

## 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:

<b>Date</b>	<b>Activity</b>
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:

	<b>Substantive Scheme</b>	<b>Proposed policy</b>
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
---------	---------	-----------------

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