

TITLE	Proposed new pay element: Anti-Social Hours Shift Allowance - Enforcement & Safety Service
FOR CONSIDERATION BY	Personnel Board on 10 November 2021
WARD	None Specific
LEAD OFFICER	Christine Bennett - Interim Assistant Director, Human Resources - Communities, Insight & Change

OUTCOME / BENEFITS TO THE COMMUNITY

To ensure that the Council is able to attract and retain colleagues for the new Anti-Social Behaviour team, (part of the in-house Enforcement and Safety service) and that measures are in place to adequately remunerate colleagues working in out of hours services from 1 April 2022.

The proposal is based on providing a competitive offer, using a method that rewards well and provides the Council flexibility to adapt or evolve should working practices alter over time as the team and service develops to meet the needs of residents.

RECOMMENDATION

That Personnel Board

- 1) agree a proposal for a new Anti-social Hours Shift Allowance at 15% of spinal point 27, equivalent to £4,700 per annum for each shift worker from the Enforcement & Safety Service.
- 2) note the financial implications which will be considered as part of the Medium-Term Financial Plan.

SUMMARY OF REPORT

Proposed new pay element: Anti-social hours shift allowance.

On 18 March 2021 Full Council resolved to leave the Public Protection Partnership (PPP) with West Berkshire and Bracknell councils and to bring regulatory services back in-house. 12-months' notice was given, and the new service is planned to start on 1 April 2022.

The new in-house service design features a responsive Anti-Social Behaviour team who will be required to work outside normal office hours to respond to incidents of anti-social behaviour when they happen. An appropriate pay mechanism is required to compensate team members for working a shift rota and to recognise the extent that an employee's work-life balance is disrupted due to the needs of providing this service.

This allowance will provide complete recompense for working unsocial hours.

The allowance will be adjusted annually in line with the nationally agreed pay award and is pensionable. It will be subject to statutory deductions for tax and National Insurance

A separate allowance would give the Council greater flexibility to review, amend, or remove the allowance if it becomes necessary to change working patterns, or the activities required to meet residents' needs in tackling anti-social behaviour across the Borough change.

The proposed terms and conditions for the shift allowance are set out in Appendix 1.

BACKGROUND

Wokingham Borough Council has issued notice to withdraw from the Public Protection Partnership with West Berkshire and Bracknell Forest councils to provide an in-house Enforcement and Safety service encompassing commercial, licensing and processing, residential and environmental, and anti-social behaviour.

Within the proposed new Enforcement and Safety service, there will be a team of 10 comprising 5 Technical Officers at Grade 6 and 5 Enforcement Officers at Grade 8 who will be required to work a shift pattern incorporating weekends, nights, and Bank Holidays to respond to incidents of anti-social behaviour.

ANALYSIS OF PROPOSAL

Traditionally enforcement officers in local authorities work across normal weekly office opening hours. Resourcing for hours when the public are more likely to socialise and when incidents of anti-social behaviour are more likely to occur, is a new practice that appears to be increasingly adopted by local authorities.

We have conducted a benchmarking analysis, gathering data from 19 London councils operating an out-of-hours noise service, Reading Borough Council, West Sussex County Council and survey data on shift patterns and allowances from XpertHR, a specialist HR services organisation that provides information on HR trends including benchmarking. The data shows that the most common arrangement is a shift allowance in the range of 14% - 20% of salary. Other arrangements included: an additional cash payment ranging between £2,600 to £7,500 per annum; time and a half for hours worked between 8pm Friday to 7am Monday, a payment of £150 per night plus half time off in lieu. The comparative data is set out in Appendix 2.

Options considered:

1. 15% of the mid-point salary for the roles in the team

This equates to £4,700 pa for each shift worker. Based on 15% of spinal point 27 (in grade 7), £31,346. A small number of colleagues would be eligible for this allowance. The Anti Social Behaviour team consists of a maximum of five roles at grade 6 and five roles at grade 8. The allowance is costed at scale point 27 in grade 7 which is between the two grades.

This scale point has been selected as it recognises that all team members are impacted equally and are therefore compensated at the same amount for the disturbance to their personal lives, irrespective of their role and responsibilities. The difference in responsibilities has already been reflected in the job grade and salary. Linked to a spinal

point, the allowance would be adjusted annually in line with the nationally agreed pay award.

This would cost approx. £47,000 + on-costs per annum.

The proposed terms and conditions for this allowance are set out in Appendix 1.

2. 15% of base salary.

This is equivalent to £4,300.80 per annum for someone on the top salary point of Grade 6 and £5,683.50 per annum for someone on the top salary point of Grade 8. Whilst colleagues would receive the same percentage of salary, the cash value would vary according to the individual's grade and spinal point. This would result in larger cost increases as the value would increase in line with both incremental progression and the national pay award. It would also shift the focus away from recognising the equal disturbance to personal time.

The Council previously had an allowance of 10% of base salary for shift working. This pay element has not been used since 2016, however could be easily re-activated and set to a different percentage in the system.

This would cost approx. £49,922 + on-costs per annum based on current pay points.

3. Utilising rates of pay as set out in the Harmonisation Collective Agreement for Local Terms (2003).

a. Weekend working

The Harmonisation Collective Agreement Local Terms (2003) agreed revised terms which apply to all Council employees covered by the national terms and conditions known as the "Green Book":

The terms relating to weekend working are as follows:

Weekend working:

- a. For staff members regularly rostered to work weekends (i.e. regularly rostered to work both on Saturdays and on Sundays), and at least 10% of hours worked at weekends: 2 increments (Referred to as 2R Grade)
- b. Any other weekend working by regular staff to be paid at 1.5 (in these cases any overtime worked at weekends is paid at 1.5).

Team members regularly rostered to work weekends would qualify for 2 additional increments. However, this option is not recommended as it only addresses one element of the shift pattern and does not consider the requirement for night working or bank holidays.

It is not good practice to consolidate allowances into basic salary. It would be very difficult to reduce someone's salary should the requirement for shift working change or cease and colleagues may have made financial commitments e.g., mortgages, based on the higher base salary. It is also not advisable to create additional grades within the pay and grading structure, as this could skew salary reporting and potentially create an equal pay risk.

We have considered those areas with staff on the 2R grades (Bridges Resource Centre and Countryside Service, Multi Activity Centre Team). Roles in these areas are on the 2R grade as they are regularly rostered to work weekends, however, they do not have the additional requirement for regular night working.

We have also considered the Lateral Flow Testing Team, as the service operates Monday to Saturday. The working pattern did not meet the criteria for the 2R grade, as the requirement for weekend working was not sufficiently regular, so team members are paid time and a half for any Saturdays worked.

An additional 2 increments would cost between £1,009 and £1,779 per annum for each shift worker on grade 6, and between £1,963 and £1,990 per annum for each shift worker on grade 8. This would cost between £14,860 and £18,845 per annum plus on-costs.

This option would increase in costs in line with incremental progression and any nationally agreed pay awards, it would then plateau when the individual reached the ceiling for their grade. However, the individual would continue to be paid 2 or 4 increments above their pay grade.

We do not recommend this option as we do not feel that this represents a fair level of remuneration for shift working and it is not competitive against the market for attraction and retention.

a) Local Terms for other non-standard working patterns

The Harmonisation Collective Agreement for Local Terms sets out the following terms for other non-standard working patterns:

Bank holiday working: reinstate 2 time + TOIL for all bank holidays for all staff.

Shift payments: Part of weekend working (see above).

Evening work: Flat rate (except when overtime which, if beyond 37 hours a week average, would be at 1.5 as above) and based on actual time worked only.

Night work: (i.e. on regular shifts throughout the night) no change to NJC terms – basic pay x 1.33

This option is not recommended as it takes a piecemeal approach to remuneration, it is inefficient, bureaucratic and would incur hidden costs. It would be administratively burdensome on both colleagues and Payroll, as it would require detailed timesheets to be completed specifying the number of hours worked at each of the different rates of pay, which will need to be checked and authorised by managers. These timesheets would need to be manually input into the system by Payroll each month. There is a greater risk of error with this approach.

RECOMMENDATION

It is proposed that option one is adopted as this would be the most cost effective and efficient method to fairly remunerate those colleagues working the shift rota as part of the new Anti-social Behaviour Team. It takes a holistic approach by having a single pay element that takes all the features of the job into account. It has been set at a level that is

competitive and attractive to facilitate recruitment and retention into this team, enabling us to deliver effective services to the community. It is fit for purpose and easy to manage, as once the pay element has been set up in the system it will not require constant manual intervention and will be uplifted automatically in line with the nationally agreed pay award.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

	How much will it Cost	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0 structure not in place this financial year	Anticipated ongoing operational cost for the project under salary line	N/A
Next Financial Year (Year 2)	£47,019 (£47,842 if the pay award of 1.75% is agreed)		N/A
Following Financial Year (Year 3)	£48,559 (assuming a pay award of 1.5% for 2022/23)		N/A

Other financial information relevant to the Recommendation/Decision

The allowance would be subject to statutory deductions for tax and National Insurance and would be pensionable. As the allowance would be linked to a point on the pay scale, it will be uplifted in line with the nationally agreed pay awards.

Cross-Council Implications

None

Public Sector Equality Duty

N/A

List of Background Papers

Attachment 1 – Anti-Social Hours Shift Allowance Terms & Conditions

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