

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.