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To: Personnel Committee

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Subject: Weekend and Out of Hours Working

Classification: **Unrestricted**

SUMMARY: This paper outlines the proposed changes to payment for Weekend and Out of Hours Working and seeks Personnel Committee comment and approval.

1. INTRODUCTION

Kent County Council has reviewed its current provisions for Weekend and Out of Hours Working payments to address issues of inequity and potential liability. The arrangements for paying enhancements for weekend and out of hours working do not recognise modern work practices and is applied inconsistently as a result. A justification based approach is proposed making payments only where there is demonstrable service needs.

2. BACKGROUND

2.1 There are a number of reasons why KCC needs to consider a new approach to weekend and out of hours working arrangements. These include:-

- a) **Reflect modern work practice across the authority.** Some rates are established by way of local agreement or arrangement. These have arisen in part due to the fact that the Ts & Cs do not accommodate the current ways, times and expectations around service delivery which have arisen outside of the conventional 9am -5pm Monday to Friday working week.
- b) **Consistent and fair treatment of all employees.** Ensure individuals and groups of staff are treated in a fair, equitable and consistent manner. This helps deliver a common way of working and a one employer approach.
- c) **Improved governance through introduction of simplified provisions with clear justification and approval process.**
- d) **Managing risk to the authority in terms of equal pay challenge**
- e) **Managing the local and overall costs of additional payments.** This will be informed by the criteria and standards required to justify any payment.

- f) **There is a multitude of practices.** Some are formal agreements and some informal arrangements. These include enhancements based on percentages or lump sums, differential payments and inconsistent application of eligibility criteria. In order to deal with the variety of circumstances in a fair, robust, fair and legally compliant way then there is a need to go back to basics.

3. PROPOSAL

- 3.1 The default position is that no enhancement is made unless a payment can be justified for the reasons of service delivery or business continuity on a market intelligence basis.
- 3.2 Where work is done solely at the weekend or where weekend working is part of the 'normal' working week then no enhancement is paid.
- 3.3 KCC implements a standard rate of enhancement of Time plus one third when required.
- 3.4 If the standard rate is deemed not to be sufficient then Time plus one half or Double Time can be chosen, given appropriate justification such as a market analysis indicating the level of payment required.
- 3.5 Overtime would be paid on all hours above the normal 37 hour week but must be agreed in advance. Overtime would be applicable to all grades up to and including KR12. This is however subject to local business context and service delivery.
- 3.6 Individuals who work on public holidays should be given either an enhanced rate **or** time off in lieu, **but not both**. Time Off in Lieu will equate to the actual number of hours carried out by the employee on that day.

4. THE TRADE UNION POSITION

- 4.1 UNISON have expressed an expectation that the Blue Book provisions should be adhered to in all circumstances. They are concerned that some people will lose out significantly if no enhancement is paid in the future. Formal engagement with the TUs will continue subject to Personnel Committee agreement to the proposal.

5. TRANSITION ARRANGEMENTS

- 5.1 Following discussions at Directorate Management Team meetings, there is a clear preference that any changes should apply from a set date in the future.
- 5.2 Following endorsement, detailed plans will be established with the affected business units to plan the implementation.

6. COSTS IMPLICATIONS

- 6.1 If we are not paying any enhancement now, it is difficult to see why we would in the future so it is reasonable to assume no cost increase overall.
- 6.2 The real question around cost savings is where the organisation sets the bar before enhanced pay is justified. This makes actual cost savings difficult to predict but does require the organisations to discuss and decide what the

minimum level should be. At its simplest, the overall cost does not need to exceed the current level of expenditure but potentially offers savings. The expenditure for 2009/10 was approximately £6.3m and 2010/11 is approximately £6.0m respectively.

7. COMMUNICATION AND CONSULTATION

- 7.1 Consultation with Trade Unions and Staff will begin on a more widespread basis if this proposal is agreed by Personnel Committee.

8. RECOMMENDATIONS

- 8.1 Personnel Committee approve the new approach and payment principles outlined in the policy:-

- a) The default position is that no enhancement is made unless a payment can be justified for the reasons of service delivery or business continuity on a market intelligence basis.
- b) Time plus one third becomes the standard rate of enhancement when justified.
- c) Time and a half or double time can be paid given appropriate justification.
- d) Current bank holiday provisions of double time plus time of in lieu, ie triple time, is removed.
- e) In order to address operational discrepancies, overtime provisions are extended up to and including KR 12.
- f) In accordance with DMT discussions implementation should be from a set date.

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