

Report to: Appointments and Conditions of Service Committee

Subject: Amendment to Standby and Callout Policy

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Author: Service Manager; Organisational Development

1. Purpose of the report

To ask the Appointments and Conditions of Service Committee (ACSC) to authorise minor policy change within the Standby and Callout Policy to recognise changes in the definition of appropriate allowances that may apply to current posts.

2. Background

The Council's current Standby and Callout Policy was drafted some years ago and included definitions of allowances that applied to certain jobs. Over time functions of the Council have changed and developed as have job roles and responsibilities. The current policy is inflexible in that certain jobs are specified as having specific types of standby and callout payment made to them. The proposed revised policy shown at Appendix 1 allows the policy to be more flexibly applied to suit the business need both now and as it changes over time.

Consultation has taken place and the proposal has been considered at a meeting of the Joint Consultative and Safety Committee (JCSC) in January. The JCSC accepted the proposal with the following two minor recommended amendments:

- That the need for managers to adopt an understanding approach to employees who may have taken part in particularly demanding call-out duties and who are required to work the following day is emphasised in the policy. (Section 5.2)
- That the policy wording is clarified to indicate that that the rest periods to be applied following a call-out are the minimum that should normally be applied (Section 5.4).

These proposed changes are supported and have been reflected in the final draft of the proposed revised policy shown at Appendix 1.

It is likely that a more fundamental review of the current scheme will be conducted later in the year as part of the approved work programme of the Audit and Risk Management Service.

3. Financial Comments

The minor changes proposed in this report can be contained within existing budgets.

4. Recommendation

The Appointments and Conditions of Service Committee is **recommended** to approve the implementation of the revised Stand-by and Call-out Policy shown at Appendix 1.

STAND-BY AND CALL OUT POLICY

1. Objective

1.1 To establish consistent and fair arrangements for providing a stand-by and call out service across the Authority's services.

2. Aims

- To identify the services where out of normal hours cover is required
- To establish appropriate levels of remuneration for stand by and call out duties
- To establish principles for compensatory time off for covering out of hours duties

3. Stand-by Proposals

3.1 It is proposed that there are three types of out of hours service provision:

Stand-by – 'Duty Officer' responsibilities
Stand-by – Responsive
Emergency Call Out

The criteria for each and services covered are detailed below.

3.2 Stand-by – Duty Officer

3.2.1 To identify which services need out of hours cover; it is proposed that where the following criterion is met, a stand-by service is established.

There is a high and sustained demand for an out of hours response which may also include specified contractual demands for the service.

3.2.2 Where it is considered that there is no risk from not responding, or if a response can not be effective in any event, the service should not be covered by stand-by.

3.2.3 The nature of these services is that a professional or technical response is required. This will necessitate the 'duty officer' making decisions about the response to be given, they may need to contact other agencies and make an assessment about the risks involved and how they should be dealt with.

3.2.4 In considering the levels of usage of the stand-by service the services or functions that are included under this definition are:

Engineering and drainage functions
Operational duties in areas such as Waste Management and Parks and Street Care
Homelessness

This list of services and functions is for example only and may as need arises be reviewed and amended as determined by Senior Leadership Team which has power to make such changes.

3.2.5 A rota will be established for each of these functions, involving as many officers as possible to minimise the demands on any individual. For all of these functions there is already a rota in place with contractual obligations on the officers to participate, no change is proposed to this.

3.2.6 All of the functions will be accessed out of hours through the use of a mobile phone. This will be passed to the officer on stand-by duty as they take over. As a consequence of this it is no longer necessary to pay telephone rental allowances and these will be withdrawn.

3.2.7 Officers on the stand-by rota will be available from 5.15pm – 8.45 am Monday to Thursday and from 4.45pm Friday to 8.45 Monday. They will ensure that they are available to answer the mobile phone and are able to reach site within a reasonable time. They will ensure that the mobile phone is charged up, switched on and operational at all times.

3.2.8 Duty officers are encouraged to deal with any calls from home and to avoid attending on site where possible. However, where it is necessary they will be expected to attend, receipt of the stand-by allowance is recognition of this requirement and other than in extreme circumstances, the duty officer would be expected to deal with any call out themselves.

There are a number of health and safety issues associated with being on stand-by and attending call outs. These are covered in the health and safety manual and risk assessments should be carried out for the various activities involved.

3.3 Stand-by-Responsive

3.3.1 There are in addition to the functions listed above some others where because of risk to property or people there is a need for a formalised stand-by arrangement but the level of calls is not sufficiently high to justify a stand-by duty officer arrangement. The services or functions that are included under this definition are:

Civic Centre Security

This list of services and functions is for example only and may as need arises be reviewed and amended as determined by Senior Leadership Team which has power to make such changes.

These functions need to be able to respond wherever they are, this includes whilst they are on a call out. Therefore the employees on the rota will be provided with a mobile telephone to be accessible whilst they are on stand-by

3.3.2 This definition also covers other functions where there is no professional or technical decision making required, but there is a high level of calls and therefore a need for out of hours cover however, the decisions on how to respond are made by

others. In most of these situations the function is dealing with only one type of response requirement.

3.3.3 For most of these functions they would not be accessed through a mobile phone arrangement and individuals on the rota will need to have access to a phone at their home.

3.3.4 Officers on the stand-by rota will be available from 5.00pm – 8.30am Monday to Thursday and from 4.45pm Friday to 8.30am Monday. They will ensure that they are available to either answer their home phone or receive a message and are able to drive and reach site within a reasonable time

3.4 Emergency Call Out

3.4.1 There are some functions where there is a low level of call out in any year, however these emergency situations do occur but they do not meet the criteria for establishing a stand-by arrangement.

In such cases, an informal stand-by arrangement will be established. The services or functions that are included under this definition are.

Environmental Health

Building Control

Community Centre and Leisure Centre security

This list of services and functions is for example only and may as need arises be reviewed and amended as determined by Senior Leadership Team which has power to make such changes.

3.4.2 This arrangement will involve officers supplying their home telephone number which will be compiled into a list held by the appropriate Duty Officer. If an emergency call is received the Duty Officer will try and contact one of the officers on the list to attend. For the Leisure Centres and Community Centres, the details are already provided to the alarm companies who will contact individuals directly

3.4.3 Officers would not be required to be available at any time and it may be necessary to contact a number of officers in order to find someone available. However it is felt that with the low level of frequency of calls this is not a high risk.

3.4.4 Since these officers would not be on a formal stand-by it would not be appropriate to pay a regular stand-by allowance. However it is recognised that there will be disruption if they are called out and it is proposed that the payment for this is substantial reflecting both the disruption and good will in being available.

3.4.5 It is recognised that over extended holiday periods where there are several days when there is no office cover, eg Christmas the risk of not providing cover may be too great. In these circumstances arrangements will be made within the service for out of hours stand-by provision to be made, the payment for this will reflect the stand-by 'duty officer' arrangement (see below).

3.4.6 The services identified above have experienced the need for call out in the past but there may be other services not identified which may experience occasional

call outs. Other employees will receive the same amount of recompense if they respond to an emergency. This includes those employees named in the emergency plan who may be called out.

4. Payments

4.1 A payment per week of stand-by duty for Duty Officers of £155.82 (2012/13) uprated from 1st April 2003 and each year thereafter by the annual pay award.

4.2 A payment per week of stand-by for responsive functions of £119.91(2012/13) uprated from 1st April 2003 and each year thereafter by the annual pay award.

4.3 The proposed payment per emergency call out is £59.92 (2012/13) uprated from 1st April 2003 and each year thereafter by the annual pay award.

4.4 All stand-by duty officer and stand-by responsive functions will be organised by a rota. The rota will be for full weeks at a time. If informal arrangements are made between employees to alter this rota, there will be no adjustments in the payments made. Individuals will need to organise any swapping of duty times between themselves. However, when individuals carry out part weeks on stand-by to cover for sickness absence, or as additional cover in difficult times, the relevant weekly payment will be split as follows to account for the differing lengths of time on stand-by:

	Daily Rate (Mon-Sun)	Xmas Day & New Years Day	Bank holidays (per day)
Stand-by Duty Officer	1/7 th of weekly amount	3/7 th of weekly amount	2/7 th of weekly amount
Stand-by Responsive	1/7 th of weekly amount	3/7 th of weekly amount	2/7 th of weekly amount

When those who are on the Duty Officer, Responsive Officer or emergency call out arrangements are called out, they will receive payments of a minimum of 2 hours pay at the appropriate premium rates for the time the call out starts. This will be based on the individual's substantive hourly rate. For any time worked in excess of two hours on a call out the actual hours worked will be reimbursed on the basis of the appropriate premium rates.

4.5 For any time worked above 2 hours the premium rates as above will be paid. For bank holidays where attendance is required, additional time off will be given as a minimum of half a day and for attendance of 4 hours or more a full day.

4.6 Any other services which require a stand-by arrangement for a short period of time eg Christmas when there is extended closed hours or if any particular situation arises will be compensated in accordance with the above schedule.

5. Compensatory Time Off

5.1 It is recognised that being on stand-by is disruptive and that although there is a payment to compensate for this, there can be difficulties if there has been a high level of calls during a period on stand-by. This is particularly acute if the calls are received during the night and disrupting the individual's sleep.

5.2 The employee and line manager should adopt a pragmatic approach to managing these situations. If the disruption has been significant it may be appropriate for the line manager to agree for some flexibility in working hours to allow the employee to recuperate. Where disruptions are less significant, the flexi-scheme may be used, where available, to allow a later start to the day. Where there is disagreement about what might constitute an appropriate break before work recommences, managers are encouraged to adopt a considered approach and to recognise that health and safety of employees and of others is paramount. Rather than legislate for all situations, both employee and line manager should adopt a reasonable approach to each individual circumstance. It is expected that both managers and employees will be flexible in this arrangement and that managers will be sympathetic to any request where there has been a significantly high demand on an individual and employees will make every effort to attend for work as normal.

5.3 There are some circumstances where a more formalised approach is needed and for those functions where driving is involved and drivers are restricted to tachograph hours it will be necessary to ensure that they have adequate breaks.

5.4 Where employees are required to attend site, normally the following minimum rest periods will be allowed subject to the flexibility described in paragraph 5.2.

a) Call out duration of six hours:-

Commencing before 8.00 p.m.	= No rest allowance
Commencing between 8.00 p.m. and 8.59 p.m.	= 4 hour rest period
Commencing from 9.00 p.m.	= 8 hour rest period

b) Call out duration of between 5 hours and 5 ³/₄ hours:-

Commencing before 10.00 p.m.	= No rest period
Commencing between 10 p.m. and 11.59 p.m.	= 4 hour rest period
Commencing after midnight	= 8 hour rest period

c) Call out duration between 4 ¹/₂ hours and 4 ³/₄ hours:-

Commencing before midnight	= No rest period
Commencing after midnight	= 4 hour rest period

d) Call out duration of less than 4 ¹/₂ hours = No rest period

In accordance with the old manual works 'Green Book' if the finishing time is less than one hour before normal working time then this hour should be added to the duration as worked.

6. Emergency Plan Provisions

6.1 There are a number of employees who would be required to respond in the event that the Emergency Plan is activated. When they are contacted on the 'Amber Alert' to be on stand-by for a period of time, they will receive the appropriate day or week-end rate for responsive stand-by. If they are actually called out they will receive the basic emergency call out payment and then be paid for the hours worked at the appropriate rate in relation to the work carried out, this may not be the same as the individual's substantive hourly rate.

7. Contact Arrangements

7.1 Normally contact with officers involved with these arrangements will be by telephone; this may either be landline or mobile as appropriate. Where other communication channels are more relevant or appropriate, they will be used.

7.2 Telephone rental costs to employees will not be met by the Council.