

AGENDA SUPPLEMENT (1)

Meeting: Staffing Policy Committee

Place: Kennet Room - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Thursday 29 September 2022

Time: 2.00 pm

The Agenda for the above meeting was published on 16 September 2022. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Kevin Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01249 706612 or email kevin.fielding@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7 **Changes to Terms and Conditions (Pages 3 - 22)**

Report of the Assistant Director – HR&OD is attached.

8 **CCTV and Vehicle tracking Policy (Pages 23 - 32)**

Report of the HR Consultant Strategic Projects & Policy is attached.

DATE OF PUBLICATION: 21 September 2022
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WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

29 September 2022

Terms and Conditions – proposed changes

Purpose of Report

1. To present an update to Staffing Policy Committee on the Terms and Conditions negotiations relating to Unsocial Hours and Standby and Callout.
2. To present the current proposals and outline policy changes which will result if negotiations are successful for review by the committee.
3. To outline the proposed pay protection arrangement to support implementation of the changes to the unsocial hours policy for agreement by the Committee.
4. To request Staffing Policy Committee to delegate authority to the Committee Chair and the responsible officer (Assistant Director - HR&OD) to formally approve policies to enable implementation of the proposals, if agreed by the Trade Unions.

Background

5. The council needs to have clear policies which are standardised, fit for purpose, financially viable and support delivery of the council's business plan whilst ensuring our staff are fairly and appropriately rewarded.
6. Three pay policies – overtime, unsocial hours and standby and callout - were identified as being significantly out of line with this requirement and needed to be updated.
7. The council's Trade Union Recognition and Facilities agreement outlines how the Council will negotiate and consult with the three recognised Trade Unions (UNISON, Unite and GMB) and outlines a list of negotiable terms which include terms and conditions of employment, pay and salary structure. This meant that any changes to these policies needed to be formally negotiated.
8. As the changes were potentially likely to lead to a financial saving the negotiation of changes to these policies was brought into the wider terms and conditions negotiations with the recognised Trade Unions which commenced in November 2021.
9. The timeline below provides an overview of the negotiations with the Trade Unions:

Date	Activity
Nov - Dec 2021	Terms and Conditions negotiations commenced with

	recognised Trade Unions
Jan - Feb 2022	Initial proposals for changes to the council's overtime, unsocial hours, standby and callout and the freezing of increments were balloted on and rejected.
Feb - March 2022	Following agreement with the Trade Unions the proposals were split. Changes to the overtime policy and a two-year increment freeze for staff on Grade F and above were agreed. A working group was set up to take forward discussions regarding unsocial hours and standby / callout policies
April – July 2022	Working group meetings took place with representatives from the recognised Trade Unions and senior managers from impacted council services, resulting in a set of proposals to be taken back into formal negotiations
May - June 2022	GMB members within one service likely to be impacted by proposed unsocial hours changes (parking enforcement) took one day strike action on 7 and 17 May 2022. An ACAS facilitated meeting took place 29 June and further action was suspended.
August 2022	Formal negotiations resumed with the Unions and it was agreed that members would be balloted on the revised proposals.
September 2022	Staff briefings took place on new proposals Union ballot of members commenced: Unite – 12 September UNISON – 12 September GMB – 22 September
October 2022	Outcome of ballot expected around 14 October

Current proposals and draft policies

10. The working group considered ways in which the impact of the changes proposed could be mitigated whilst still ensuring that the policies were sustainable, equitable and fair. They looked at how policies were currently used in council services, they also looked at benchmarking data from other councils, and considered the impacts on different groups of staff.
11. The proposals which were brought back into formal negotiations in August 2022 had been significantly amended from those which were presented in January 2022.

12. An overview of the proposed policy changes is provided below and these changes are the basis on which draft policies have been written which are attached at Appendix A – Standby and Callout and Appendix B – Unsocial Hours.
13. These policies have been shared with the recognised Trade Unions and comments sought. UNISON have provided feedback. The Council is still awaiting final comments from GMB and Unite. Final Trade Union sign off, of these policies will be required if the Unions confirm, following a ballot of their members, that they are in agreement with the proposed changes.
14. It has also been recognised and agreed with the Trade Unions that, should these policies be agreed, the Council’s overtime policy will need to be updated to reflect that staff who are required to work overtime during periods classified as unsocial will also be eligible to receive the unsocial hours plussage on these hours. This change will be applied alongside the implementation of the changes to the unsocial hours policy, once agreed.

Standby and Callout

15. The changes proposed will impact services which operate the council’s substantive standby and callout scheme, however they will also remove a number of legacy / interim schemes which continue to operate in some services. Going forward any services operating a standby and callout rota will need to apply the new policy and rates.
16. The main changes to original proposals made as a result of working group discussions were:
 - There are two different standby session lengths (up to 8 hours and over 8 hours)
 - The policy maintains higher standby and callout rates for Saturdays, Sundays and Bank Holidays
 - The standby rates apply to all staff covered by the policy (NJC and Soulbury), rates are linked to spinal column point 1 of the council’s pay table and will increase in line with the annual pay award.
 - Callout is paid on actual hours worked, including travel time where required
17. The proposed changes to the current substantive scheme are outlined below:

	Substantive Scheme	Proposed policy
Session length	Payment is made per 12 hour session. No mechanism for staff to cover sessions less than 12 hours under this policy.	Payment is made at a rate based on Spinal Column Point 1 for sessions up to 8 hours with the rate increasing for sessions of 8 - 15 hours.

Standby rate Monday – Friday	Spinal Column Point 1 x 1.33 = £12.63	Up to 8 hours = 1 hour @ SCP 1 (currently £9.50) Over 8 hours (max 15) = 1.33 hours @SCP 1 (currently £12.63)
Standby rate Saturday	SCP 1 x 2.00 = £19.00	Up to 8 hour 1.33 = 1.33 hours @SCP 1 (currently £12.63)
Standby rate Sunday / Bank Holidays	SCP 1 x 2.66 = £25.27	Over 8 hour (max 15) 2 hours @SCP1 (currently £19.00)
Call Out Rate	In line with overtime policy (capped at top of grade H)	Plain time plus 20% on actual time spent on callout
Status	Non-contractual	Where services require standby to be undertaken this will be a contractual requirement. There is a process for staff to request to opt out in exceptional circumstances.

Unsocial Hours

18. The main changes to original proposals made as a result of the working group discussions were:
- The policy maintains unsocial hours for Sundays and Bank Holidays.
 - A 20% plussage will be applied to any hours worked during unsocial hours periods
 - A 33% plussage will apply to staff who work all of their hours during unsocial periods (e.g. waking nights staff)
19. The proposed changes to the policy are outlined below:

Options	Current	Proposed policy
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Unsocial Hours	Monday – Saturday: 8pm to 6 am Sunday: All day Bank Holiday: All day	Monday – Saturday: 10pm to 6am Sunday and Bank Holiday: All day
Rate	10% / 20% on full remuneration	20% on hourly rate for all unsocial hours worked
Night Worker (full shift falls within unsocial hours)	33% on full remuneration	33% on hourly rate for all unsocial hours worked (i.e. all hours)

Pay protection

20. Through negotiations with the recognised unions significant concerns were raised regarding the impact of any changes on the take-home pay of existing staff who currently have an unsocial hour plussage applied to their base salary.
21. Through the ACAS facilitated meeting with GMB, and in the working group discussions, the Unions made it clear that no agreement could be reached on policy changes unless the council provided mitigations to protect impacted staff.
22. Therefore, as part of the negotiations the council has proposed a 4 year unsocial hours pay protection arrangement to mitigate the impact on the take home pay of staff who, in their current role, receive unsocial hours plussages under the current policy. In addition the council is undertaking pay benchmarking to assess whether the proposed changes indicate that a market supplement will be required to recruit and retain staff in impacted roles.
23. The proposed pay protection arrangement is outside of the council’s normal pay policy and therefore needs to be approved by Staffing Policy Committee as a separate, exceptional arrangement.
24. Under the proposed arrangement an initial pay protection amount will be calculated for all eligible staff, based on the difference between their current take home pay including the unsocial hours plussage, and the anticipated unsocial hours pay they will receive when the new unsocial hours policy is applied.
25. A review of the pay protection amount will take place after 6 months, with a new calculation being undertaken based on actual claims received and a revised pay protection amount being confirmed.
26. Further reviews will take place every 6 months thereafter to ensure that the pay protection arrangements are closely linked to the policy change, thereby

mitigating any risk of equal pay claims being raised by new staff to whom the arrangements do not apply.

27. A copy of the proposed agreement outlining full details of the unsocial hours pay protection arrangements, which will be signed by the Council and recognised Trade Unions as part of the implementation of the changes to the unsocial hours policy, is attached as Appendix C – Unsocial Hours Pay Protection Arrangement Agreement.

Recommendations

28. That Staffing Policy Committee approve for the council to confirm the offer of an exceptional unsocial hours pay protection arrangement (as outlined at Appendix C), should the unions agree to the policy changes outlined in this report.
29. That Staffing Policy Committee note the draft policies attached at Appendix A and Appendix B, together with the minor change outlined to the overtime policy at paragraph 14 above.
30. That Staffing Policy Committee delegate authority to the Chair of the Committee and the Assistant Director HR&OD to approve changes to these policies, should they be agreed through the Trade Union ballot currently in progress.

Tamsin Kielb
Assistant Director – HR&OD

Report Author: Paula Marsh, Senior Strategic Business Partner, HR&OD

Appendices:

- Appendix A – Draft Standby and Callout policy
- Appendix B – Draft Unsocial hours policy
- Appendix C – Unsocial hours pay protection arrangement agreement

The following unpublished documents have been relied on in the preparation of this report: None

STAFFING POLICY COMMITTEE

29 September 2022

Appendix A

Draft Standby and Call-Out Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

Wiltshire Council needs to provide certain services outside of core operating hours. Standby and call-out duties are a requirement of specified posts to enable the council to provide these essential services.

This policy outlines the principles, definitions, and payments made by Wiltshire Council relating to standby and call-out. Standby and call-out duties are a contractual requirement for employees in those services which operate under this policy.

Scope and general principles

What is standby?

1. Standby is defined as being available and ready to work, if required, over a defined period of time outside of core hours.
2. For identified posts, standby is a contractual requirement and arrangements will be managed by a rota in the relevant team or service area.
3. Employees receive payments for undertaking standby.

What is call-out?

4. Call-out is defined as work that is not planned, but arises as a result of a requirement to respond whilst on standby.
5. Call-out applies when an employee is called out to work as part of a standby arrangement. This work may be undertaken remotely, i.e., over the phone or virtually, or by attending a Wiltshire Council or other site to resolve the issue.
6. Employees receive payments for call-out work undertaken as part of a standby arrangement.

Who does it apply to?

7. This policy applies to Wiltshire Council employees on NJC and Soulbury terms and conditions who are contractually required to participate in a standby rota, unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. This policy does not apply to HAY graded employees, centrally employed teachers, or those employed in maintained schools or academies.
8. Where a role requires the employee to carry out standby and call-out duties, this will be a contractual requirement and they will be contractually obliged to fulfil this commitment. The requirement to carry out standby and call-out duties will be confirmed with the employee at the recruitment stage and will be detailed in their contract of employment, or they will be consulted at the start of any standby and call-out arrangements being implemented within their team or service. The requirement to carry out standby and call-out duties will also be detailed in the role description for the post.
9. Employees may apply to be exempt from standby, and 'opt out' of this duty. Further information is provided in the Opting out section below.

When does it not apply?

10. Standby does not apply when employees are undertaking pre-planned work which should be part of the service's core hours.
11. If an employee is called out to work as a one-off or an emergency, and this is not part of a standby rota, this should be claimed as time off in lieu ([TOIL](#)) where possible. Where this is not possible the [overtime](#) will apply.

What are the main points of the policy and procedure?

Standby allowance rate

12. Where an employee has agreed to remain at home in order to be available for call-out outside of core hours, there are two session lengths – up to 8 hours, and over 8 hours up to a maximum of 15 hours per session. Consecutive standby sessions should be claimed in banks of 12 hours.
13. The payment will be enhanced according to when the session is undertaken and the total length of each session. The allowance is paid regardless of whether or not the employee undertakes a call-out.

Monday to Friday

14. When standby starts on a weekday, the allowance payable per standby session for sessions up to 8 hours will be one hour's pay at spinal column

point 1. The current pay rates can be found on [HR Direct](#): 'Wiltshire Grade B-O Pay Scales'.

15. For each session which exceeds 8 hours, up to a maximum of 15 hours, the allowance payable will be one hour's pay at spinal column point 1 paid at time and a third.

Saturdays, Sundays and Bank Holidays

16. When standby starts on a Saturday, Sunday, or Bank Holiday, the allowance payable per standby session for sessions up to 8 hours will be one hour's pay at spinal column point 1 paid at time and a third.
17. For each session which exceeds 8 hours, up to a maximum of 15 hours, the allowance payable will be one hour's pay at spinal column point 1 paid at double time.

Call-Out allowance rate

18. If an employee is called out to work whilst on standby, they will be paid a call-out rate of plain time plus 20%. This means that the employee will be paid their hourly rate enhanced by 20%. This calculation applies regardless of when the call-out is undertaken.
19. Employees will be paid for actual time worked. There is no minimum call-out time for a claim.
20. Employees will not receive an additional 'unsocial hours' payment if they are called out to work whilst on standby during unsocial hours.
21. If an employee is required to leave their home to attend a call-out then their mileage will be reimbursed, and will be taxable and NIable at source. The employee does not need to deduct their normal home to work commute.
22. Standby and call-out allowances are pensionable under the LGPS, and they will form part of an employee's pension contributions if they are enrolled in this scheme.
23. The standby and call-out allowance rates will increase in line with the annual NJC pay award.
24. It is recommended that employees should not undertake standby duty more frequently than one week in four, however employees may be required to be on standby more frequently as operational circumstances require.

Receiving standby allowance during absences

25. If an employee is absent or on leave due to sickness or maternity leave, standby will form part of the calculation undertaken when employees are paid under these policies.
26. Call-out is paid only when an employee is called out to work whilst on standby, so will not be paid during absences.

Holiday entitlement accrued on standby and call-out

27. Holiday entitlement accrued on any standby and call-out will be paid in the form of a plussage.

Claiming allowances

28. To claim a standby allowance and any call-out carried out/undertaken, the employee must submit a form monthly in arrears outlining the date of any standby sessions completed and any call-out hours during these sessions.
29. The employee's line manager is responsible for reviewing and authorising that the forms are accurate prior to submission to Payroll.

Removal of standby and call-out working arrangements

30. Where a change is made to a service operating model which impacts the requirement to participate on a standby rota, employees will be consulted, as this would constitute a change in contract. Managers must contact their HR Business Partner in the first instance, to ensure that such changes are undertaken through the proper consultation approach and are appropriately documented.

Opting out

31. Services will determine the number of employees required to be on standby rotas, and may not require all employees within the service to be on rotas, although it will remain in their contracts and they can be required to do this if operationally needed.
32. In exceptional circumstances, employees may request to opt out of the requirement to participate in contractual standby and call-out duty arrangements. A request may be granted if it is made due to reasons of significant extenuating circumstances, such as related to a [protected characteristic](#) as detailed in the Equality Act, or caring responsibilities making participation in the rota unfeasible. Each request to opt out of contractual standby and call-out will be considered on the basis of feasibility and operational merits, alongside the reasons for the request.
33. Permission to opt out will be granted at line manager's discretion, after seeking advice from HR Advisory. The employee's manager will consider the request carefully, weighing the benefits for the employee against any adverse business impact.

34. If an employee wishes to request to opt out of standby and call-out obligations, they must notify their line manager immediately and complete a request to opt out form. The employee must specify whether they wish to request to opt out indefinitely or as a temporary arrangement.
35. The employee's line manager will give due consideration to the request and either agree to the request, decline it, or arrange a meeting with the employee to discuss further as soon as is practicable. It is recommended that the manager consults HR Advisory. The manager should respond using the opt out request outcome form. During this consideration period, managers are expected to work with employees to accommodate their request to not participate in a standby rota in the meantime.
36. If the request to opt out is approved, this constitutes a change to the employee's terms and conditions of employment. The line manager therefore must contact the Recruitment team to ensure that a change to contract letter is issued to the employee.
37. If the request to opt out is approved, the case may be reviewed at a later date for operational reasons, i.e., if it arises that the service does not have sufficient employees to cover a standby rota and there is thus an impact on service delivery or the employees circumstances change. Where this applies, the line manager would discuss the situation with the employee(s).
38. If the request to opt out is declined, the line manager's decision can be appealed in line with the council's [One Appeal policy](#). To make an appeal, the employee will need to do so in writing using the [appeal form](#) within 10 working days of receiving a written outcome or decision made on their request to opt out form. During this period, managers are expected to work with employees to accommodate their request to not participate in a standby rota in the meantime.

Working time regulations and health and safety considerations

39. If an employee's ability to manage their time during a standby period is impacted objectively and significantly, for example, if an employee is called out frequently, or required to attend the workplace urgently, then this should be counted as working time under the Working Time Directive. Being on standby and participating in a standby arrangement but not being called out to work does not count as working time.
40. Under working time regulations, managers are required to ensure that employees do not work more than 48 hours per week averaged over a 17 week period. This includes out-of-hours working, such as call-out.
41. If there is a call-out or multiple call-outs that mean that an employee is unable to have at least 11 hours' uninterrupted rest between finishing work and starting work again, or they are unable to take an unpaid uninterrupted break of at least 20 minutes during a period of work lasting 6 hours, then the line manager must

take steps to compensate for missed rest breaks. They may do this by ensuring the break is taken later, or taken in a different way.

42. Further information regarding working hours can be found on [HR Direct](#).

Further advice

For further information please speak to your supervisor, manager, service director or [contact an HR case advisor](#).

If you require help in understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your Head of Service who will nominate an appropriate manager or colleague to help you.

STAFFING POLICY COMMITTEE

29 September 2022

Appendix B

Draft Unsocial Hours Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy and procedure covers the management of working during hours defined as 'unsocial'.

Scope and general principles

What are unsocial hours?

1. Wiltshire Council needs to provide certain services outside of 'standard' working hours. Some employees may be contractually required to work 'unsocial' hours to enable the council to provide essential services.
2. Unsocial hours are defined as hours between 10pm and 6am Monday to Saturday, and all hours on Sundays or Bank Holidays.
3. Where employees have a regular, planned pattern of work which operationally requires them to work during the hours defined as unsocial, they will receive an unsocial hours allowance that is in addition to normal pay. Employees will only be paid this allowance for actual time worked during unsocial hours.

Who does it apply to?

4. This policy applies to Wiltshire Council employees on NJC and Soulbury terms and conditions who are contractually required to work during unsocial hours, unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. This policy does not apply to HAY graded employees or those employed in maintained schools or academies.
5. Where a role requires the employee to work during unsocial hours, this will be a contractual requirement and they will be contractually obliged to fulfil this

commitment. The requirement to work during unsocial hours will be confirmed to the employee as part of the recruitment process and will be detailed in their contract of employment, or they will be consulted at the start of any unsocial hours working arrangements are implemented within their team or service. The requirement to work during unsocial hours will also be detailed in the role description for the post.

When does it not apply?

6. This policy does not apply to employees who work flexibly and work during unsocial hours where this is not an operational requirement.
7. Unsocial hours payments also do not apply where employees are not contractually required to work during unsocial hours but undertake non-contractual overtime which falls within unsocial hours. The council's [overtime policy](#) applies in this case as it is not a regular pattern of work.
8. This policy does not apply to employees who do standby and are called out to work during unsocial hours.

What are the main points of the policy and procedure?

9. Where an employee is operationally and contractually required to work during hours defined as unsocial, they will be paid an additional 20% on their hourly rate for all actual time worked during unsocial hours.
10. Any hours worked during unsocial hours are worked as directed by, and in agreement with, their line manager, according to the role performed.
11. Employees who are contracted as night workers, who undertake all their contracted hours within the unsocial periods, receive a 33% allowance on their basic salary and do not receive an unsocial hours payment.
12. Unsocial hours allowances are pensionable under the LGPS, and will form part of the employee's pension contributions if they are enrolled in this scheme.

Receiving unsocial hours allowance during absences

13. If an employee is absent on extended leave due to long-term sickness or maternity leave, unsocial hours will form part of the calculation undertaken when employees are paid under these policies.

Holiday entitlement accrued on unsocial hours

14. Holiday entitlement accrued on any unsocial hours will be paid in the form of a plussage on the hours worked.

Claiming allowances

15. To claim unsocial hours allowances, employees must submit a form monthly in arrears outlining the date and hours worked during unsocial periods.
16. The employee's line manager is responsible for reviewing and authorising that the forms are accurate prior to submission to Payroll.
17. Employees who undertake all their contracted hours within the unsocial periods do not need to submit a claim form, as they will receive their 33% allowance on their basic salary.

Removal of unsocial hours working arrangements

18. Where a change is made to a service operating model which impacts the requirement to work unsocial hours, employees will be consulted, as this would constitute a change in contract. Managers must contact their HR Business Partner in the first instance, to ensure that such changes are undertaken through the proper consultation approach and are appropriately documented.

Sleeping-in allowance

19. Employees required to sleep-in on council premises will receive a [sleeping-in allowance](#). This allowance covers the requirement to sleep-in and up to 30 minutes call out per night, after which the employee will be paid their normal hourly rate for additional hours worked.
20. This rate will increase in line with the annual NJC pay award.

Working time regulations and health and safety considerations

21. Under working time regulations, managers are required to ensure that employees do not work more than 48 hours per week averaged over a 17 week period. This includes out-of-hours working arrangements.
22. Employees working during unsocial hours have the same rights to rest breaks. This includes the right to take an unpaid uninterrupted break of at least 20 minutes if they work more than 6 hours. Employees also have the right to at least 11 hours' uninterrupted rest between finishing work and starting work the next day, as well as either 24 hours of rest in a 7-day period or 48 hours of rest in a 14-hour period.
23. If there is a situation at work that means that these rest break provisions are not possible, the line manager must take steps to make up for missed rest breaks, by ensuring the break is taken later, or taken in a different way.
24. Further information regarding working hours can be found on [HR Direct](#).

Further advice

For further information please speak to your supervisor, manager, service director or [contact an HR case advisor](#).

If you require help in understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your Head of Service who will nominate an appropriate manager or colleague to help you.

STAFFING POLICY COMMITTEE

29 September 2022

Appendix C**Unsocial Hours Pay Protection Arrangement Agreement**

This document outlines the unsocial hours pay protection arrangements which will be implemented if the recognised Trade Unions agree to the implementation of the changes to the unsocial hours policy.

Pay protection will be implemented for existing staff impacted by the implementation of the changes to the unsocial hours policy. The payments will be tailored to each individual's specific circumstances, correlated with the unsocial hours that the individual works and what the change in policy will mean for them.

What is the aim of pay protection?	Unsocial hours pay protection arrangements will ensure that the implementation of the new unsocial hours policy does not immediately reduce the take home pay of staff who, in their current role, receive unsocial hours plussages under the current policy.
How long will unsocial hours pay protection arrangements apply?	4 years from the date of the implementation of the amended policy (DATE TO BE ADDED).
Who will receive pay protection?	Staff who are on fixed term or permanent contracts who currently receive a percentage plussage applied to their base salary for unsocial hours. This includes staff who are seconded or acting into a role which receives an unsocial hours plussage.
Who will not receive pay protection?	Staff who start with Wiltshire Council after the start of the union ballot (DATE TO BE ADDED). Workers on casual contracts. Staff on zero hours variable hours contracts.
How will the pay protection amount be calculated?	Initially we will calculate for each member of staff who is eligible for pay protection: A – current pay Base pay + Market supplement + Unsocial hours plussage received under current policy

	<p>B – expected future pay under new policy Base pay + market supplement + expected unsocial hours pay under new policy (based on rotas / shift patterns confirmed by your line manager)</p> <p>If expected future pay (B) is lower than current pay (A) then the employee will receive an unsocial hours pay protection amount for the difference between the two amounts.</p> <p>The calculation will be shared with the employee for review. They should raise any queries with their line manager.</p>
<p>How will pay protection amounts be reviewed?</p>	<p>A full review will be carried out 6 months after the policy implementation and every 6 months after that for all those receiving unsocial hours pay protection.</p> <p>These calculations will be based on:</p> <p>Calculation A (under old policy) What you would have been eligible to receive under the previous policy – using current base pay reflecting any pay awards and increments.</p> <p>Calculation B (under new policy) Base pay + any market supplement payment being received + average unsocial claim amount made by the employee over the previous 6 month reference period.</p> <p>If B is lower than A the difference will be the new monthly payment amount to be paid for next 6 months.</p> <p>Further reviews will take place every 6 months.</p> <p>Confirmation will be sent to employees if there is any change to the amount they are receiving.</p> <p>An immediate individual review will be undertaken where an employee receiving unsocial hours pay protection reduces their working hours.</p>
<p>Under what circumstances will pay protection end?</p>	<p>Unsocial hours pay protection arrangements would end immediately:</p>

	<ul style="list-style-type: none"> - If the employee leaves the council. - If the employee leaves the contracted position to which the protection applies (e.g. through being appointed to new post, end of acting up / secondment arrangements, redeployment into a different post through a consultation process (e.g. service redesign / ill health). - If an employee takes on an acting up or secondment role. (If they return to their substantive post on which they were receiving unsocial pay protection this will resume). - A change to service operating model which means that unsocial hours are no longer required to be worked or that criteria for the previous unsocial hours policy would no longer have been met.
Will the pay award apply to protection amount?	Yes – back payments will be applied to all salary elements in the usual way.
Are protection amounts subject to tax, NI and pension?	Yes.

Signed by Wiltshire Council and the recognised Unions

The terms of this arrangement have been agreed and entered into on the date signed by all parties, when it shall be treated as an open document evidencing a binding agreement.

Signed by Terence Herbert, Chief Executive of Wiltshire Council

Signature.....

Name.....

Date.....

Signed by (GMB's signatory title) for GMB

Signature.....

Name.....

Date.....

Signed by (Unite's signatory title) for Unite the Union

Signature.....

Name.....

Date.....

Signed by (UNISON's signatory title) for Unison

Signature.....

Name.....

Date.....

WILTSHIRE COUNCIL

STAFFING POLICY COMMITTEE

29th September 2022

Vehicle Telematics and Handheld Devices Guidance for Staff

Purpose

1. To verbally update on the changes to the current CCTV and Vehicle Tracking policy.
2. To present to the Staffing Policy Committee, for information, the stand-alone guidance document for staff, outlining the purpose and use of Vehicle Telematics and Handheld Devices, which replaces the vehicle tracking section of the current policy.
3. For information, the updated CCTV policy is attached. This is the current version previously incorporated in the CCTV and Vehicle Tracking Policy.

Background

4. The current CCTV and Vehicle Tracking Policy was agreed in 2015.
5. The council's emerging Fleet Strategy 2022-2030 and associated priorities and actions require a review of some existing policies and practices. Part of the Strategy – Intelligent Fleet Strategy (FS5) commits to '*employing technology on council-owned vehicles to locate and monitor the effectiveness of the fleet resources. All vehicles will be equipped with Telematics/GPS tracker solutions. The data generated will permit continual development of optimum fleet solutions, maximise the effectiveness of daily service, minimise abnormal running costs, such as accident damage and increasing claims culture, and assist our operational staff to be confident in the fleet vehicles and that full and timeous support services are on-hand*'.
6. Discussions regarding this telematics roll-out have been ongoing for some time. Agreement has been undertaken at JCC with the recognised Trade Unions. The Guidance was taken to JCC on 11th August who supported its implementation.
7. Telematics is standard fleet vehicle technology. The fleet strategy is a key project for the council. A contract has been awarded and installation is anticipated to begin late September 2022.
8. While other driving-related policies exist (Driving at Work policy and Drivers Handbook) and are being reviewed, the timing of the telematics project means that the associated information needed to be prioritised for an update, to ensure staff are fully informed about the purpose of the monitoring and how the information will be used.

9. As part of the review, Information Governance advised that the CCTV policy should be a separate policy to Telematics, to ensure that the issues are not confused, as these are distinct and separate technologies with specific purposes and use. They are better and more clearly explained through separate documents and this is also agreed best practice. The CCTV Policy is currently being updated

Main considerations

10. The Guidance is being shared with Staffing Policy Committee to ensure members are aware of the changes. There already exists a Driving at Work Policy and Drivers Handbook. There isn't a requirement for another separate policy, this is a guide that will be referenced in the Driver's Handbook. Although initially, staff using council vehicles will be made aware of the telematics guidance and roll out via Fleet department communications. Managers will also receive roll out communications.

11. The council aims for full transparency. We have taken the opportunity to assess practices and processes within Fleet to ensure they are relevant and robust. The Guide now provides staff with more information about Telematics, increasing awareness and understanding of purpose and use. Specific updates to note are summarised below:

- There have been some general format and presentation updates. This has resulted in a streamlined document making the content more succinct, clear and removing duplication. References (e.g. to data protection legislation, terminology) have also been updated.
- The revised title 'Vehicle Telematics and Handheld devices' removes the 'tracking' emphasis and potential for misunderstanding regarding the primary purpose of the technology, which is as a management tool to enable the council to manage its vehicles for the purposes of lessening their environmental impact, improving operational practices, compliance obligations, and service delivery in terms of cost, efficiency and effectiveness. This includes supporting education and promoting good driving behaviours.
- The list of data captured through the system is now more comprehensively detailed - staff are clear what is being recorded and how and for what purpose.
- Clarification on data monitoring and reporting –assurances that access is appropriately limited and authorised.
- Clarification on the driver experience – staff will know to expect feedback in real time.
- Noting that, where appropriate, managers should usually resolve concerns informally with staff in the first instance. Although we do also need to make staff aware that in some cases this could lead to disciplinary action.

Equalities impact of the proposal

12. This guidance was taken to an equality impact assessment panel on 25th August..

Financial Advice

13. N/A.

Risk Assessment

14. This update is important to support the Fleet Strategy objectives. Staff should be fully aware of the purpose and use of any such monitoring and its use. **Legal / Monitoring Officer Advice**

15. The Fleet strategy has been subject to all the usual legal considerations as part of its production and implementation.

16. This guidance has been updated with advice from Information Governance. The Telematics contract has been subject to advice from Information Governance.

Recommendation

17. That Staffing Policy Committee are updated of the implementation of the Vehicle Telematics and Handheld Devices Guidance for Staff.

Report Author: Frances Longmore, HR Consultant Strategic Projects & Policy

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Vehicle Telematics and Handheld Devices Guidance for Staff

This Guidance can be made available in other languages and formats such as large print and audio on [request](#).

For further information or queries please speak to your manager or supervisor in the first instance. Specific queries may need to be escalated to the Fleet team or Parking Services Team (for handheld devices).

Policies, procedures and information relating to driving at work can be found on the [Corporate driving at work page on the EPIC Hub](#). Information on driver correction training can be found in the [corporate driving at work policy](#).

Introduction

This Guidance explains the council's approach to the use of vehicle telematics and the Global Positioning (GPS) technology in council used handheld devices. It aims to increase awareness and understanding by explaining its purpose and how information is stored and can be used.

Scope and General Principles

1. This Guidance applies to all Wiltshire Council employees, including centrally employed teachers. Maintained schools and academies have their own policies.
2. All agency staff, contractors and volunteers must also be made aware of and familiarise themselves with this information, where appropriate. Whilst they are not an 'employee' they should be aware where telematics is used, and that information may be shared with their employer or passed to the police or other third party where there is a lawful reason or legal obligation to do so e.g., should a potential conduct or criminal matter arise.
3. Managers should ensure teams are aware where telematic devices are in operation – especially where the team does not have ready access to HR Direct. They should also positively encourage and support staff when utilising data as a management tool e.g. promoting good driving practices.
4. Managers should deal promptly with any issues which arise through the use of these technologies.
5. Employees who are authorised to access data should ensure it is only disclosed through the correct disclosure process.
6. Employees must not tamper with, remove or disengage any device. Such action may result in disciplinary action.

Vehicle Telematics

Use

7. The vast majority of council owned vehicles are fitted with telematic devices, including pool cars and vehicles across many services including, the waste team, parking services, highways, housing, the tanker service, and passenger transport (hire cars may sometimes have telematics installed and these will be council devices). These devices will be installed across the whole council fleet over time. Signage is displayed where these are fitted. The in-cab unit is a small black box with a keypad to allow drivers to log in with their unique driver identification number.
8. This technology captures:
 - Vehicle location and status;
 - Distance travelled;
 - Speed;
 - Routes taken;
 - Instances of hard breaking/cornering/acceleration;
 - Engine idling;
 - Fuel consumption;
 - CO2 emissions.

This list may be expanded or amended over time.

9. When new methods and/or use of information are introduced all affected staff will be informed, ensuring that they have information about the purpose of the monitoring and how the data will be used.

Purpose

10. Our vehicles are a major asset costing hundreds of thousands of pounds to maintain, insure and run.
11. Telematic devices are there primarily to enable the council to manage its vehicles for the purposes of lessening their environmental impact, improving operational practices and service delivery in terms of cost, efficiency and effectiveness.
12. Ways in which the data helps as a management tool include:
 - redesigning routes to ensure vehicles are fully utilised during the working day;
 - protecting the council against theft and fraudulent damage claims;
 - reporting on CO2 and financial savings;
 - identifying vehicle faults;
 - improving driver & vehicle security;
 - raising driver awareness.

13. In supporting these aims the technology helps improve driver behaviour and driver efficiency which will, for example, help reduce the level of fuel usage and lower carbon emissions. It can also help to prevent accidents.
14. The council expects staff to maintain the highest standards of behaviour while on council business, as detailed in the [Code of Conduct](#). As a performance and information tool, telematics devices can identify driver training needs and advise the driver on correct driving practices and behaviour, through the in-car audio systems. Drivers receive real time system feedback on their driving via audio and visual dashboard alerts. Therefore, data reports from the system will only show what has already been identified to the driver.
15. Where there are continued concerns and issues over an employee's driving habits, the employee can be requested to attend a driver corrective training course. In serious cases or where required improvements are not forthcoming, this may lead to disciplinary action under the council's procedure. However, it is expected that most issues should be resolved informally.

Collection and storage of data

16. The device is usually located on the vehicle dashboard and data is constantly recording during every journey. It is activated when the vehicle is switched on and deactivated when the ignition is switched off.
17. Data is pseudonymised, meaning it is captured by way of a unique, numerical driver ID code. While individuals are not routinely identified, they can be when it is justified to do so (e.g. where suspect activity/inactivity is identified, there is suspicion of criminal activity or driving data identifies concerns). System access is limited to authorised users within Fleet Services.
18. The council will hold and have the right to use the data collected for two years from the date of collection. It will also be kept and referred to for as long as is necessary if it is being used as evidence, for example, in a disciplinary case or police investigation.
19. Wiltshire Council processes personal data in regard to this technology in accordance with the General Data Protection Regulations (GDPR).

Monitoring and reporting

The Fleet team is responsible for data monitoring. Reports may be sent to managers outside of Fleet, subject to necessity and justifiable reasoning, e.g., if a combination of events resulted in a poor driver score, or if monitoring highlighted suspicious activity.

Evidence from Vehicle Devices

20. Vehicle data will be used for the purpose which monitoring is being carried out for, unless the data reveals activity which no employer could reasonably be expected to ignore. For example, if there is a reasonable belief that there are unusual patterns of activity/non-activity, the data may be used to investigate the reason for this.
21. It will identify where good practice and standards are being met. It will also be used to deal with concerns or issues relating to driving behaviours. Employees should be reassured that the intention is to raise awareness and support improvement of driving practices. As such it is expected that matters would usually be dealt with through informal discussions between line managers and employees initially, without recourse to the disciplinary procedure.
22. In disciplinary cases, data gained from telematics may be produced as evidence. This can include cases which are not linked to driving behaviours but where there is a legitimate and justified reason for its use e.g. suspected fraudulent mileage claims. Use of data will only be considered as evidence following manager consultation with the appropriate HR case adviser, in order to establish whether it is justified as an essential part of the process.
23. Where data reporting retrieval is required by others outside of Fleet, requests must be made via Fleet using the appropriate form [\[link\]](#).
24. Where there is evidence of criminal activity, data may be provided to the police or other enforcement agencies, if requested. Any such disclosure would be made by written application through normal Information Governance processes.

Handheld devices

25. There are some handheld devices, as used by civil enforcement officers for example, that record data about the users' location. However, their primary purpose will be business/task related, such as the issuing of penalty notices (PCNs) or providing information to deal with complaints/queries (e.g., challenges to PCNs). Access to recorded data is limited to supervisors and managers, and the Parking Appeals team, and the data is required to be held for 7 years.
26. Data may also be used as a management tool for operational efficiencies – such as effective patrol planning, locating missing devices and supporting employee health and safety.
27. Data will be used for the purpose it is being collected for, unless the data reveals activity which no employer could reasonably be expected to ignore. For example, if there is a reasonable belief that there are unusual

patterns of activity / non-activity or there is suspected falsifying of data, the data may be used to investigate the reason for this.

28. In disciplinary cases, data gained from telematics may be produced as evidence. Use of data will only be considered as evidence following manager consultation with the appropriate HR case adviser, in order to establish whether it is justified as an essential part of the process.

29. Where there is evidence of criminal activity, data may be provided to the police or other enforcement agencies, if requested. Any such disclosure would be made by written application through normal Information Governance processes.

Legislation

- UK GDPR, DPA 2018
- Human Rights Act 1998
- Regulation of Investigatory Powers Act (RIPA) 2000

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