

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Corporate & Efficient Governance Committee: 26 May 2010

Subject: Terms & Conditions of Employment for Local Government Employees

1. Purpose

- 1.1** To seek approval to introduce a new allowance to support occasional night working and to amend the current arrangements to access payments in respect of overtime working.

2. Background

- 2.1** Following the Council decision of 19 August 2008 a new set of Terms and Conditions of Employment was introduced in respect of Local Government Employees in March 2009. A new manual detailing these consolidated terms and conditions was published in December 2009.

- 2.1.1** Included as part of the new terms and conditions arrangements was a 10% shift allowance payment (payable when an employee works a rotating/alternating shift pattern) and a 33% night shift allowance (payable when an employee works a designated night shift (between 10pm and 8am) as part of the normal working week.

- 2.1.2** The new arrangements also introduced revised overtime payment arrangements in respect of those employees on grades 1 to 7 required to work overtime.

3. Main Issues

- 3.1** Following the introduction of the new terms and conditions, working practices have been regularly monitored to ensure that the new arrangements continue to support best value service delivery. While the majority of the new arrangements support improved service delivery two areas have been identified where the agreed WDC terms and conditions require to be amended to reflect operational needs and service delivery. These are occasional night working and overtime arrangements.

Occasional Night Working (Residential Units)

- 3.2** In order to maintain essential staffing levels and to reduce the requirement to engage agency staff, employees are on occasion requested to move from day working to night working. There is currently no allowance in place as part of the new terms and conditions to remunerate employees in these circumstances

- 3.3** Following consideration of this issue by the Pay Modernisation Project Board it was agreed to recommend the introduction of a new allowance payable when employees undertake occasional night working duties.
1. Those employees in receipt of 10% shift allowance (rotating /alternating shifts) would receive a further 23% payment (based on their pay before application of the shift allowance) when required to undertake night working.
 2. For employees moving to nights from days (not in receipt of any shift payment) then the full 33% payment would be made.
- 3.4** Anyone moving to nights would not be entitled to any occasional payment if the hours worked at night attract an overtime payment as one enhancement can not supersede another.
- 3.5** No employee may undertake occasional night working if such arrangements breach the working time regulations.
- 3.6** The Finance Department will introduce a new non pensionable allowance code to facilitate payment and amendments will be made to the current Terms & Conditions Manual.

Overtime Working Arrangements

- 3.7** In March 2009 following the introduction of the new overtime arrangements, concerns were raised by departments in relation to their ability to continue to deliver services.
- 3.8** Whilst in many circumstances the implementation of the new arrangements could be addressed by a management review of working practices, in certain areas the removal of overtime payments to staff above Grade 7 directly impacted on the ability to deliver out of hours services and maintain previous Stand By and Call Out arrangements. This impacted directly on regulatory services such as Environmental Services and Trading Standards, emergency child protection situations within the Department of Social Work & Health and Winter Maintenance within Housing, Environmental and Economic Development.
- 3.9** Following consideration of this issue by the Pay Modernisation Project Board it was agreed to recommend the introduction of the following arrangements to allow continued service delivery.
- 1) In circumstances where service delivery would be inhibited, discretion would be given to the Chief Executive and to each Executive Director to personally sanction overtime payments above Grade 7 and only in exceptional circumstances would overtime payments be made to staff on Grade 9 or above.
 - 2) An authorisation process be put in place including a new Overtime Authorisation Form to be completed by the appropriate Director.

3) Regular reports be submitted to the CMT detailing areas where overtime payments above grade 7 have been sanctioned, the reasons for the use of overtime, and the associated costs.

4) Amendments be made to the current Terms & Conditions Manual.

4. People Implications

4.1 The proposal to introduce an allowance for occasional night working and revisions to overtime arrangements has undergone an equality impact assessment and no issues have been identified.

5. Financial Implications

5.1 The introduction of revised arrangements are within current budget provision.

6. Conclusions and Recommendations

6.1 It is recommended that the Committee supports the introduction of an occasional night working allowance as outlined in 3.2 to 3.6.

It is further recommended that overtime payments above Grade 7 are introduced as outlined in 3.7 to 3.9.

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Appendices:
Wards Affected:

Background Papers:
N/A.