



ADUR & WORTHING
C O U N C I L S

27 January 2021

| Joint Staff Committee | |
|------------------------------|--------------------------------|
| Date: | 4 February 2021 |
| Time: | 6.30 pm |
| Venue: | Remote Meeting via Zoom |

Committee Membership:

Adur District Council: Councillors; Brian Boggis (Chair), Kevin Boram and Lavinia O'Connor

Worthing Borough Council: Councillors; Karen Harman, Paul Baker and Carl Walker

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Minutes

To approve the minutes of the Joint Staff Committee meeting held on 17 November 2020, copies of which have been previously circulated.

3. Declarations of Interest

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

4. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Tuesday 2 February 2021.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

Questions should be submitted to Democratic Services - democratic.services@adur-worthing.gov.uk

5. Items Raised under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

6. HR Policies - Out of Hours Standby and Call Out Policy and Procedures Policy (Pages 1 - 36)

To consider the report by the Director for Digital Sustainability and Resources, attached as Item 6.

Part B - Not for Publication – Exempt Information Reports

No items.

Recording of this meeting

Recording of this meeting

Please note that this meeting is being live streamed and a recording of the meeting will be available to view on the Council's website. This meeting will be available to view on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

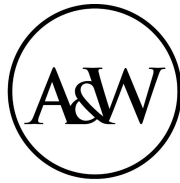
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The agenda and reports are available on the Councils website;
please visit www.adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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ADUR & WORTHING
C O U N C I L S

Joint Staff Committee
4th February 2021
Agenda Item 6

HR Policies - Out of Hours Standby and Call Out Policy and Procedures Policy

Report by the Director for Digital & Resources

Executive Summary

1. Purpose

- 1.1 The report seeks approval of the amendments to Adur & Worthing Councils Out of Hours - Standby and Call Out Policy
- 1.2 The purpose of the policy is to ensure that the Councils have the capacity to respond to situations, events and urgent issues outside of working hours and for the limitations that this imposes on employees.
- 1.3 The policy sets out the remuneration and expectations of those on an Out of Hours rota.
- 1.4 Whilst the Head of Human Resources (in consultation with the Chief Financial Officer and the Head of Legal Services, where relevant) has delegated authority to make minor and non-consequential amendments to this Policy at any time, the suggested amendments were deemed not to be minor or non-consequential.

2. Recommendation

- 2.1 The Joint Staff Committee is recommended to approve the revised Out of Hours - Standby and Call Out Policy with an implementation date of 4th February 2021.

3. Context

- 3.1 The purpose of the policy is to ensure that there is a fair and transparent approach to paying employees who carry out Out of Hours duties.
- 3.2 The policy applies to all employees of both Adur and Worthing Councils that carry out Out of Hours duties.
- 3.3 The policy was agreed by the Joint Staff Committee on 25th November 2019, however during consultation with Unison and the staff that carry out Out of Hours services in 2020, some amendments have been made to the policy; a list of these are available at Appendix 3.

4. Issues for consideration

- 4.1 The current level of risk due to the Councils not having formal arrangements in place to ensure that the required Out of Hours provision is covered.
- 4.2 The reputational and legislative risks of not having a formal Out of Hours provision and cover for the Adur and Worthing Communities.
- 4.3 Within the policy there are 3 levels of remuneration for the Standby element of the payment. These are determined by the level of accountability/decision making and whether the employee would be expected to attend on site or not.

5. Engagement and Communication

- 5.1 During consultation with the staff affected by the policy various questions were raised by the staff and the policy revised accordingly.
- 5.2 Following that period of consultation Unison agreed the recommended amendments to the policy 26th January 2021. Formal sign off at JONG on 3rd February 2021.
- 5.3 The revised policy has been shared and discussed with Heads of Service who have staff currently providing an Out of Hours Service.

6. Financial Implications

- 6.1 The policy proposes a rationalisation of the current arrangements and the cost will be met from within the existing budgets.

7. Legal Implications

- 7.1 Section 112 Local Government Act 1972 provides the Council with the power to appoint staff on the terms and conditions that they consider fit.

- 7.2 This Policy sets out the arrangements that will govern out of hours working. The Joint Staff Committee is the correct Committee to consider this Policy.

Background Papers

- Adur & Worthing Councils Out of Hours - Standby and Call Out Policy available at Appendix 1 - original version agreed on 25th November 2019
- Adur & Worthing Councils Out of Hours Out of Hours - Standby and Call Out Policy Equality Impact Assessment (EIA) available at Appendix 2
- Summary of recommended changes to the Adur & Worthing Councils Out of Hours - Standby and Call Out Policy available at Appendix 3
- Adur & Worthing Councils Out of Hours - Standby and Call Out Policy available at Appendix 4 - revised version for agreement

Officer Contact Details:-

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Sustainability & Risk Assessment

1. Economic

2.1 Matter considered and no issues identified.

2. Social

2.1 Social Value

2.1.1 Positive impact due to the formal and consistent approach recommended to the provision of Out of Hours services to the Adur and Worthing communities.

2.2 Equality Issues

2.2.1 The Equality Impact Assessment for this policy is attached as Appendix 2.

2.3 Community Safety Issues (Section 17)

2.3 Matter considered and no issues identified.

2.4 Human Rights Issues

2.4 Matter considered and no issues identified.

3. Environmental

3.1 Matter considered and no issues identified.

4. Governance

4.1 Positive impact due to the formal and consistent approach recommended to the provision of Out of Hours services to the Adur and Worthing communities.



ADUR & WORTHING COUNCILS

OUT OF HOURS STANDBY AND CALL OUT POLICY & PROCEDURES

**Version 1.5
October 2019**

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1. INTRODUCTION AND PURPOSE

1.1 It is essential that the Councils have a structured Standby and Call Out arrangement in place to deal with a diverse variety of issues that can arise outside of normal working hours.

This will enable the Councils to maintain services and respond to its statutory duties and responsibilities effectively and efficiently that due to their nature, cannot wait until the next working day.

Where opportunities arise for Standby or Call Out then these will be offered equally to all employees in a team/section subject to appropriate relevant experience.

1.2 The purpose of this policy and procedure is to ensure:

(a) The Councils have the capacity to respond to situations, events and urgent issues outside of working hours and for the limitations this imposes on staff.

(b) Appropriate staff are available to provide standby cover. This policy stipulates under what circumstances payments will be made and what the payments will be.

(c) To compensate individuals who are inconvenienced for being at their employer's disposal outside of working hours and for the limitations this imposes on them. This does not include 'out of hours' meetings eg. committee and councils meetings or working later than normal as the service may require.

(d) Rates of standby are standardised across the Councils in recognition of the principle that employees' own time outside of working hours is of equal value.

(e) Work-life balance and the needs of the service, working time arrangements should avoid:

- Short notice changes to rostered or expected patterns of work.
- Excessive hours in any particular week.
- Unnecessarily long roster periods.
- Staff appearing on more than one standby rota.

It is important that any issues arising from the practical application of this Policy are clarified by the relevant Head of Service as owners of this policy by amending the Policy with prior approval of the Head of Business Technical Services rather than leaving them open to interpretation by individual managers which could in turn, result in the policy being applied inconsistently.

2. SCOPE

2.1 The Standby Payment and Call Out Policy will apply to employees up to and including Heads of Service (where applicable). It does not apply to employees on Chief Officer Terms and Conditions. These procedures apply to the periods when an employee, either as part of their contract of employment, or, at the Councils' discretion, are on standby to be available to attend a place of work outside of normal working hours.

2.2 Payment for hours worked if 'called out' are in accordance with the overtime provisions.

2.3 It is an organisational decision as to which services require standby arrangements – the provision will therefore be removed if there is no longer a business need to provide out of hours cover or other arrangements are to be put in place, e.g. via third party.

3. DEFINITIONS

3.1 A standby period will cover hours outside of normal working hours. Standby can be categorised as follows:

3.1.1 Regular Standby

Arrangements for regular standby must be outlined at the point of recruitment and will be advised to the employee in writing setting out the terms and requirements of the standby provision and payment methods and outlined in the job description.

(a) This is to provide cover outside of normal working hours. It will only operate where there is a consistent and sustained requirement to provide services outside of normal working hours. Being on standby will therefore be an established feature and requirement of the role and a contractual requirement.

(b) In order to enable employees to make the necessary arrangements and to ensure that there is clarity of roles and responsibilities, the standby rota should be prepared as far as possible in advance. The contact numbers for the employees on the rota and the procedures for accessing tools, vehicles, entry into buildings etc. should be well established and known in advance.

(c) Employees on standby will be required to ensure that they are available to carry out the duties and tasks required and which necessitate the employee being on standby or called out. It may impact on an employee's social arrangements and necessitate an employee restricting their activities to those which will not compromise the requirement to respond quickly and effectively e.g. consumption of

alcohol. The needs of the service will determine the requirement for a regular standby system and as such the need may cease from time to time.

3.2 Emergency Standby

There may be requirements, at short notice, for employees to be available. For example, in response to severe weather conditions or to assist following a Civil Emergency or Business Continuity under the Civil Contingencies Act 2004, within the Borough/District being invoked.

The unpredictable nature of the incident may require a rota to be drawn up at short notice and it is important that contact numbers for everyone expected to be working are up to date and available.

3.3 Ad Hoc Standby

To provide cover at specific times, for example, in supporting events, functions or being available during Bank Holidays, it should be possible for rotas to be drawn up in advance and for discussions to have taken place to ensure that roles and responsibilities are known and understood.

4. STANDBY APPROVALS

| Type of Standby | Approval Required |
|------------------------|--------------------------|
| Regular | Head of Service |
| Emergency | Head of Service on Duty |
| Ad Hoc | Head of Service |

Regular and ad hoc arrangements must be approved, in writing/via email (copied to Payroll Section) in advance of the standby period or arrangement. Emergency standby should also be approved in advance, however if it was not possible at the time the approval should be given in writing/via email as soon as possible thereafter.

In order to receive standby payments they must be approved in advance and will not be paid without this approval.

5. STANDBY PAYMENTS

5.1 Payments will be made on a recurring basis (except Emergency Standby and Ad Hoc) based on a set weekly amount incorporated into monthly pay. Payment for Emergency Standby periods will be made after the standby period has taken place due to the nature of the call out. The amount of the standby payment will be notified

to the employee undertaking the Emergency Standby and will be based on the level of decision making set out below.

5.2 The payment model is aligned to a combination of (a) frequency of standby and (b) the level of accountability/decision making.

The criteria set out below ensures that the policy is applied consistently and fairly.

| Frequency & Decision making level | Level 1 £40 per week <i>Low level decision making / passing on request for service to appropriate provider</i> | Level 2 £60 per week <i>Lead coordination required but not required to attend on site OR Required to attend on site and make key decisions</i> | Level 3 £100 per week <i>Critical decision making needed more often than not, requiring attendance on site or coordinating resources off site</i> |
|--|--|--|---|
| Average of 10 weeks per year (ie. 1 in 5 or more rota) | £400 (£40 per week) | £600 (£60 per week) | £1,000 (£100 per week) |
| Annual cost (based on one person being on standby at any one time) | £2,080 | £3,120 | £5,200 |

Level 1 – Clear course of action or referral to another person/provider. No immediate decision making or advice required. Payable where it is demonstrated that the employee is called at least once a week outside of working hours. The work is of a nature that there would be a minimum impact on the employee's time, they could carry a work mobile telephone and answer the query without disrupting their home life. Payment would be made for any call out in accordance with current enhancement provisions if required to attend work place. See 6.2.

Level 2 – Required to resolve the issue/call and make judgements and decisions. Coordination of others/tasks – internal and external; may be required to attend on site. Some disruption to home-life caused by receiving telephone calls at home but the employee would not normally be expected to attend a place of work.

Level 3 – Critical decision making/coordination of agencies/services, likely requiring attendance on site; emergency response and management of the incident/emergency duty cover. Requires specific experience, knowledge; management of higher risk. The employee is regularly called out throughout the night

and at the weekend. This would have an impact on the employee's home-life i.e. they would not be able to travel too far from a place of work or home.

5.3 Those staff nominated to be Strategic Duty officers by the Councils' Leadership team will receive a standby payment.

5.4 Standby payments made under this procedure will be taken into account for the purposes of calculation of holiday allowance or purchased and are included for pensionable pay calculations.

5.5 Arrangements When Absent From Work

If you are contracted to be on Standby you will not receive the Standby payments when you are on leave, sickness, maternity, paternity, adoption, unpaid leave or strike action as you are not available to be on standby. Manager's see 8.2

Please note that the granting of annual leave whilst on the Standby rota will be subject to the normal operational needs and the appropriate manager's approval.

5.6 Annual Review - In January each year, the Head of Service responsible for the service in which the rota operates will be required to undertake a review of the operation of the Standby rota and report to the Head of Business and Technical Services to enable any change to be effective by April that year.

This review will need to:-

- a) assess the standby periods and duties performed in order to confirm the payment is within the correct category, ensuring it reflects genuine service needs; the expected standby has been worked and the payments remain relevant.
- b) consider any / all changes made to the number and grade of employees deployed on the rota and their continued relevance to the tasks and duties required to be performed.

The Head of Business & Technical Services is to ensure the 3 set levels of remuneration are current, where changes are recommended to change levels of remuneration, supporting information/budgets must be presented to the Change Board for approval or rejection and any changes to be advised to the Group Accountant.

5.7 Written Particulars of Employment – It must be stated that the employee will be required to participate in an out-of-hours service. It should also be stated that, "Every effort must be made to take annual leave at a time when you are not on standby duty. However, where this is not possible you will be required to swap standby duties with a colleague".

6. CALL OUT

6.1 The standby payment covers, for example, requirement to undertake telephone calls whilst on standby and having related discussions. However, in addition to the standby payment, compensation for call out will be made under the following circumstances:

- If, due to being on a standby duty rota, an employee is required to physically go on site or the place of work, or
- The employee has been called out on an ad hoc basis, for example, to respond to an alarm call or to assist with the Councils' Business Continuity plans or Emergency plan.
- The Strategic Duty Officers (GOLD) and the Incident Manager (in most cases this will be the Safety & Resilience Manager) will on most occasions be making critical decisions and co-ordinating resources off site and may not be physically called out. They rarely attend a scene to avoid becoming embroiled in operational matters. They need to take the holistic overview. Such employees will be entitled to a call out payment (or time off in lieu) at the appropriate rate of pay as set out below.

6.2 Payment for having to attend a place of work (or working from home or other location in the case of the Strategic Duty Officer (Gold) and Incident Managers will receive a minimum payment of 2 hours overtime at the appropriate rate of pay per hour:

- own rate of pay per hour for their own job.
- a group job hourly rate may be set so everyone completing the same job receives the same amount.

Employees will generally be called out to undertake their own job and will receive their own rate of pay for such work. If an employee is on a grade higher than the grade of the job to be undertaken, that employee will receive the group job hourly rate.

Where work continues beyond the initial 2 hour payment period, the employee will be paid for the number of hours worked at the appropriate rate.

6.3 Call Outs worked on a Bank and statutory Holidays will not attract any compensatory time off.

The criteria set out below ensures that the policy is applied consistently and fairly: Overtime payments will be paid as set out below:

- Monday to Saturday - Time and a half
- Sundays and Public and Extra Statutory holidays - Double time

6.4 Travelling time only for the purposes of standby / call out and for the purpose of calculating Overtime, travelling time should be included as hours worked.

6.5 Logging calls – Employees must record all calls on the digital log in the Google drive. For each incident, a new log will be created from the template available on the Google Drive and sent to all interested parties. For full instructions see google drive [4-1 Digital Log Sheet -Creating, Storing and Working On](#). Failure to record an action or submit a nil return can result in standby payment being withheld for not following procedure.

6.6 Job Descriptions – It must be stated in all appropriate job descriptions that it is a requirement of the job to carry out Standby Duties.

6.7 Person Specifications – It must be stated on all appropriate person specifications that the employee must be available to work out of hours in line with service requirements.

7 ADMINISTRATION

7.1 The Standby Claim form for Emergency Standby and Ad Hoc should be completed on a monthly basis by employees, passed to their manager for authorisation and forwarded to Payroll for payment by the monthly deadline advised by Payroll. The Manager who authorises the stand-by allowance and associated overtime must be an Authorised signatory. This will ensure that payment is only made to those employees who have carried out this service.

7.2 Managers are responsible for sending the completed forms to Payroll for employees who are on sick leave, holiday, maternity, paternity, compassionate, unpaid , adoption leave or strike action when they are scheduled for standby duty with the date payment to stop and, if known / applicable the date to restart. See 5.6

8. MANAGER RESPONSIBILITIES

8.1 It is the line manager's responsibility to ensure that standby rotas are covered by employees with the appropriate skills and knowledge and at the appropriate level, for example, it would not be appropriate for a senior manager to be on standby if the work required could be undertaken by a post that reports to the senior manager etc. It would also not be appropriate for an employee who is unlikely to have the knowledge or skills to deal with certain situations that may arise to be on a standby rota.

8.2 The line manager must ensure that:

- Standby rotas are prepared in advance of any standby period.
- One telephone number is listed in the out of hours contact directory to contact the staff member or contractor on standby.

- If a member of staff falls sick during a rota week they are on and can't complete the full week to advise payroll to pay the percentage they were on standby.
- Risk assessments for the duties are up-to-date.
- Lone working procedures set out by Corporate Safety are in place.
- Staff and contractors are aware of postal addresses relating to the Councils' customer of concern register.
- The necessary approval has been given by the appropriate Head of Service.
- Hours worked are in accordance with the Working Time Regulations, section 11 (other than in exceptional circumstances).
- Follow up on wellbeing and see that where necessary ongoing support is in place, for example Employee Assistance Programme, Mental Health First Aiders.
- Review and sign off the digital log on the Google drive of their service calls and action.
- Standby and call out will only operate where there is a consistent and sustained requirement to provide services outside of core hours.

9. EMPLOYEE RESPONSIBILITIES

9.0 Maintain a record of actions and decisions of any work carried out during a standby or call out on the digital log on the Google drive. See 6.5

9.1 Employees are on standby on the basis that they will be expected to deal with incidents that may arise within the scope of their job role and/or competency and therefore must not take medication (that could impact on their ability to respond to a call out) or consume alcohol whilst on a standby shift.

9.2 An employee is expected to be able to arrive within a reasonable time of being called out. This time will be agreed with the Head of Service according to the needs of each service. An employee may leave their home, but must still remain contactable and have transport available to enable a return to a place of work or location within a reasonable period.

9.3 An employee must contact their manager as soon as possible if they become ill or are unable to comply with their responsibilities during a period of standby. This will enable the manager to make alternative arrangements.

9.4 Personal arrangements should not ordinarily be made if this prevents an employee from undertaking their standby cover. However, it is accepted that there may be circumstances arise that cannot be changed. If this arises, the employee should request leave as soon as possible from their manager. Leave may not be approved unless and until suitable cover arrangements are made. An individual

should not therefore make any arrangements relating to annual leave prior to receiving approval of the leave dates requested.

9.5 If the Strategic Duty Officer (Gold) is not able to cover the rota due to illness or unexpected absence they must contact the Safety and Resilience Manager.

10. CLAIMING FOR MILEAGE

10.1 If mileage is incurred in travelling to a place of work following a call out, it should be claimed in accordance with the procedure for claiming travel or mileage. If, following a call out an employee returns directly home, they would be entitled to claim mileage for this journey. In circumstances where the call out occurs within 3 hours of normal starting time and as a result the employee remains at the place of work and enters normal working hours, there is no entitlement to claim mileage for the return journey home.

Note: If an Adur or Worthing Council vehicle has been used to get to and from a call out, there is no entitlement to claim mileage.

11. WORKING TIME REGULATIONS

11.1 The Working Time Regulations state that it is necessary for an employee to have an uninterrupted break of 11 hours between periods of work. Standby time is not 'working time' within the definition of Working Time Regulations. Only time for call-out (and travelling to and from the location) applies for this purpose. However, exceptions can be made for emergencies that may occur and emergency call-outs would fall into this category provided that the rest period could be taken at a later date (a weekend would count for this purpose).

11.2 It is important for managers who operate a call out system in their area to monitor and regularly review:

- The frequency and length of call-outs.
- The extent of planned and unplanned out of hours worked in order to ensure that no employee is being required to undertake additional work which may be detrimental to their health and wellbeing.
- Fairness in the application of the Standby and Callout Policy and Procedures.

11.3 If an employee is required to attend an emergency call out situation then the ability of the employee to attend for work on the following day must be assessed.

The employee's line manager should determine any appropriate time off in lieu to compensate for this. The out of hours time must be managed and not allowed to accumulate as this will impact on the working day provision.

The compensatory rest period may fall on a working or non-working day. If it falls on a non-working day, staff do not accrue any additional compensatory rest.

Compensatory rest must be taken at a time when rotas and the service allow, subject to the agreement of the line manager.

See table for recommended minimum compensatory rest periods :-

| After a period of callout, employee is home/complete: | Time the employee must be in work at the latest : |
|--|--|
| Before midnight | Normal start time next day |
| Between midnight and 3.00am | 3 hours after normal start time |
| Between 3.00am and normal start time | 5 hours after normal start time |

12. RISK ASSESSMENTS

12.1 In the case of employees called out to carry out their substantive duties it is expected that managers would already have risk assessments in place for such duties. Although some call outs may be of an unpredictable nature, for the majority of situations it should be possible for managers to already have identified potential risks and have up-to-date risk assessments in place ie. lone working. Employees must have access to the risk assessments and must have received appropriate training in connection with any potential risks.

12.2 Employees should be aware of any potential risks and hazards that could arise while dealing with a call out. For example, an employee being called out due to a leaking roof, although not expected to repair the roof could be at risk due to slips or falls due to wet floor surfaces, personal injury due to a ceiling collapse or electrocution from water damaged electrical appliances.

13. EQUIPMENT AND TOOLS

13.1 Managers and employees on standby must have the relevant equipment and tools available in the event of a call out.

14. FAILURE TO COMPLY WITH OR ABUSE OF THE STANDBY SYSTEM

14.1 Failure to comply with any of the principles within this policy may result in the claim for standby allowance or call out being disallowed and may result in disciplinary action.

15. POLICY IMPLEMENTATION & MONITORING

15.1 The Head of Business & Technical Services will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.

The Facilities Officer is to assist with the provision of an out of hours emergency service and call out arrangements for intruder alarms, fire alarms and access/security control systems within designated council properties.

15.2 Responsibility for the implementation, monitoring and development of this policy lies with each Head of Service. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to. The Head of Business & Technical Services owns this document.

Date policy agreed with Unison: 7th November 2019

Date agreed by Joint Staff Committee: 25th November 2019

Date policy formally adopted: 1st January 2020

Date for review: 3 years from formal adoption of policy: 1st January 2023

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ADUR & WORTHING
COUNCILS

Equality Impact Assessment – Out of Hours, Standby and Call Out Policy

Name of project/policy/strategy (hereafter referred to as “initiative”):

Out of Hours (OOH), Standby and Call Out Policy

Provide a brief summary (bullet points) of the aims of the initiative and main activities:

To create an Out of Hours Policy and agreed remuneration amounts to:

- ensure that the Councils’ are providing an efficient and economical OOH service
- ensure that staff are remunerated fairly and transparently
- to provide OOH services that are either a statutory requirement or could have reputation consequences for the Councils if they are not provided

Project Officer : Nick Sarjeant

Date : October 2019

Stage 1: ‘Screening’

This stage establishes whether a proposed initiative will have an impact on equality groups, (age, disability, gender, race, religion/belief, sexual orientation), or whether it is “equality neutral” (i.e. have no effect either positive or negative). So for example in the case of gender impact, consider whether men and women are affected differently.

Q.1. Who will benefit from this initiative? Is there likely to be a positive impact on specific equality groups (whether or not they are intended beneficiaries), and if so, how? Or is it clear at this stage that it will be equality “neutral”? i.e. will have no particular effect on any group.

The policy allows the organisation to manage the OOH provision in a fair and consistent way.

Currently there are inconsistent arrangements for OOH cover across the organisation with many people carrying out OOH responsibilities on the basis of goodwill and some receiving no remuneration at all.

The ultimate beneficiaries of the new policy are the residents of Adur & Worthing – as they will receive a more structured and formal OOH provision.

The policy will be applied consistently irrespective of any protected characteristic.

Q.2. Is there likely to be an adverse impact on one or more equality group as a result of this initiative? If so, who may be affected and why? Or is it clear at this stage that it will be equality “neutral”?

The policy will not have an adverse impact on any one or more equality group.

Q.3. Is the impact of the initiative - whether positive or negative - significant enough to warrant a more detailed assessment (Stage 2 - see guidance)? If not, will there be monitoring and review to assess the impact over a period of time? Briefly (bullet points) give reasons for your answer and any steps you are taking to address particular issues, including any consultation with staff or external groups/agencies.

It is not considered necessary to have a more detailed assessment. The policy is not considered to have a negative impact on any equality group. The policy will be reviewed in three years time and at this point, the equality impact assessment will also be reviewed.

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Appendix 3

Summary of the recommended changes to the Out of Hours and Standby Policy

| Where | What |
|---------------|--|
| Page 2 - 1.2 | The owner of the policy document has changed to Head of Human Resources |
| Page 3 - 2.2 | Removal of the words 'if called out' |
| Page 4 - 5.1 | Additional wording 'pro-rata per day for part weeks worked' |
| Page 6 - 5.3 | Additional point added : Standby worked on a Bank Holiday will be paid at double the relevant weekly standby rate pro rata for the day |
| Page 6 - 5.5 | Added the word 'pay' relative to holiday pay calculations |
| Page 6 - 5.6 | Change of wording |
| Page 6 - 5.7 | Added Human Resources team to ensure there is a review of the remuneration each year |
| Page 6 - 5.7 | Change of wording of process |
| Page 6 - 5.8 | Change of wording relative to booking of holiday outside of standby duty |
| Page 7 - 6.1 | Additional clause - If, due to being on a standby duty rota an employee is required to resolve a situation over the phone that is for 30 minutes or more. Alignment to payment for Gold minimum 30 minutes before claiming overtime |
| Page 7 - 6.2 | Remove of group job hourly rate |
| Page 7 - 6. 2 | Additional wording : overtime to be claimed after the first 30 minutes |
| Page 8 - 6.5 | Change of wording on how you record calls |

| | |
|----------------|--|
| Page 9 - 9.1 | Rewording of reference to medication |
| Page 9 - 9.4 | Rewording of personal arrangements impacting standby |
| Page 10 - 11.1 | Addition of wording, in most cases |
| Page 10 - 11.3 | Addition of wording, in most cases and changes to the titles in the table to Recommended start times |
| Page 11 - 15.1 | Change to responsibility to Head of Human Resources |



ADUR & WORTHING COUNCILS

OUT OF HOURS STANDBY AND CALL OUT POLICY & PROCEDURES

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1. INTRODUCTION AND PURPOSE

1.1 It is essential that the Councils have a structured Standby and Call Out arrangement in place to deal with a diverse variety of issues that can arise outside of normal working hours.

This will enable the Councils to maintain services and respond to its statutory duties and responsibilities effectively and efficiently that due to their nature, cannot wait until the next working day.

Where opportunities arise for Standby or Call Out then these will be offered equally to all employees in a team/section subject to appropriate relevant experience.

1.2 The purpose of this policy and procedure is to ensure:

(a) The Councils have the capacity to respond to situations, events and urgent issues outside of working hours and for the limitations this imposes on staff.

(b) Appropriate staff are available to provide standby cover. This policy stipulates under what circumstances payments will be made and what the payments will be.

(c) To compensate individuals who are inconvenienced for being at their employer's disposal outside of working hours and for the limitations this imposes on them. This does not include 'out of hours' meetings e.g. committee and councils meetings or working later than normal as the service may require.

(d) Rates of standby are standardised across the Councils in recognition of the principle that employees' own time outside of working hours is of equal value.

(e) Work-life balance and the needs of the service, working time arrangements should avoid:

- Short notice changes to rostered or expected patterns of work.
- Excessive hours in any particular week.
- Unnecessarily long roster periods.
- Staff appearing on more than one standby rota.

It is important that any issues arising from the practical application of this Policy are clarified by the relevant Head of Service as owners of this policy by amending the Policy with prior approval of the Head of Human Resources rather than leaving them open to interpretation by individual managers which could in turn, result in the policy being applied inconsistently.

2. SCOPE

2.1 The Standby Payment and Call Out Policy will apply to employees up to and including Heads of Service (where applicable). It does not apply to employees on Chief Officer Terms and Conditions. These procedures apply to the periods when an employee, either as part of their contract of employment, or, at the Councils' discretion, are on standby to be available to attend a place of work outside of normal working hours.

2.2 Payment for hours worked are in accordance with the overtime provisions.

2.3 It is an organisational decision as to which services require standby arrangements – the provision will therefore be removed if there is no longer a business need to provide out of hours cover or other arrangements are to be put in place, e.g. via third party.

3. DEFINITIONS

3.1 A standby period will cover hours outside of normal working hours - the times will be determined by Heads of Service. Standby can be categorised as follows:

3.1.1 Regular Standby

Arrangements for regular standby must be outlined at the point of recruitment and will be advised to the employee in writing setting out the terms and requirements of the standby provision and payment methods and outlined in the job description.

(a) This is to provide cover outside of normal working hours. It will only operate where there is a consistent and sustained requirement to provide services outside of normal working hours. Being on standby will therefore be an established feature and requirement of the role and a contractual requirement.

(b) In order to enable employees to make the necessary arrangements and to ensure that there is clarity of roles and responsibilities, the standby rota should be prepared as far as possible in advance. The contact numbers for the employees on the rota and the procedures for accessing tools, vehicles, entry into buildings etc. should be well established and known in advance.

(c) Employees on standby will be required to ensure that they are available to carry out the duties and tasks required and which necessitate the employee being on standby or called out. It may impact on an employee's social arrangements and necessitate an employee restricting their activities to those which will not compromise the requirement to respond quickly and effectively e.g. consumption of alcohol. The needs of the service will determine the requirement for a regular standby system and as such the need may cease from time to time.

3.2 Emergency Standby

There may be requirements, at short notice, for employees to be available. For example, in response to severe weather conditions or to assist following a Civil Emergency or Business Continuity under the Civil Contingencies Act 2004, within the Borough/District being invoked.

The unpredictable nature of the incident may require a rota to be drawn up at short notice and it is important that contact numbers for everyone expected to be working are up to date and available.

3.3 Ad Hoc Standby

To provide cover at specific times, for example, in supporting events, functions or being available during Bank Holidays, it should be possible for rotas to be drawn up in advance and for discussions to have taken place to ensure that roles and responsibilities are known and understood.

4. STANDBY APPROVALS

| Type of Standby | Approval Required |
|-----------------|-------------------------|
| Regular | Head of Service |
| Emergency | Head of Service on Duty |
| Ad Hoc | Head of Service |

Regular and ad hoc arrangements must be approved, in writing/via email (copied to Payroll Section) in advance of the standby period or arrangement. Emergency standby should also be approved in advance, however if it was not possible at the time the approval should be given in writing/via email as soon as possible thereafter.

In order to receive standby payments they must be approved in advance and will not be paid without this approval.

5. STANDBY PAYMENTS

5.1 Payments will be made on a recurring basis (except Emergency Standby and Ad Hoc) based on a set weekly amount incorporated into monthly pay (pro rata per day for part weeks worked).

Payment for Emergency Standby periods will be made after the standby period has taken place due to the nature of the call out. The amount of the standby payment will be notified to the employee undertaking the Emergency Standby and will be based on the level of decision making set out below.

5.2 The payment model is aligned to a combination of (a) frequency of standby and (b) the level of accountability/decision making.

The criteria set out below ensures that the policy is applied consistently and fairly.

| Frequency & Decision making level | Level 1 £40 per week <i>Low level decision making / passing on request for service to appropriate provider</i> | Level 2 £60 per week <i>Lead coordination required but not required to attend on site OR Required to attend on site and make key decisions</i> | Level 3 £100 per week <i>Critical decision making needed more often than not, requiring attendance on site or coordinating resources off site</i> |
|--|--|--|---|
| Average of 10 weeks per year (ie. 1 in 5 or more rota) | £400 (£40 per week) | £600 (£60 per week) | £1,000 (£100 per week) |
| Annual cost (based on one person being on standby at any one time) | £2,080 | £3,120 | £5,200 |

Level 1 – Clear course of action or referral to another person/provider. No immediate decision making or advice required. Payable where it is demonstrated that the employee is called at least once a week outside of working hours. The work is of a nature that there would be a minimum impact on the employee's time, they could carry a work mobile telephone and answer the query without disrupting their home life. Payment would be made for any call out in accordance with current enhancement provisions if required to attend work place. See 6.2.

Level 2 – Required to resolve the issue/call and make judgements and decisions. Coordination of others/tasks – internal and external; may be required to attend on site. Some disruption to home-life caused by receiving telephone calls at home but the employee would not normally be expected to attend a place of work.

Level 3 – Critical decision making/coordination of agencies/services, likely requiring attendance on site; emergency response and management of the incident/emergency duty cover. Requires specific experience, knowledge; management of higher risk. The employee is regularly called out throughout the night and at the weekend. This would have an impact on the employee's home-life i.e. they would not be able to travel too far from a place of work or home.

5.3 Standby worked on a Bank Holiday will be paid at double the relevant weekly standby rate pro rata for the day.

5.4 Those staff nominated to be Strategic Duty officers by the Councils' Leadership team will receive a standby payment.

5.5 Standby payments made under this procedure will be taken into account for the purposes of calculation of holiday pay, allowance or purchased and are included for pensionable pay calculations.

5.6 Arrangements When Absent From Work

If you are contracted to be on Standby you will not receive the Standby payments when you are on leave, sickness, maternity, paternity, adoption, unpaid leave or strike action as you are not available to be on standby. Manager's see 8.2

Managers will rota staff to avoid booked holidays and periods of absence, where possible. Should the employee be unable to do a scheduled standby duty, they must advise their manager as soon as possible. Managers see 8.2.

5.7 Annual Review - In January each year, the Head of Service responsible for the service in which the rota operates will be required to undertake a review of the operation of the Standby rota and report to the Human Resources team to enable any change to be effective by April that year.

This review will need to:-

- a) assess the standby periods and duties performed in order to confirm the payment is within the correct category, ensuring it reflects genuine service needs; the expected standby has been worked and the payments remain relevant.
- b) consider any / all changes made to the number and grade of employees deployed on the rota and their continued relevance to the tasks and duties required to be performed.

The review is to ensure the 3 set levels of remuneration are current, where changes are recommended to change levels of remuneration, supporting information/budgets must be presented to CLT for approval or rejection and any changes to be advised to the Group Accountant.

5.8 Written Particulars of Employment – It must be stated that the employee will be required to participate in an out-of-hours service. It should also be stated that, "Every effort must be made to take annual leave at a time when you are not on standby duty. However, where this is not possible you will be required to where possible, swap standby duties with a colleague and inform your Manager as soon as you are aware".

6. CALL OUT

6.1 The standby payment covers, for example, the requirement to undertake telephone calls whilst on standby and having related discussions. However, in addition to the standby payment, compensation for call out will be made under the following circumstances:

- If, due to being on a standby duty rota, an employee is required to resolve a situation over the phone for 30 minutes or more.
- If, due to being on a standby duty rota, an employee is required to physically go on site or the place of work, or
- The employee has been called out on an ad hoc basis, for example, to respond to an alarm call or to assist with the Councils' Business Continuity plans or Emergency plan.
- Strategic Duty Officers (GOLD) and the Incident Manager (in most cases this will be the Safety & Resilience Manager) will on most occasions be making critical decisions and co-ordinating resources off site and may not be physically called out. They rarely attend a scene to avoid becoming embroiled in operational matters. They need to take the holistic overview. Such employees will be entitled to a call out payment, if the situation takes 30 minutes or more to resolve (or time off in lieu). This will be at their rate of pay.

6.2 Payment for having to attend a place of work will receive a minimum payment of 2 hours overtime at the employees own rate of pay for their own job. Where work continues beyond the 2 hours, the employee will be paid for the number of hours worked.

Employees will generally be called out to undertake their own job and will receive their own rate of pay for such work. Where work continues beyond the initial 30 minutes, the employee will be paid for the number of hours worked at the appropriate rate.

Should you be required to take a call at home, then the employee may claim overtime for the hours worked at their hourly rate in line with the overtime rules. A minimum of 30 minutes must be completed before making a claim for overtime.

6.3 Call Outs worked on a Bank and statutory Holidays will not attract any compensatory time off.

The criteria set out below ensures that the policy is applied consistently and fairly: Overtime payments will be paid as set out below:

- Monday to Saturday - Time and a half
- Sundays and Public and Extra Statutory holidays - Double time

6.4 Travelling time only for the purposes of standby / call out and for the purpose of calculating Overtime, travelling time should be included as hours worked.

6.5 Logging calls – Employees must record all calls including actions taken. The method for doing so will be in agreement with line managers. Examples include adding a diary entry in Google Calendar and using the notes section to record actions, or a screenshot of calls made from a mobile phone device. Failure to evidence the actions taken can result in standby payment being withheld. All calls routed via the Out of Hours Service are recorded in a call log. It is for officers to keep their own records.

6.6 Job Descriptions – It must be stated in all appropriate job descriptions that it is a requirement of the job to carry out Standby Duties.

6.7 Person Specifications – It must be stated on all appropriate person specifications that the employee must be available to work out of hours in line with service requirements.

7 ADMINISTRATION

7.1 The Standby Claim form for Emergency Standby and Ad Hoc should be completed on a monthly basis by employees, passed to their manager for authorisation and forwarded to Payroll for payment by the monthly deadline advised by Payroll. The Manager who authorises the stand-by allowance and associated overtime must be an Authorised signatory. This will ensure that payment is only made to those employees who have carried out this service.

7.2 Managers are responsible for sending the completed forms to Payroll for employees who are on sick leave, holiday, maternity, paternity, compassionate, unpaid , adoption leave or strike action when they are scheduled for standby duty with the date payment to stop and, if known / applicable the date to restart. See 5.6

8. MANAGER RESPONSIBILITIES

8.1 It is the line manager's responsibility to ensure that standby rotas are covered by employees with the appropriate skills and knowledge and at the appropriate level, for example, it would not be appropriate for a senior manager to be on standby if the work required could be undertaken by a post that reports to the senior manager etc. It would also not be appropriate for an employee who is unlikely to have the knowledge or skills to deal with certain situations that may arise to be on a standby rota.

8.2 The line manager must ensure that:

- Standby rotas are prepared in advance of any standby period.
- One telephone number is listed in the out of hours contact directory to contact the staff member or contractor on standby.
- If a member of staff falls sick during a rota week they are on and can't complete the full week to advise payroll to pay the percentage they were on standby.
- Risk assessments for the duties are up-to-date.

- Lone working procedures set out by Corporate Safety are in place.
- Staff and contractors are aware of postal addresses relating to the Councils' customer of concern register.
- The necessary approval has been given by the appropriate Head of Service.
- Hours worked are in accordance with the Working Time Regulations, section 11 (other than in exceptional circumstances).
- Follow up on wellbeing and see that where necessary ongoing support is in place, for example, Employee Assistance Programme, Mental Health First Aiders.
- Review and sign off the record of their team's service calls and action.
- Standby and call out will only operate where there is a consistent and sustained requirement to provide services outside of core hours.

9. EMPLOYEE RESPONSIBILITIES

9.0 Maintain a record of actions and decisions of any work carried out during a standby or call out on the digital log on the Google drive. See 6.5

9.1 Employees are on standby on the basis that they will be expected to deal with incidents that may arise within the scope of their job role and/or competency and therefore you must not be under the influence of any drugs and alcohol that would impact your ability to undertake your role. If you are taking any medication as prescribed by your Doctor that you feel would impact your ability to undertake standby you should make your manager aware immediately.

9.2 An employee is expected to be able to arrive within a reasonable time of being called out. This time will be agreed with the Head of Service according to the needs of each service. An employee may leave their home, but must still remain contactable and have transport available to enable a return to a place of work or location within a reasonable period.

9.3 An employee must contact their manager as soon as possible if they become ill or are unable to comply with their responsibilities during a period of standby. This will enable the manager to make alternative arrangements.

9.4 Where possible, we ask that personal arrangements should not ordinarily be made if this prevents an employee from undertaking their rota standby cover. However, it is accepted that there may be circumstances that arise that cannot be changed. If this arises, the employee should provide as much notice as possible to their manager in order the rota may be covered. The employee may swap their rota standby with another team member, however they must ensure that the Manager is informed of any changes. When booking annual holiday, consideration should be given to your standby rota.

If the Strategic Duty Officer (Gold) is not able to cover the rota due to illness or unexpected absence they must contact the Safety and Resilience Manager.

10. CLAIMING FOR MILEAGE

10.1 If mileage is incurred in travelling to a place of work following a call out, it should be claimed in accordance with the procedure for claiming travel or mileage. If, following a call out an employee returns directly home, they would be entitled to claim mileage for this journey. In circumstances where the call out occurs within 3 hours of normal starting time and as a result the employee remains at the place of work and enters normal working hours, there is no entitlement to claim mileage for the return journey home.

Note: If an Adur or Worthing Council vehicle has been used to get to and from a call out, there is no entitlement to claim mileage.

11. WORKING TIME REGULATIONS

11.1 The Working Time Regulations state that it is necessary for an employee to have an uninterrupted break of 11 hours between periods of work. In most cases, Standby time is not 'working time' within the definition of Working Time Regulations. Only time for call-out (and travelling to and from the location) applies for this purpose. However, exceptions can be made for emergencies that may occur and emergency call-outs would fall into this category provided that the rest period could be taken at a later date (a weekend would count for this purpose).

11.2 It is important for managers who operate a call out system in their area to monitor and regularly review:

- The frequency and length of call-outs.
- The extent of planned and unplanned out of hours worked in order to ensure that no employee is being required to undertake additional work which may be detrimental to their health and wellbeing.
- Fairness in the application of the Standby and Callout Policy and Procedures.

11.3 If an employee is required to attend an emergency call out situation then the ability of the employee to attend for work on the following day must be assessed.

The employee's line manager should determine any appropriate time off in lieu to compensate for this. The out of hours time must be managed and not allowed to accumulate as this will impact on the working day provision.

The compensatory rest period may fall on a working or non-working day. If it falls on a non-working day, staff do not accrue any additional compensatory rest.

In most cases, compensatory rest must be taken at a time when rotas and the service allow, subject to the agreement of the line manager. However there may be a requirement for the Manager to ensure the employee has the 11 hour rest period.

See table for recommended minimum compensatory rest periods :-

| After a period of callout, employee is home/complete: | Recommended start times: |
|--|---------------------------------|
| Before midnight | Normal start time next day |
| Between midnight and 3.00am | 3 hours after normal start time |
| Between 3.00am and normal start time | 5 hours after normal start time |

12. RISK ASSESSMENTS

12.1 In the case of employees called out to carry out their substantive duties it is expected that managers would already have risk assessments in place for such duties. Although some call outs may be of an unpredictable nature, for the majority of situations it should be possible for managers to already have identified potential risks and have up-to-date risk assessments in place i.e. lone working. Employees must have access to the risk assessments and must have received appropriate training in connection with any potential risks.

12.2 Employees should be aware of any potential risks and hazards that could arise while dealing with a call out. For example, an employee being called out due to a leaking roof, although not expected to repair the roof could be at risk due to slips or falls due to wet floor surfaces, personal injury due to a ceiling collapse or electrocution from water damaged electrical appliances.

13. EQUIPMENT AND TOOLS

13.1 Managers and employees on standby must have the relevant equipment and tools available in the event of a call out.

14. FAILURE TO COMPLY WITH OR ABUSE OF THE STANDBY SYSTEM

14.1 Failure to comply with any of the principles within this policy may result in the claim for standby allowance or call out being disallowed and may result in disciplinary action.

15. POLICY IMPLEMENTATION & MONITORING

15.1 Responsibility for the implementation, monitoring and development of this policy lies with the Head of Human Resources. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to.

Date policy agreed with Unison:

Date agreed by Joint Staff Committee:

Date policy formally adopted:

Date for review: 3 years from formal adoption of policy: