


REPORT TO CABINET

18 March 2020

Subject:	Standby Duty Payments
Presenting Cabinet Member:	Councillor Wasim Ali – Cabinet Member for Resources and Core Services
Director:	Executive Director – Resources – Darren Carter
Contribution towards Vision 2030:	
Key Decision:	Not Applicable
Cabinet Member Approval and Date:	Councillor Wasim Ali – 11 February 2020
Director Approval:	Darren Carter
Reason for Urgency:	Not Applicable
Exempt Information Ref:	Not Applicable
Ward Councillor (s) Consulted (if applicable):	Not Applicable
Scrutiny Consultation:	Not Applicable
Contact Officer(s):	Richard Luckman – Head of Human Resources Richard.Luckman@Sandwell.gov.uk Louise Lawrence – HR Service Manager Louise.Lawrence@Sandwell.gov.uk David Briggs – Assistant HR Business Partner David.Briggs@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

1. agree for the Council to amend its Standby Duty Payment from £20.00 to £24.52 per session, from 1 April 2020, in accordance with the details contained within this report.
2. subject to (1) being agreed, agree for future NJC pay increases to be applied to the revised Standby Duty Payment from 1 April 2021.

1 PURPOSE OF THE REPORT

- 1.1 This report makes recommendations to Cabinet to consider amending the current standby duty payment of £20.00 per session to £24.52 per session from 1 April 2020, to apply subsequent NJC pay awards thereafter, and to seek its approval.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Ambition 3 - Our workforce is skilled and talented, geared up to respond to changing business needs and to win rewarding jobs in a growing economy.
- 2.2 Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Standby duty payments are made if employees are part of a rostered standby duty arrangement, this means that they are available to return to work if required.
- 3.2 Payments for standby are made on the basis that employees must be: -
- Directly contactable
 - Fit and capable to return to work to undertake duties if required
 - Be able to arrive at work within 30 minutes of being notified
- 3.3 Payments are currently made at the rate of £20.00 per session, to cover the period of work from the end of one working day to the start of the next, Monday to Friday, or each period of 12 hours on Saturday and/or Sunday.
- 3.4 If employees are contacted and have to return to work, then they claim overtime or additional hours allowances in the normal way.
- 3.5 The current £20.00 standby duty rate was agreed and implemented in January 2010 as part of the Single Status agreement, and this amount has been paid ever since.
- 3.6 There was no provision in the Single Status agreement to link this payment to any subsequent pay awards.

4 THE CURRENT POSITION

- 4.1 As a result of 3.5 and 3.6 above, a review of the standby duty payment has been carried out.

- 4.2 Clearly, by not applying any pay award or indexation allowance to the current standby duty payment of £20.00 since it was agreed in January 2010, the real value of this payment to employees continues to reduce.
- 4.3 The trade unions have requested that we consider adopting the 'purple book' standby duty payment for Social Workers for all our employees on NJC terms and conditions (£29.03). It should be noted that Sandwell Councils Social Workers are employed on 'green book' terms and conditions, and that historically, Sandwell has never paid the purple book standby duty payment to its Social Workers.
- 4.4 The negotiated position that has been agreed between Management and the recognised Trade Unions is a rate of £24.52, that represents a midway point between the current rate of £20.00 and the current purple book rate of £29.03.
- 4.5 The rationale behind this midway point is recognition that the purple book rate is not appropriate (having never been paid within Sandwell) and that the employer recognises that the current standby duty payment has not been increased since the implementation of Single Status.
- 4.6 For information, if historical pay awards had been applied to the standby duty payment since the implementation of the Single Status agreement, the figure would now be £21.91.
- 4.7 To futureproof the value of any new standby duty payment, subsequent NJC pay awards, from 1 April 2021, would need to be applied.
- 4.8 In addition to reviewing the payment for standby duty, a review of the application of standby duty payments has been carried out by Human Resources. This is to ensure that employees claiming this allowance are complying with the definition and rules, and that they are still required to be on a standby duty rota and would be available to return to work if required.
- 4.9 This review has confirmed that the standby duty allowance is being applied correctly, enabling the Council to operate a series of rostered standby duty arrangements across its essential and emergency services, allowing Sandwell to deliver these services to its tenants and service users as required.
- 4.10 In summary, standby duty payments are typically paid in circumstances such as:
- Social Workers – emergency call out and crisis intervention
 - Resilience unit – operation of the emergency plan

- Emergency planning unit – out of hours support
- Trade employees – out of hours service
- ICT – upgrades and out of hours maintenance
- Environmental officers – severe weather plan
- Highways – traffic management, road clearance, RTA`s etc
- Caretakers – Premise and fire safety, out of hours
- Homelessness – emergency and temporary accommodation
- Community alarms – management oversight
- Registration technicians – bereavement services
- Seasonal activities – such as gritting, snow clearing etc.

Please note, this list is not exhaustive

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Sandwell Council is committed to working with its recognised Trade Union colleagues to ensure that our terms and conditions of employment continue to be fair and fit for purpose.
- 5.2 The proposal to increase the standby duty payment was endorsed by all members of the Joint Consultative Panel (JCP) on 11 February 2020.
- 5.3 This proposal was also shared with Sandwell Children’s Trust on 16 January 2020.
- 5.4 The Governing Bodies of Voluntary Aided and Trust schools will be given the option of adopting any new standby duty rate.

6 ALTERNATIVE OPTIONS

- 6.1 The Council is not obligated to amend the standby duty rate, there was no provision in the Single Status agreement to link this payment to the annual pay award.
- 6.2 However, the Council has a commitment to carry out its working practices in an ethical way which supports the development of employee relations.
- 6.3 It is unusual for pay elements not to be directly linked to any future pay awards, and Human Resources are currently investigating as to whether there are any other pay elements in this situation, which may require a review.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The corporate risk management strategy has been complied with to identify and assess the risks arising from the decisions being sought. This has concluded that there are no red risks that require reporting. All risks identified have suitable measures in place to mitigate risks to an acceptable level within the council's appetite for risk.
- 7.2 To ensure that any equal pay risks are mitigated, it is essential that any amended standby duty payment is applied consistently across the Council to all Council and school based (non-teaching) employees. Therefore, all local authority community schools will need to implement the new rate to avoid this risk.
- 7.3 The financial impact of amending the standby duty rate is included within existing budget planning and roll forward assumptions for 2020/21. The potential impact upon the Council's General Fund will be minimal for the introduction of increased standby payments from 1 April 2020.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 This report has been considered by legal services, and there are no specific legal issues or implications that appear to arise at this stage.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An initial screening was undertaken in January 2020, it was agreed at this time that the subject of the statement did not meet the criteria for undertaking a full EIA. If agreed, the revised standby duty payment would be applied equally to all employees who are part of a rostered standby duty arrangement, irrespective of any protected characteristic that they may or may not have.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 There are no specific data protection implications arising from the contents of this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 There are no specific crime and disorder implications arising from the contents of this report.

12 SUSTAINABILITY OF PROPOSALS.

12.1 There are no sustainability issues arising from the contents of this report.

13 HEALTH AND WELLBEING IMPLICATIONS

13.1 There are no health and wellbeing implications arising from the contents of this report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 There is no specific impact on any council managed property or land arising from the contents of this report.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 Sandwell Metropolitan Borough Council is fully committed to providing fair and transparent pay for every employee.

15.2 As a result of 3.5, 3.6 and 4.2 above, a review of the standby duty payment has been carried out.

15.3 By addressing this pay issue now, and by applying subsequent pay awards in the future, the new standby duty payment will be futureproofed.

15.4 If agreed by Cabinet, details of the new standby duty rate will be passed to HR Transactional Services and the payroll team in readiness for implementation and inclusion in the April 2020 payroll processing timetable.

15.5 Details of the new standby duty rate will also be communicated to Service Managers, Head Teacher, Line Managers and employees as appropriate.

16 BACKGROUND PAPERS

16.1 Former APT&C agreement (Purple Book) Rates of Protected Allowances, paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) - Per session. 1 April 2019 - £29.03

Darren Carter
Executive Director – Resources