

TRAFFORD COUNCIL

Report to: Employment Committee
Date: 8th September 2020
Report for: Employment Committee
Report of: Sara Saleh, Corporate Director of Strategy and Resources

Report Title

Additions to the unsocial allowances payments structure

Summary

The report is a proposal to introduce 2 new unsocial hours allowances at 1% and 2%. This is in response to the need for more flexibility in our unsocial hours allowances for those undertaking a lower level of commitment than the current offer allows for.

Recommendations

The recommendation is to implement an additional 2 unsocial hours allowances (1% and 2% payments) to support weekend working. Employment Committee are asked to note and agree the recommendations.

Contact person for access to background papers and further information:

Name: Angela Beadsworth

Extension: 1291

Relationship to Policy Framework/Corporate Priorities	This report aligns with the council's Corporate Priorities in respect to 'Thriving places'.
Financial	Maintains stability as at current position.
Legal Implications:	Compliant with legislation, including equal pay principles.
Equality/Diversity Implications	Not applicable
Sustainability Implications	Not applicable
Staffing/E-Government/Asset Management Implications	Not applicable
Risk Management Implications	Not applicable
Health & Wellbeing Implications	Not applicable
Health and Safety Implications	Not applicable

1.0 Background

- 1.1 Within Greater Manchester Mental Health (GMMH) there is a need for cover at weekends to undertake duties supporting patients in a red zone (ie high risk and deteriorating). The cover at weekends was initially undertaken by NHS staff only, however it was deemed fairer that since they work together with Trafford Council Social Workers and Support Workers, they should also cover some of the weekends over the year.
- 1.2 A consultation process was commenced with staff to change their working pattern in 2016. Through discussions with ACAS it was agreed in 2017 that they would be paid a payment via a COT 3 agreement for weekends and Bank Holidays. This amount related to 1% of basic pay for Social Workers and 2% for Support Workers, calculated as a one off compensation payment each year.
- 1.3 The annual compensation payments have continued but we need a permanent solution to replace this. In deciding the best option, we also have to consider the fact that this group of staff are working alongside colleagues employed by the NHS on different terms and conditions, to ensure there is some parity and it feels fair. This service provision needs to continue and so it is vital that we can agree payments that reflect the level of commitment. If not and staff are unwilling to cover weekends, it could pose a risk to the service.
- 1.4 An internal review of out of hours allowances was undertaken by HR last year and a report was taken to Employment Committee. Further to looking at our existing allowances framework, benchmarking and considering the future model of health and social care, it was concluded that it was too early to change our framework. This is because we would want to look to review our position on allowance payments in line with different working patterns that may emerge, however at that time, they hadn't yet changed too significantly.
- 1.5 Mental Health Social workers (band 8) were asked to work on a rota basis of no more than 4 extra weekends a year (8 days including bank holidays). They get time back to compensate for these days during the week so still only work their contracted annual hours. The recompense required is for working in unsocial hours. However the level of commitment falls outside of our current unsocial hours allowance policy criteria i.e. it does not meet the criteria for the lowest uplift of 3% of basic pay. This is why the COT3 was put in place for a payment of 1%.
- 1.6 There are also Support Workers (Band 3) who work on a similar basis to cover weekends, who also do not meet the minimum 3% uplift. However, they work more weekends - approximately 8 weekends (16 days including bank holidays). They received a 2% COT3 payment.
- 1.7 This report outlines the proposal to replace the COT3 agreement that has been in place since 2017 with a regular allowance payment.

2.0 Proposal

- 2.1 Our current unsocial hours premia typically vary depending on when the work is carried out, with work undertaken out of normal office working hours, on evenings, nights, weekends or bank holidays. The enhancements vary between a minimum of 3% and a

maximum of 20%, dependant on the level of commitment during unsocial hours (see appendix 1).

- 2.2 Work undertaken on a weekend forms part of contractual working hours, i.e. weekend work is not in addition to contractual hours. staff take a day in lieu during the week if they work at the weekend.
- 2.3 The NHS have a different approach to pay for work during unsocial hours where staff get a percentage uplift for the actual hours worked during the unsocial period. The percentage uplift varies dependant on grade and the unsocial period. It is higher for lower grades and working during more unsocial periods, for example higher on a bank holiday as compared with a Saturday.
- 2.4 Based on the NHS unsocial hours payments approach payments are higher, however as well as being mindful of partnership working with other organisations and pay comparisons, more importantly we need to ensure that their pay is fair internally within the Council.
- 2.5 Our current unsocial hours offer has the lowest percentage uplift as follows:
- Where **10%** of days shifts are worked at weekends or bank holidays a **3%** uplift is given.
- 2.6 The GMMH Social workers are working 8 days per annum at weekends which equates to about 3% of their annual hours and the Support Workers are working 16 days at weekends which is approximately for 6% of their annual hours. Therefore it is proposed that we add 1% and 2% to the current unsocial hours allowances provision in recognition of the need to pay a consistent allowance.
- 2.7 The proposed two new unsocial hours allowances at 1% and 2% are as follows:
- Where **3%** of day shifts are worked at weekends or bank holidays a **1%** uplift is given.
 - Where **6%** of days shifts are worked at weekends or bank holidays a **2%** uplift is given.
- 2.8 As per our current policy, these new allowances will be paid monthly and will only be paid to Council staff working on a rota that incorporates weekends and/or bank holidays. i.e. any staff working ad hoc at weekends/bank holidays will not be able to receive this allowance.
- 2.9 These new allowances will be in line with the pay they received under the COT3, however will mean moving from an annual payment to a monthly payment. The level of commitment will be recompensed fairly in line with the commitments of staff in other services.
- 2.10 Our Trade Union colleagues have been consulted on this proposal and are in agreement with the approach and have advised that they will be supportive when we start to talk to staff further.

3.0 Implementation

- 3.1 Presuming Employment Committee agree, the unsocial hours framework will be amended to incorporate the new percentage uplifts and this will be communicated.
- 3.2 HR will support the consultation process with the management of the service ensuring Trade Union colleagues are involved.
- 3.3 Once in place, the GMMH managers will need to produce robust rotas as part of the consultation, which once in place will be monitored for the relevant number of weekends and bank holidays carried out to ensure staff are working them in line with the level of commitment.

4.0 Recommendation

- 4.1 Employment Committee is recommended to note and agree the content of this report and the introduction of two new allowance based on service need.

Appendix 1

Rota pattern - allowances for working evening, weekend and/or nights

If you work unsocial hours on a rota basis then there are six levels of unsocial hours allowance payments. The criteria for each level are detailed in the table below.

Level	Criteria – Rota Pattern	% allowance on basic pay
1	a) 10 % of day shifts worked at weekends/bank holidays OR b) 100% day shifts worked includes an element of evening work (defined as working hours between 8pm and 10 pm)	3%
2	a) 10 % of day shifts worked at weekends/bank holidays AND 100% shifts worked includes an element of evening work (defined as working hours between 8pm and 10 pm) OR b) 20 % of day shifts worked weekends/bank holidays	6%
3	20 % of day shifts worked at weekends/bank holidays AND 100% day shifts worked includes an element of evening work (defined as working hours between 8pm and 10 pm)	9%
4	More than 20% hours worked ad hoc/flexibly including weekends and evenings and nights	10%
5	a) 50% shifts worked days, 50% shifts worked nights, including weekends and bank holidays OR b) Hours worked 100% at night, excluding weekends OR c) More than 50% of time at worked at weekends	14%
6	a) Hours worked 100% at night, including weekends OR b) Hours worked 100% across evenings, weekends and nights including at least 50% time at night	20%

Occasional working at evenings or weekends

If you occasionally work unsocial hours but you do not work them on a set rota pattern then:

For jobs up to and including spinal column point 28, overtime will be paid for unsocial hours worked

OR

For jobs above spinal column point 28 Time Off In Lieu (TOIL) will be given for unsocial hours worked.