

REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE

(Meeting held 16 June 2006)

1. PROPOSED CONTINUATION OF THE JOINT WARRANTING PROJECT BETWEEN THE HEALTH & SAFETY EXECUTIVE AND NEW FOREST DISTRICT COUNCIL (REPORT B) (MINUTE 13).

The Committee has considered and recommends the proposed extension of the pilot project with the Health & Safety Executive (HSE), involving all Local Authorities within Hampshire and the Isle of Wight, to evaluate the benefits of a more flexible approach to authorising Health and Safety Inspectors. The Council at its meeting on 18 July 2005 approved participation in the pilot programme for a period of 6 months from the date the Council entered the pilot.

The Committee was reminded that at present regulations determined the type of premises over which Local Authority and HSE Inspectors respectively had jurisdiction. These regulations are not clear and often fail to keep up with increasing changes in the work environment, leading to a potential barrier to common-sense enforcement.

Under the extended pilot, the respective Councils and the HSE will authorise anyone who is competent to act as an inspector so they can act for the partner organisation. The pilot is being managed by a steering group consisting of officers from the HSE and from Rushmoor and Basingstoke & Deane Borough Councils.

Since June 2005, the District Council has not been called upon to use the warrant, and therefore NFDC officers cannot advise on how the authority has been affected. Whilst the officers had some reservations about the proposals, it was felt that the potential benefits were such that the Council should extend the pilot. An evaluation of the pilot by a joint authorities group concluded that the pilot should continue. The expected benefits for authorities were:-

- Improved public safety;
- Increased job satisfaction for Local Authority Inspectors due to the exposure to a wider range of situations;
- Increased training and experiential learning for Local Authority staff;
- Faster responses to incidents
- Greater utility of Health & Safety workforce with attendant efficiency savings;
- Profile of Local Authority raised;
- Improved communications with the HSE
- Greater access for Local Authorities to use HSE resources including specialist staff; and
- Increased stability to deal with local problems.

Although there is no specified end date for the pilot, the Memorandum of Understanding states that the Council could withdraw from the pilot on giving one month's notice.

RECOMMENDED:

(a) ***That the Council continue to participate in the pilot programme in accordance with the arrangements as set out in the Memorandum of Understanding;***

(b) ***That, subject to (a) above, the Council continues to participate in the pilot programme, and the following officers be permitted to be authorised by the Health and Safety Executive to exercise the powers set out in (c) (i) and (ii) below:***

- ***Derek Jordan***
- ***Bob Lennie***
- ***Stephen Stone***
- ***Ben Stockley***
- ***Jeremy Stout***
- ***Peter Harcom***
- ***Jenny Taylor***

(c) ***That, the Council continues to participate in the pilot programme, and the following officers from the Health & Safety Executive be authorised to exercise the powers set out in (i) and (ii) below: -***

- ***Roger Upfold***
- ***Dennis MacWilliam***
- ***Nina Judkins***
- ***Bryony Mitchell***
- ***Jane Becmann***
- ***James Barrie***
- ***Phil Leonard***
- ***Sarah Hill***
- ***Michael Sarson***
- ***Joanna Woodcock***
- ***Rowena Shepherd***
- ***Tracey Cartwright***

(i) ***To exercise the powers of an Inspector specified in:***

(1) ***Sections 20, 21, 22, 25 and 39 of the Health & Safety at Work etc Act 1974;***

(2) ***Any Health and Safety Regulations; and***

(3) ***The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provision so specified, as enforced from time to time;***

(ii) ***To institute proceedings in England and Wales pursuant to Section 38 of the 1974 Act;***

but not to the extent that these functions are discharged in the Council's capacity as an employer.

2. REVIEW OF FLEXIBLE WORKING (REPORT D) (MINUTE NO 12).

The Committee has considered proposed changes to the Council's employee flexitime scheme.

A Workwise Steering Group was established in November 2004 to review a number of issues relating to employee terms and conditions, in particular the 'Work / Life balance'. A number of proposed projects were identified but the Group's first priority was to review the current flexible working scheme.

The group looked at how the current scheme was working, and soon discovered that many informal working arrangements, outside the current scheme, were in place. The Group used some of the informal practices to produce a new protocol, which was tested on an initial pilot group, consisting of 30 employees (2% of the workforce). The initial pilot included the following work patterns: -

- Compressed weeks/fortnights
- Amended Flexitime system
- Revised lunch breaks

Most employees found the pilot benefited their work/life balance, for example they could miss the traffic in the morning and spend more time with the family.

The pilot gave valuable feedback to the Workwise group, of the potential issues that needed to be addressed. It was clear from the pilots that, in tandem with the protocol document, more information and training was needed for managers and employees, before any new scheme was introduced. There were a number of issues flowing from the pilot that needed further clarification:-

- Office Cover
- Core Time
- Lunchtime Arrangements
- Lieu days
- Contracts of Employment

The Group subsequently considered the comments from the initial pilot, and a scheme was proposed based on the following objectives: -

- To improve employees' work/life balance;
- To help retain and recruit employees;
- The scheme to be cost neutral; and
- The scheme to improve service delivery where possible, but at no cost should service delivery be reduced.

The new scheme was presented at Industrial Relations Committee in September 2005 and Heads of Service in October 2005.

Employee Side consultation commenced in November 2005, and a sample group of managers considered the scheme at a session in November 2005.

The following feedback emerged from the consultations:-

- Managers' concerns about the business benefits and time needed to administer the process.
- Employee Side felt that the scheme should apply to all employees across the Council including Commercial Services and Leisure Services and wanted this highlighted as a Single Status issue.
- Employee Side requested that employees should be able to stay on their current scheme during the pilot, as no variation to terms and conditions had been signed.
- Employee Side and managers had concerns about the level of cover in the office if more and more individuals were taking the option of compressed working.
- Service standards were required so that services could clearly write down their service requirements.
- Some felt that the current flexitime scheme should remain unchanged as it provided both managers and employees with sufficient flexibility.

After further discussion of these and other issues at Directorate Management Teams and Corporate Management Team in April 2006, and the Workwise Group in May 2006, it was proposed that the revised flexitime scheme be introduced, if practicable, from 1 August 2006. Officers are still working to this timetable, but implementation may be delayed slightly so that arrangements can be properly finalised before its launch.

The current and proposed core working times are:-

| Existing | Proposed |
|---|---|
| <ul style="list-style-type: none">• Morning - 9.30am -12.00pm• Afternoon - 2.00pm - 4.00pm | <ul style="list-style-type: none">10.00am - 12.00pm2.00pm - 3.00pm |

The new hours for the working day are therefore as follows (changes shown in bold):-

| | |
|----------------|--|
| Bandwidth: | 8.00am-6.30pm (maximum hours) |
| Coretime: | 10.00am - 12.00pm (morning) 2.00pm - 3.00pm (afternoon) |
| Flexible Time: | 8.00am - 10.00am 12.00pm - 2.00pm 3.00pm - 6.30pm |
| Lunch Break | 2 hours (Max) or 30 mins (Minimum) |

Minimum Hours worked per day = 2 hours

The new scheme also reinforces the requirement for the offices to be covered from 8.45am-5.15pm (Monday to Thursday) and 8.45am-4.45pm (Friday). A minimum of 2 hours needs to be worked by each employee per day.

Under the EU Working Time Directive if an employee works more than 6 hours continuously in any one day, they are required to take a 30-minute break. Any changes to individuals' work patterns as a result of this scheme will need to be agreed with the manager and the team.

The current arrangements whereby employees can carry over credit or debit hours from one month to the next will continue in the new scheme. However with new core hours, employees will have greater flexibility of working times.

The revised scheme is attached as Appendix 1. All amended areas are in bold and italics for reference.

RECOMMENDED:

That the revised Flexitime Scheme attached as Appendix 1 to this report, be approved.

Cllr W H Dow
CHAIRMAN

Attachment: Appendix 1

1. Flexible Working Hours – Operation (from Employee Handbook)

Your contract will detail whether you are included or excluded from the Flexible Working Hours scheme. If you are not sure please seek clarification from your manager.

Flexible Working Hours are one of the Council's benefits provided for its employees. Your Director retains the discretion to determine times of attendance for all employees as appropriate.

2. The Working Day

| | | | |
|---------------|-----------------------------|-----------------|----------------------|
| Bandwidth | 8.00am-6.30pm | (maximum hours) | |
| Coretime | Morning | 10.00am | - 12.00pm |
| | Afternoon | 2.00pm | - 3.00pm |
| Flexible Time | | 8.00am | - 10.00am |
| | | 12.00pm | - 2.00pm |
| | | 3.00pm | - 6.30pm |
| Lunch Break | Maximum | 2 hours | - Minimum 30 minutes |
| | Minimum Hours worked | 2 hours | |
| | Per day | | |

Core Times

Apart from periods of absence, all employees covered by flexible working arrangements must be on duty during core times.

Lunch Break

Lunch should be taken between the hours of 12.00pm and 2.00pm.

Whilst this period may extend to the full two hours as stated, it should not be of less than 30 minutes duration and this applies whether or not you leave the building. If you are attending a meeting at which a working lunch is provided you will not be required to take the minimum break.

Under EU Working Time Directive if an employee works more than 6 hours continuously in any one day, they are required to take a 30 minute break.

3. Flexibility and Constraints

The success of the Flexible Working Hours Scheme depends on the common sense and goodwill of all employees. Generally, it is expected that you will work with your colleagues and manager in a flexible way to ensure that service delivery standards are maintained throughout the day. Your manager will be responsible for ensuring appropriate cover and will allocate times of attendance if necessary, during normal working hours (***Mon-Thurs 8.45am-5.15pm & Friday 8.45am-4.45pm***).

If exceptional circumstances occur, the scheme may need to be temporarily suspended following consultation with the Employee Side representatives. In the event of severe inclement weather affecting the travelling to and from work, delays and absences for this reason will be allowed and those employees affected will be credited with a standard day's attendance. Please see Section 4b of this handbook for more details regarding inclement weather provisions.

4. Recording of Hours Worked and Absences

You will be required to record your hours worked and will be provided with an attendance record sheet which will cover a four weekly settlement period. It is your responsibility to ensure the completion and safe-keeping of attendance record sheets. Your record sheets should be available for your manager to examine as necessary.

Your attendance record sheet will record when you start and finish work, including lunch breaks. All recording must be done at the time, not later. Absences for a full day are to be recorded as a credit of 7 hours 24 minutes. Similarly a half day's absence is to be recorded as 3 hours 42 minutes. Any overtime hours worked should be claimed on the Overtime Claim Form and not recorded on the Flexible Working Hours record sheet.

For absence from conferences, courses, seminars and meetings the criteria to be used to determine the time to be recorded will depend on whether or not the Council requires you to attend as part of your job. Absences for events lasting more than one day will generally be counted as 7 hours 24 minutes per day. Where you are specifically required to work or attend any event for more than 7 hours 24 minutes in any day, the actual time should be recorded. One day events should count the time between that of departure from, and return to, your home, less the normal home to office return journey time.

Each Directorate will have local arrangements for dealing with completed record sheets. Please discuss this with your manager.

Maximum Hours to be Worked in a Week

The Council wishes to safeguard employees' health and wellbeing by ensuring that no employee is required to regularly work more than 48 hours per week. You are encouraged not to work an unreasonable number of hours which may affect your health or responsibility to family and friends.

5. Medical and Dental Appointments

Medical and dental appointments should be arranged within flexible time periods and not coretime. Emergency treatment will be allowed within core time as agreed with your manager. Where you attend for emergency treatment and have already recorded a start time and expect to return to record a finish time, you need not record the duration of the approved absence.

6. Settlement Period

The Settlement Period is four weeks. The number of contractual hours in a settlement period are:

$$20 \times 7.40 \text{ hours} = 148 \text{ hours}$$

This is arrived at as follows: (No of working days + (37 weekly hours) Total for 4 weeks_statutory and local holidays) 5

7. Carry Forward Balances

The maximum credit which can be carried forward is 10 hours

The maximum debit which can be carried forward is 5 hours

In the following settlement period, all debit hours must be made up. Your annual leave entitlement may not be used to decrease accumulated debit hours. Credit hours cannot be accumulated from period to period beyond the maximum permitted limit of 10 hours. Hours worked voluntarily in excess of 10 will not be treated as overtime.

8. Flexi Leave

If you have accumulated credit hours in a settlement period you may take flexi leave with the approval of your manager in the next settlement period. The limit is the equivalent of one full day. You will not be allowed to take flexi leave where this would result in a debit balance of more than five hours occurring.

9. Overtime

Overtime will not be included in the Flexible Working Hours scheme. Please refer to Section 2d of this handbook for details of overtime procedures. Unless there are exceptional circumstances, overtime will not be paid at enhanced rates during the period 8.00am to 6.30pm, Monday to Friday.

10. Leaving the Council's Service

If you leave the Council's service you will be responsible for ensuring that your flexible working hours are not in debit on your last day of service. If there are any problems which may prevent this being achieved, please discuss this with your manager as soon as possible

11. Abuse of Flexible Working Hours Scheme

The success of the scheme hinges on trust, between yourself, your colleagues and your manager. Abuse will be dealt with under the disciplinary procedure. All abuses will result in exclusion from the Flexible Working Hours Scheme.

12. Withdrawal of Flexible Working Hours

The Flexible Working Hours Scheme may be withdrawn if continuation of the system may adversely affect delivery of Council Services.