

Document Pack



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TUESDAY, 24 OCTOBER 2017

TO: THE EXECUTIVE BOARD MEMBER – DEPUTY LEADER

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR THE DEPUTY LEADER** WHICH WILL BE HELD IN **ROOM 61, COUNTY HALL, CARMARTHEN, AT 9.00 AM, ON MONDAY, 30TH OCTOBER, 2017** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Kevin Thomas
Telephone (direct line):	01267 224027
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Ref:	AD016-001

A G E N D A

1. DECLARATIONS OF PERSONAL INTEREST
2. TO SIGN AS A CORRECT RECORD THE DECISION RECORD OF THE MEETING HELD ON THE 5TH JULY 2017 3 - 6
3. GUIDANCE NOTE FOR STANDBY 7 - 18

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR THE DEPUTY LEADER

WEDNESDAY, 5 JULY 2017

PRESENT: Councillor: L.M. Stephens (Executive Board Member).

The following officers were in attendance:

P.R. Thomas - Assistant Chief Executive (People Management & Performance)

J. Stuart - Senior Business Partner (HR)

C. Gadd - Democratic Services Officer

1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

2. CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

The Executive Board Member considered the Close Personal Associations / Relationships at Work Guidance for Schools. It was explained that the Guidance had been updated to meet the needs of schools. It would assist Managers, Headteachers, Governors and HR Advisers, in dealing sensitively, but effectively, with situations where employees had, or did form, a close personal association/relationship with someone with whom they worked.

The Assistant Chief Executive (People Management & Performance) and the Senior Business Partner responded to questions from the Executive Board Member and noted a number of further suggested amendments to the guidance. It was highlighted that additional updated guidance was being produced that would support the implementation of this guidance.

RESOLVED that, subject to the inclusion of the amendments noted, the Close Personal Associations / Relationships at Work guidance for Schools be endorsed.

3. MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

The Executive Board Member considered the Model Grievance Policy and Procedure for Schools. It was explained that the Policy and Guidance had been developed to ensure that employees, managers and companions were clear about their individual roles and responsibilities for raising and resolving grievances in the workplace. It had been developed in line with ACAS Code of Practice 1 – Disciplinary and Grievance Procedures which came into force in March 2015.

The Assistant Chief Executive (People Management & Performance) and the Senior Business Partner responded to questions from the Executive Board Member and noted a number of further suggested amendments to the policy. In response to a query from the Executive Board Member, Officers highlighted that

training was being planned for Headteachers on the new policies that were being introduced.

RESOLVED that, subject to the inclusion of the amendments noted, the Model Grievance Policy and Procedure for Schools be endorsed.

4. MODEL REDUNDANCY / SURPLUS STAFFING POLICY FOR SCHOOLS

The Executive Board Member considered the Model Redundancy / Surplus Staffing Policy for Schools. It was highlighted that the previous policy was outdated and did not reflect current practice within schools. The new policy had been developed to provide Headteachers and Governing Bodies with a logical step by step approach to managing redundancy situations within their schools and included a range of useful documents and templates, which could be referred to throughout the process. It was noted that the policy had been developed in consultation with Trade Union colleagues and Headteachers from a cross-section of Carmarthenshire Schools.

The Assistant Chief Executive (People Management & Performance) and the Senior Business Partner responded to questions from the Executive Board Member and noted a number of further suggested amendments to the policy.

RESOLVED that, subject to the inclusion of the amendments noted, the Model Redundancy / Surplus Staffing Policy for Schools be endorsed.

5. SUSPENSION PROTOCOL FOR SCHOOLS

The Executive Board Member considered the Suspension Protocol for Schools. It was highlighted that the guidance would assist Headteachers in dealing sensitively, but effectively, with situations where it was necessary to suspend a member of staff from the school, with pay, whilst investigations were carried out.

The Assistant Chief Executive (People Management & Performance) and the Senior Business Partner responded to questions from the Executive Board Member and noted a number of further suggested amendments to the protocol.

The Executive Board Member highlighted that there were a lot of new policies to be adopted and implemented by schools and suggested that an updated list was circulated to schools and governing bodies. The Senior Business Partner noted that there would be a school newsletter circulated to all schools that would include this information. It was also suggested that there was a list of schools that had adopted the Policies.

RESOLVED that, subject to the inclusion of the amendments noted, the Council's Suspension Protocol for Schools be endorsed.

EXECUTIVE BOARD MEMBER

DATE

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EXECUTIVE BOARD MEMBER DECISION MEETING DEPUTY LEADER

30TH OCTOBER 2017

Executive Board Member:	Portfolio:
Councillor Mair Stephens, Deputy Leader	People Management

GUIDANCE NOTE FOR STANDBY

Purpose:

To provide clarity on the Authority's Standby arrangements.

Recommendations / key decisions required:

To endorse the Guidance note on Standby.

Reasons:

To respond to the consultation feedback on the revised rate of Standby from the Trade Unions.

<p>Directorate</p> <p>Name of Head of Service: Paul Thomas</p> <p>Report Author: Paul Thomas</p>	<p>Designation: Assistant Chief Executive Officer (People Management)</p>	<p>Tel No. 01267 246123</p> <p>E Mail Address: PRThomas@Car marthenshire.co.uk</p>
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Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

EXECUTIVE BOARD MEMBER DECISION MEETING DEPUTY LEADER

30TH OCTOBER 2017

Background

The Authority has been in consultation with the Trade Unions over the last 12 months in relation to both the application and rate of Standby. This consultation has been informed by the work of the TIC team, and also by a comparative exercise undertaken on an all-Wales basis in relation to the actual sessional rate applied to Standby, which indicated that Carmarthenshire was actually the highest payer in relation to Standby. A final proposal has recently been presented to the Trade Unions and discussion took place at the Corporate Employee Relations Forum held on 19th October 2017. The Trade Unions responded by stating that they could not proceed to ballot their members without there being clear guidance from the Authority on what is expected of those employees who undertake Standby.

As a result of this request, the enclosed guidance note has been developed which will now be issued to our Trade Union colleagues. This guidance has been developed from the existing guidance that currently sits on the Authority's Intranet Site, and has been applicable since the implementation of Single Status in 2012.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Paul Thomas

Assistant Chief Executive (People Management)

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	YES	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

In accordance with the Authority's agreed terms and Conditions.

2. Legal

As above.

Finance

The reduction in the Standby rate to £40 per session will contribute to the target of £400k already agreed by the Authority.

Staffing Implications

In the event of a collective agreement, a revised rate of Standby will be effective from the 1st December 2017. Should this not be agreed, the Authority will implement the NJC rate of £27.90 per session.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: : Paul Thomas **Assistant Chief Executive (People Management)**

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

This proposal has been formally consulted upon for the last 12 months with the recognised trade Unions through the Corporate Employee Relations Forum

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

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Carmarthenshire County Council

Standby Guidance Document

October 2017



1. Introduction

As a direct service provider to the Community, it is necessary from time to time for Council employees to respond to urgent and emergency situations. This document is designed to provide a clear guide to the arrangements, terms and conditions of employment and general procedures applicable to employees who participate in standby arrangements within the Council.

For some of the Council's services it is necessary to ensure that the capacity exists to deal with emergencies for example:-

- Situations which must be dealt with at short notice due to significant and immediate health and safety considerations,
- Responding to a civil emergency when the Council's Emergency Plan is activated.

There are other requirements where the Council needs to respond to situations and events outside of normal hours. The Council recognises that a structured standby and call out arrangement must be in place in order to respond as part of the Council's statutory duties, and for the Council to respond effectively in dealing with emergencies that arise within the County

2. Scope

These procedures apply to all County Council employees except those employed locally by schools.

These procedures cover those periods when an employee, either as part of their contract of employment, or because they have volunteered to be available, attend work outside of normal working hours. It also covers employees who within the key tasks of their job description are required to assist with the implementation of the Council's Emergency Plan.

There are 2 categories of standby arrangements:-

- **Regular Standby** – for providing cover outside of normal working hours to meet the Council's legislative requirements within specific Directorates.
- **Ad Hoc Standby** – to provide cover at specific times, for example supporting a Council event, additional cover during Bank Holidays etc.

The standby sessional rate is payable to those employees who:-

- a) out of normal working hours, will form part of a formal standby rota to act as the “*Duty Officer*” for a service to respond to calls received outside of normal working hours. There may be occasions when the Duty Officer will be required to leave his/her home to undertake duties commensurate with his/her substantive job role
- b) out of normal working hours, will form part of a formal standby rota to provide an emergency unplanned operational response by being “*called out*” to attend to unplanned and unforeseen incidents/occurrences.

As part of a rota employees receiving a standby sessional rate payment are responsible for providing advice and/or an operational response out of normal working hours. All employees receiving a standby sessional payment are required to remain available for contact and/or call out for the duration of the standby period.

3. Payment Arrangements for Standby and Callout

Claims for standby and call out should be made via Resource link My View self-service facility clearly indicating that the payment(s) relate specifically to standby and/or call out rather than normal overtime arrangements. Staff that do not currently have access should claim on either an overtime claim form or time sheet as appropriate and forward to the line manager for authorisation. Claims for payment cannot be processed without the necessary approval.

It should be clearly indicated on the form that the payment(s) relate specifically to standby and/or call out rather than normal overtime arrangements. Claims for payment cannot be processed without the necessary approval.

The same rate will apply to all employees required to be on formal standby. This will be **£40** for the full out of hours period or **£25** for a part period. A part period would be a session undertaken up to midnight or undertaken after midnight

Employees will not be able to claim for the first 30 minutes spent dealing with telephone calls at home, however the exception to this will be if multiple calls are received between midnight and 6.00 a.m. when actual time spent can be claimed for all calls received during this period.

Certain post holders within the Authority will be required to participate on a standby rota where the nature of the work requires the undertaking of their duties outside normal working hours. In such circumstances standby will be a contractual requirement of the post and confirmed within the statement of main terms and conditions

There may be service areas within the Authority where participation on a standby rota will be voluntary and on an ad hoc basis subject to the needs of the service. In such circumstances standby will be non-contractual.

If an employee is scheduled to work a standby session but does not attend due to sickness or any other reason, s/he will not be eligible for the sessional payment.

If 'called out' an employee is expected to undertake duties which are commensurate with his/her substantive post. Employees should not be "called out" to undertake duties which could reasonably have been expected to have been planned as part of the normal working week. When 'called out' the employee will be paid at their normal contractual rate of pay from the time of the call to the end of the call out duties.

Should the employee be called out and the hours worked exceed 37 hours per week then the overtime rate of pay would apply.

4. Employee Responsibilities

Whilst on standby, the Council's various employment policies would normally apply. You are reminded not to consume alcohol or take medication/drugs which could impact on your ability to respond to a callout or perform your work in the event of a call out.

A condition of accepting a standby payment is that you may leave your home but must still remain contactable and have transport available to return to work within the prescribed period.

If you become unwell or are unable to comply with your responsibilities during a period of standby for example due to an unexpected change in personal circumstances you must contact your manager as soon as possible so that alternative arrangements can be made. Any standby payment made would not apply from the time you become unavailable.

If you are on standby you do so on the basis that you will be expected to deal with incidents that may arise.

5. Manager Responsibilities

As a line manager you must ensure that standby rotas are covered by employees at the appropriate level and with the appropriate skills and knowledge to respond to the situation. You should ensure that:-

- The necessary senior management approval has been given,
- Standby rotas are drawn up as appropriate in advance of any period of standby,
- The necessary contact details are available,
- Standby claims and payments are authorised in accordance with this procedure.
- Other than in exceptional circumstances hours worked are in accordance with the Working Time Directive.

- Risk assessments for the duties being covered are up to date and available for inspection.

6. Standby Sessions

There are nine standby sessions per week; the times are defined as follows although these may differ subject to the normal working hours within the service area concerned:

1. Monday 5pm - Tuesday 9am
2. Tuesday 5pm - Wednesday 9am
3. Wednesday 5pm - Thursday 9am
4. Thursday 5pm - Friday 9am
5. Friday 5pm - Saturday 9am
6. Saturday 9am - Saturday 9pm
7. Saturday 9pm - Sunday 9am
8. Sunday 9am - Sunday 9pm
9. Sunday 9pm - Monday 9am

7. Ensuring Equality of Treatment

This guidance must be applied consistently to all employees irrespective of race (including national or ethnic origins, age, disability, sex, gender identity, sexual orientation, marriage and civil partnership, pregnancy and maternity, race, religion or belief.

If you have any concerns in relation to the application of this guidance, please contact a member of the HR Team.

If you require this publication in an alternative format please contact People Management on 01267 246184 or email PMBusinessSupportUnit@carmarthenshire.gov.uk .

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