

Briefing Note to Executive Team

Directorate:	People and Culture
Subject:	Review of the Council's Terms and Conditions (Single Status Agreement)
Date:	17 October 2024

Purpose of Briefing Note

- 1) To update the Executive Team of the progress on the proposed amendments to NCC terms and Conditions – (Single Status Agreement).
- 2) To seek approval for the changes to the originally shared proposals to be agreed with the Trade Unions
- 3) To seek approval to, jointly with the Trade Unions, release communications to the workforce around the proposals and set a timescale for the TUs to ballot members to accept, with a view to revised T&C's being backdated to 1 April 2024.

Background

A full history of the background to the piece of work is available in previous papers submitted and presented to the Executive Team in February 2024.

In summary, EMT were asked to consider changing the Council's Terms and Conditions (aka 'Single Status') with focus on some non-cost areas, but with a primary focus on 3 main areas that have an impact on the pay budget for the Council, namely;

- 1) The rate payable for standby/callout
- 2) Those staff that receive an enhanced rate of pay when working overtime, evenings or weekends
- 3) Though not directly part of the terms and conditions, consideration to the amount of money staff can claim back when away on Council business

Agreement was reached to implement changes to all of the above with the effective date of 1&2 being 1 April 2024.

Update following discussions with the Joint Trade Unions

Discussions commenced with the Trade Unions (GMB, Unison and Unite) in May. There have been subsequent delays in the progress of the negotiations due to the Trade Unions not being forthcoming with their response and counter positions.

A final position was eventually reached with the Trade Unions on all except one point during a meeting on 17 September 2024.

A summary of all points discussed, and relative status is attached at Appendix 1, but the main points for agreement and the progress of the discussions is as follows;

1) Standby and Callout

Initial Position

Agreement was reached with EMT to offer a maximum of £28.50 for weekday and £42.75 (equivalent of time and a half) for weekends and the May and August Bank Holidays, with double time (£57) being paid for the 'big 5' Bank Holidays of Good Friday, Easter Monday, Christmas Day, Boxing Day and New Years Day.

The extra cost to the Council for the change is estimated to be approximately £190-200k per year increasing the cost of standby payments from around £511k per annum to around £701-£711k per annum. (Based on 23/24 pay band).

The initial proposal put the Trade Unions was;

Weekday rate = £28.50

Weekend/'other' BH rate = £38.50

'Big 5' Bank Holiday = £57

Total estimated cost per annum = £685k

It was also proposed that the first call for staff on standby would be paid as 2 hours, but if subsequent jobs were required within that 2 hours no extra payment would be made. That is the case for 'callout' under the current agreement which is very rarely utilised and applying it when staff are on standby would make us consistent with other Councils. This is difficult to cost as there is a lack of evidence as to how long calls take. There is anecdotal evidence that would suggest that staff often 'round up' the time taken to complete their jobs due to the rule of only being able to claim in half hour units. This is due to be abolished and time taken to complete a job will be claimed to the minute in the future.

Trade Union Position

The Trade Unions countered that they wanted staff to receive the same as North Tyneside Council staff who receive just short of £27 on weekdays but £65 for weekends and Bank Holidays. This was rebuffed on the basis of affordability, but other options were put to the Trade Unions to consider that would achieve a solution within the bounds of the budget of £701k per annum.

The Trade Unions also fairly asked why there was a difference between the 'big 5' Bank Holidays and the 'other' Bank Holidays.

There is no historical source to indicate why differentiation was made but, based on collective experience and recollection it is possible that in 2011, when Single Status was agreed, the 'big 5' Bank Holidays were classed as different due to them being traditional Christian holidays/family events. At the time it was likely perceived that

having to work on these days would be more likely to see staff miss important events than the non-religious bank holidays in May and August. Whilst this may well still be the case, it assumes that Christian traditions are assigned the highest regard across the Council, and this is a potentially discriminatory position.

It is also the case that the 'Green Book' states that all Bank Holidays should be paid at double time. This provision sits within 'part 3' of the book which can be varied by local agreement. It is therefore the recommendation that serious consideration be given to applying double time not only for standby, but time worked on the 'other' Bank Holidays ie double time would apply to all public or bank holidays.

Agreed position

On the condition that all Bank holidays have double time applied to them, the trade Unions are happy to accept the following;

Weekday Rate = £28

Weekend Rate = £42 (time and a half)

Bank Holiday Rate = £56 (double time)

Total estimated cost per annum = £702,100

Paying staff double time rather than time and a half for working on the May and August 2024 Bank Holidays, would add approximately £37k extra to the paybill.

Therefore, the total estimated cost of the increased rate of standby and making all Bank holidays double time would be approximately £240k per annum, slightly more than initially estimated which was £190k per annum.

If the proposal of paying all Bank Holidays at double time is rejected, the total cost per annum would be approximately £699k.

The Trade Unions were satisfied with the 2 hour minimum payment for the first job, but raised questions about the staff who were not required to leave their home, i.e. Short Term Support Supervisors that often get a lot of short calls that require them to be on their computer or phone.

The notion of 'callout' is based on 2010/11 when remote working was not possible. It is now the case that those roles that are not frontline will not have to travel to an office base to be able to work and a 2 hour payment may be too much. The TUs were happy therefore for those roles to have a minimum 1 hour payment that would incorporate a number of calls and agreed that wording needed to be agreed as to exactly what that looks like.

Recommendation

Although it amounts to an increased cost to the amount initially estimated, the Trade Unions request that all Bank Holidays are paid at double time. This does not seem unreasonable and would bring us in line with the Green Book and would dispel any potential perception of placing higher importance of Christian celebrations over other religions.

2) Staff eligible to be paid enhanced rates of pay

Initial Position

A proposal was put forward to increase the cut off point for those staff that receive enhanced rates of pay from Band 8 to Band 11 to recognise those areas where there is a need for management oversight and/or the need to work after 8pm or over weekends. It was anticipated that the change would add approximately £125k to the pay bill.

Trade Union Position

The Trade Unions welcomed and agreed the proposal.

Agreed Position

As above.

Recommendation

As per initial position.

3) Bank Holidays

Initial Position

Bank Holidays, especially for part time and/or shift working staff have always been problematic and some changes made in 2022 have seen us be slightly too generous in our interpretation of the Green Book.

It was recommended to simplify how we deal with them which would also rectify the issue that resulted from our interpretation in Adult Services, in particular, where staff are accruing additional leave that is causing pressure on the service.

Trade Union Position

Once the position and situation had been explained, the Trade Union were happy to accept the revised methodology and position with regard to Bank Holidays.

Agreed Position

As above.

Recommendation

As per initial position

4) Subsistence Allowances

Initial Position

This proposal does not actually form part of our terms and conditions but is an issue that had been raised on occasion and it was felt prudent to include in the negotiations with the Trade Unions. The amount that staff are actually able to claim when away on Council business rarely, if ever, covers the costs of their expenses. It was proposed that a daily rate be given to staff that are required to go away on Council business of

either £20 or £25, rather than it being broken down into Breakfast, Lunch, Tea and Dinner.

Trade Unions Position

An initial offer was made to the Trade Unions of £20 per day that could be reclaimed in the event that staff had to travel (including an overnight stay) for Council business. This was initially rejected by the Trade Unions who felt that £40 or £45 was a more realistic figure.

Agreed Position

After negotiations, the Trade Unions have agreed to a daily figure of £25 for staff required to travel that includes any overnight stay.

Recommendation

As noted, this sits outside of terms and conditions and will be incorporated into a wider review of the travel and subsistence rates, but £25 a day when an overnight stay is involved to cover an evening meal seems fair and in line with what was agreed. Consideration could be given to retaining/reviewing the other amounts with regard to trips that do not incorporate an overnight stay.

5) All Other Points

The Trade Unions have agreed to all of the other proposals which were;

- i) End the payment of 'overall allowance' to school based staff which is either 43p per month or 65p per month.
- ii) Discontinue the 'planned and exceptional' overtime forms with more scrutiny on overtime spend between Finance and Heads of Service.
- iii) Move from overtime being paid in 30 minute blocks to being paid to the minute claimed.
- iv) Home working allowance to be formally removed as a possible T&C. No one is currently in receipt of this allowance.
- v) Sleep in rates to be retained at currently paid rates.
- vi) 5 over 7 day working to be formally removed as not in use.
- vii) Rename the agreement and remove all references to 'Single Status' from documents within the Council.

Next Steps

Once EMT have reached a decision on the one point that the Trade Unions have asked for, and confirmed that the proposed terms are agreeable, including backdating the agreement to 1 April 2024, then joint communications can be agreed between the Council and Trade Unions.

This will include briefings around the changes and the opportunity for questions from staff as part of a consultation process. Trade Unions have indicated that they would ballot members on whether they wished to accept the terms or not.

Given the time frames and proximity to Christmas it would be unlikely that this would be in place prior to early 2025.

Report Author

Name: Andrew Meikle

Contact email: andrew.meikle@northumberland.gov.uk

