

Agenda Item No 7(c)

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

3 March 2015

**Report of the Strategic Director of Corporate Resources
and Director of HR
(Council Services)**

Derbyshire Package – Standby/Sleep-In Provisions

1 Purpose of the Report

For Cabinet to consider minor adjustments to the Authority's current standby and sleep-in provisions.

2 Information and Analysis

Cabinet at its meeting on the 23rd December 2014 agreed changes to the Derbyshire Package, following successful negotiations with the recognised trade unions, these included adjustments to the standby arrangements for bank holidays and compensatory rest. However, the trade unions have made subsequent representations which are considered to have merit. The two main issues identified are:

- The existing standby payment (£24.77 as from 1st January 2015) incorporates the first half hour of work in any standby period. Additional payments based on the appropriate rate for the day / overtime are only made once the cumulative half hour period has been exceeded in any standby period.
- The standby payment is a single standard rate irrespective of the length of standby period covered and the rate of pay of the worker concerned.

The Council is seeking to vary the current provisions regarding the payment of standby and sleep-in duty in order to ensure the availability of staff to undertake essential services. Whilst staff are contracted to undertake standby and sleep-in duty, in a number of services, reliance is placed on volunteers as it is believed that volunteers, as willing participants, are more reliable. However, some services have noted a reduction in volunteers and have been made aware of a perception that some participants feel that

they are losing out for not being paid for the first half hour worked. The adjustments proposed are intended to increase the appeal of participation in standby and sleep in duty activities to strengthen the confidence and resilience the Authority has in providing these important services which include: emergency snow clearing, road accident / emergency response, out of hours winter maintenance, emergency craft response for building and engineering services, emergency tree surgery, emergency planning, out of hours IT system support and out of hours social work and mental health services.

An analysis of the additional hours recorded during the 2013 /14 financial year and the associated cost implications arising from payment of the first half hours work are shown at Appendix 1 to this report. The costs will be met from within existing budgets.

The trade unions have requested that consideration of the introduction of pro-rata standby arrangements be part of any review of the Derbyshire Package in 2015/16. Consequently, further consideration will be given to the potential options and implications related to introduction of alternative standby payment, for example a minimum payment and linked to the hourly rate of the workers concerned recognising that this is more complicated to project. The grades of current participants (Grades 4 to 14) and length of standby periods covered (4 to 16.5 hours) vary significantly across service areas.

The same half hour payment arrangement applies to those undertaking sleep in arrangements in residential settings to support vulnerable adults and children in care. It is therefore proposed in the interests of equity to include this in the payment to remain consistent with standby arrangements. The detail is set out in Appendix 2

The attached analysis at Appendix 1 and 2 highlights the impact of the proposed adjustment to standby and sleep-in arrangements.

It will not be possible to re-configure SAP to pay for the first half hour of standby or sleep-in related works prior to the SAP freeze (February to July 2015). If the proposed adjustment is agreed it will be necessary to identify a work around either within the SAP system or a separate paper based arrangement.

3 Financial Considerations

The additional costs of payment of the first half hour of work resulting from standby and sleep in duty are estimated at £45K and £33K per annum respectively and will be met from existing budgets.

4 Legal Considerations

The measures proposed in this report are appropriate and proportionate to ensure that the Council can meet its statutory obligations with regard to the provision of essential services. The contracts of employment will be varied by way of collective agreement with the trade unions.

5 Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality of opportunity, environmental, HR, human rights, health, transport and property considerations.

6 Background Papers

7 Key Decision

No

8 Call-In

It is required that call-in be waived in respect of the decisions proposed in the report.

No

9 Officers Recommendations

For Cabinet to consider:

- i) Adjustment of the standby and sleep-in payment provisions to include payment of the first half hour of work arising from standby duty with effect from 1st April 2015;
- ii) Note that there will be a full review of standby and sleep-in arrangements for consideration as a part of the 2015/16 Derbyshire Package review.

Judith Greenhalgh
Strategic Director of Corporate Resources

Toni Compai
Director of HR

Summary of Standby/Overtime Costs for 1 April 2013 to 31 March 2014										Appendix 1	
Employees claiming Overtime and Standby Allowance Payments											
Department	No of Instances of Standby Payments at £24.24	No of Instances of Standby Payments at £48.48	Cost of Standby Payments £	No of instances of overtime claimed	% claiming OT	No of o/t hrs recorded inc 1st ½ hr	Total No of o/t hrs paid	Time Worked less than ½ hr	Current overtime payment - hrs wkld exclud 1/2 hr	Overtime payment - Hrs wkld inc 1/2 hr	Additional cost not to deduct the 1/2 hr
Adult Care	1191	0	£28,869.84	90	7.56%	194.48	150.31	1.17	£2,555.86	£3,311.41	£755.55
Adult Care	184	0	£4,460.16	10	5.43%	18.25	13.25	0	£279.58	£385.08	£105.50
Children & Younger Adults	2098	388	£69,665.76	246	9.90%	504.64	382.89	5.75	£6,767.33	£8,873.06	£2,105.73
Children & Younger Adults	1621	324	£55,000.56	55	2.83%	198.82	171.67	1.65	£2,669.91	£3,036.00	£366.09
Corporate Resources	689	131	£23,052.24	194	23.66%	414.16	319.19	10.97	£4,087.83	£5,264.74	£1,176.91
Corporate Resources	6550	2014	£256,410.72	1628	19.01%	4352.93	3554.35	154.08	£38,576.70	£48,304.11	£9,727.41
Cultural & Community Services	2	0	£48.48	10	500.00%	21	16.16	1.84	£139.87	£186.68	£46.81
Cultural & Community Services	0	0	£0.00	9	0.00%	27.49	22.99	0.5	£208.74	£247.80	£39.06
Economy Transport and Environment	238	78	£9,550.56	100	31.65%	230.59	180.59	0.5	£2,098.37	£2,683.49	£585.12
Economy Transport and Environment	9856	2486	£359,430.72	4995	40.47%	15273.15	12780.58	23.07	£150,775.85	£180,004.89	£29,229.04
Health and Communities	297	77	£10,932.24	13	3.48%	21.33	14.83	0.5	£256.59	£372.34	£115.75
Health and Communities	305	66	£10,592.88	5	1.35%	34.92	32.42	0	£553.52	£599.85	£46.33
Overall Departmental Costs	23031	5564	£828,014.16	7355	25.72%	21291.76	17639.23	200.03	£208,970.15	£253,269.45	£44,299.30

Summary of Sleeping In Duty Allowances /Overtime Costs for 1 April 2013 to 31 March 2014

Appendix 2

Employees claiming Overtime and Sleeping In Duty Allowance Payments								
Department	No of Instances of Sleeping in Duty Payments at £24.24	Cost of Sleeping In Duty Payments £	No of instances of overtime claimed	% claiming OT	Total No of o/t hrs paid	Current overtime payment - hrs wkd exclud 1/2 hr	Proposed overtime payment - Hrs wkd inc 1/2 hr	Proposed additional cost not to deduct the 1/2 hr
Adult Care	5323	£129,029.52	51	0.96%	295.24	£5,155.75	£8,101.89	£2,946.14
Adult Care	1863	£45,159.12	7	0.38%	14.00	£227.44	£357.41	£129.97
Children & Younger Adults	4061	£98,438.64	374	9.21%	1930.84	£32,689.76	£51,369.62	£18,679.86
Children & Younger Adults	3185	£77,204.40	239	7.50%	1118.00	£18,916.83	£29,726.45	£10,809.62
Overall Departmental Costs	14432	£349,831.68	671	4.65%	3358.08	£56,989.78	£89,555.37	£32,565.59