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<b>Report To:</b>	<b>Policy &amp; Resources Committee</b>	<b>Date:</b>	<b>31 January 2023</b>
<b>Report By:</b>	<b>Head of Organisational Development, Policy &amp; Communications</b>	<b>Report No:</b>	<b>PR/05/23/SM</b>
<b>Contact Officer:</b>	<b>Barbara McQuarrie</b>	<b>Contact No:</b>	<b>01475 712042</b>
<b>Subject:</b>	<b>Payment of Atypical Allowance – Part Time Employees</b>		

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## **1.0 PURPOSE AND SUMMARY**

1.1  For Decision  For Information/Noting

1.2 The purpose of this report is to seek the agreement of the Policy and Resources Committee to confirm a change in the way in which Atypical Allowance payments are applied to part time employees who work additional hours up to 37 per week.

1.3 Since the implementation of Single Status agreement in 2008 the Councils conditions of service have stated that atypical allowances only be paid in relation to contractual hours worked. To support service delivery and the recruitment and retention of employees it is proposed atypical allowances be paid for all contractual and additional hours worked, up to 37 per week.

## **2.0 RECOMMENDATIONS**

2.1 The Policy and Resources Committee is asked to agree that atypical enhancements are paid in respect of all normal working hours (i.e. for the first 37 hours whether contractual or not), with effect from the next pay period – 2 February 2023.

**Steven McNab**  
**Head of Organisational Development,**  
**Policy and Communications**

### 3.0 BACKGROUND AND CONTEXT

3.1 Following the implementation of Single Status in 2008, atypical allowances were applied to contractual hours only. Consequently, any part time employees working additional hours in the evenings and weekends would not attract the atypical allowance. This has impacted on the willingness for part time employees to undertake additional hours which can impact on service delivery and potentially on the recruitment and retention of employees.

3.2 The Atypical allowance scheme currently attracts payment for contracted hours as follows:

	Hours Worked	Rate of Pay
<b>Daytime Hours</b>	<ul style="list-style-type: none"> <li>6am and 7.59pm, Monday to Friday, and</li> <li>6am – 12.59pm, Saturday</li> </ul>	No enhancements apply
<b>Evening Hours</b>	<ul style="list-style-type: none"> <li>8pm and 11.59pm, Monday to Friday</li> </ul>	Evening enhancement of 10% for all evening hours
<b>Weekend Hours</b>	<ul style="list-style-type: none"> <li>1pm and 11.59pm, Saturday</li> <li>6am to 11.59pm, Sunday</li> </ul>	Weekend enhancement of 10% for all weekend hours
<b>Nighttime Hours</b>	<ul style="list-style-type: none"> <li>midnight and 5.59am, Monday to Sunday</li> </ul>	Nighttime enhancement of 33 1/3 <sup>rd</sup> % for all night time hours

3.3 It is the Councils Home Care Service which is most impacted by these conditions. The Service is currently having difficulty covering the ‘out of hours’ service as the atypical allowance is only paid on contractual hours, and part time employees don’t want to work additional hours if they are not receiving the atypical allowance. This has resulted in some shifts being covered by full time employees working overtime which attracts a higher rate than the atypical allowance. Accordingly, there would not be an increased cost for the service if all atypical hrs attracted the allowance as it would be offset by reduced requirement for overtime enhancements.

### 4.0 PROPOSALS

4.1 It is proposed that the Committee agree the application of the atypical allowance to all hours up to 37 per week with effect from the beginning of the next pay period - 2 February 2023.

### 5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial		X	
Legal/Risk		X	
Human Resources	X		
Strategic (LOIP/Corporate Plan)			X
Equalities & Fairer Scotland Duty			X
Children & Young People’s Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

#### 5.2 Finance

It is not anticipated that the proposed change will generate additional costs.

One Off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

5.3 **Legal/Risk**

The proposed change to the application of atypical allowances will mean a more consistent application of our terms and conditions to all employees.

5.4 **Human Resources**

If agreed by the Policy and Resources Committee the appropriate amendments will be made to employee terms and conditions of service.

5.5 **Strategic**

None

5.6 **Equalities and Fairer Scotland Duty**

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	<p>YES – Assessed as relevant and an EqIA is required and will be made available on the Council website:</p> <p><a href="https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments/equality-impact-assessments-2023">https://www.inverclyde.gov.uk/council-and-government/equality-impact-assessments/equality-impact-assessments-2023</a></p>
	<p>NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.</p>

(b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision: -

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO – Assessed as not relevant under the Fairer Scotland Duty for the following reasons: Provide reasons why the report has been assessed as not relevant.

### 5.7 Children and Young People

Has a Children's Rights and Wellbeing Impact Assessment been carried out?

	YES – Assessed as relevant and a CRWIA is required.
X	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children's rights.

### 5.8 Environmental/Sustainability

Summarise any environmental / climate change impacts which relate to this report.

There are no environmental issues concerned with this report.

Has a Strategic Environmental Assessment been carried out?

	YES – assessed as relevant and a Strategic Environmental Assessment is required.
X	NO – This report does not propose or seek approval for a plan, policy, programme, strategy or document which is like to have significant environmental effects, if implemented.

### 5.9 Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals.

## **6.0 CONSULTATION**

6.1 The Trade Unions locally have been consulted on this proposal and are supportive of the proposed change to employee terms and conditions of employment.

## **7.0 BACKGROUND PAPERS**

7.1 None.