions did not present that same expectation of work. Those with an expectation of work, hours to be worked and therefore payment would have a contract of employment per the policy.

4.13 Like many other councils, WDC has proactively sought to engage employees in support of care, community support and the vaccination centres and have extended this opportunity to all casual workers. Any interested casual workers have been accommodated.

4.14 Immediately prior to the request for this report, 3 individuals were notified to HR as being available for work but not being utilised. This was the only complaint received of this nature and was followed up. On investigation it was confirmed that one had refused work and the other 2 have been employed as Co-ordinators in the in the Vaccination Clinics on 6 month fixed term contracts. Furthermore, their previous substantive work pattern identified that the manager should have issued both with appropriate annualised contracts to reflect the variable pattern and this is now being rectified.

4.15 The table below shows the casual workers who have been offered and accepted work over the last year. This demonstrates the continuing need for casual work and workers over the duration of the pandemic, albeit at a reduced rate. As with previous periods, there will always be individuals who register but choose not to work or there is no work to offer in the period.

Table 5: Use of Casual Workers by Service

Service*	Number of Casual Workers with recorded hours (April 20-March 21)
Children’s Health, Care & Criminal Justice	29
Citizens, Culture & Facilities	3
Community Health & Care	42
Education - Support	65
Education - Teachers	205

Housing & Employability	13
Mental Health, A & LD	1
Regulatory & Regeneration	1
Resources	4
Supply, Distribution & Property	1
TOTAL	364**

*Please note: where casual workers have a substantive employment with the Council, casual hours worked will be held against this regardless of which service required the casual work.

**Please note: the numbers in Table 4 for each 6 month period should not be added together to compare with the total in Table 5. Many casual/supply workers will have worked in both reporting periods and the total in Table 5 discounts duplicates. This is not feasible for the figures reported in Table 4 as these are done in 6 monthly periods (where it is not known who will work in the next period) whereas Table 5 is a full year (where all workers are known).

Conclusions

- 4.16** This report details the overall numbers of casual/supply workers used and/or paid during the relevant period, setting this in context with previous reporting periods for comparison. The four reporting periods in Table 4 demonstrate that those on the register and those subsequently used fluctuates due to the nature of the work. It is evident that there has been less casual work available in the last reporting period, as would be expected, due to the restrictions across services and the reduced absence thereby reducing the need for unplanned ad hoc cover.
- 4.17** To support casual/supply workers after the initial lock down in March 2020, all average hour payments were made in accordance with the relevant SJC and SNCT circulars where there was an existing expectation of pay. Additionally managers were asked to review casual and supply usage and amend employment status where appropriate. Contracts have been issued as a result of this review as detailed in Tables 2 and 3.
- 4.18** Through application of the guidance set out in both the SJC circular and SNCT guidance, the Council has ensured that casual/supply workers received the pay expected had it not been for COVID. Table 5 confirms that such workers have continued to be needed and used.

Next steps

- 4.19** The Casual Worker Policy is explicit that any worker who has been used continuously, for more than one month, should be offered a temporary/fixed term contract where there is an ongoing requirement. If the requirement is permanent, the relevant contract should be offered. There are some areas where this assessment is more complicated, with a continuous need for the work but an irregularity in hours. The People & Change Partners are

supporting line managers to review requirements and ensure that the appropriate contractual arrangements are in place/offered.

- 4.20** There are some circumstances where casual/supply workers have been offered contracts but prefer the flexibility of a casual/supply arrangement, allowing them to accept and/or decline work to suit themselves, often working for more than one employer and so opt to remain casual. While this choice will be respected, the offer will nonetheless be made.

5. People Implications

- 5.1** There are no direct people implications for employees arising from the information presented in this report. However, it is important to note that when considering the application of the relevant circulars, consistency between the two bargaining groups was considered. SNCT was clear that the job retention payment was only open until the end of June when schools closed, however SJC was less clear and stated “until services normalise” which varied across services with all resumed by mid-July. There has been a change to casual and supply usage across both groups.

The assessment of ‘normal’ service delivery must be considered in light of the ongoing COVID restrictions which were not anticipated or considered at the time that the guidance was issued and prior to the additional considerations and safety mitigations detailed in 4.12 of this report.

6. Financial and Procurement Implications

- 6.1** Those eligible for contracts have received them, and the SNCT and SJC circulars have been applied for the period of lock down (March – July). The total cost of the compensation paid under both schemes was £0.436m inclusive of employer on costs.
- 6.2** There are no procurement implications arising from this report.

7. Risk Analysis

- 7.1** There is no proposal contained in this report and it was therefore not necessary to carry out a risk assessment.

8. Equalities Impact Assessment (EIA)

- 8.1** This report is for noting and summarises the local application of SJC and SNCT guidance. The equalities impact assessment has been carried out as part of the overall impact assessment of COVID of which this is one part. The impacts are sex due to women occupying more casual roles than men and socio economic, in that those on casual contracts tend to earn less and are not receiving that income.

9. Consultation

- 9.1** The application of the SJC and SNCT circulars were shared with the trade unions, employees and managers through the COVID workforce updates and at relevant meetings. The recent reference to 3 employees highlighted in section 4.14 of this report is the only complaint received to the application of these circulars and is currently being resolved.

10. Strategic Assessment

- 10.1** Undertaking workforce monitoring will support the Council's aim to make the best use of both financial and human resources resulting in a positive impact upon service provision.

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Date: 19th April 2021

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Appendices:	SJC – 62 – Covid-19 and casual workers SNCT – Supply Teachers Job Retention Payment
Background Papers:	None
Wards Affected:	N/A