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difference

PAY AND TIME OFF IN LIEU POLICY

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1. STATEMENT OF INTENT

- 1.1 Wyre Council intends to manage the pay of its workforce in order to regulate expenditure, ensure transparency, fairness and consistency in pay determination, control pay drift and conform with pay agreements reached on behalf of its employees both nationally and locally.

2. SCOPE

- 2.1 This policy explains the Council's agreed terms and conditions on pay and applies to all Wyre Council employees engaged on National Joint Council for Local Government Services [Green Book] conditions of service.

3. ROLES AND RESPONSIBILITIES

- 3.1 **The Council is responsible for:**

The responsibility for the pay structure rests with the Council, who through its Officers and principally based on the advice delivered by the Human Resources Manager will establish consistency and conform with equal pay legislation.

- 3.2 **The Chief Executive, Directors and Senior Leadership Team will be responsible for:**

- providing Human Resources with appropriate documentation, including time sheets, variation of hours, overtime and mileage claims etc. to enable the payment of salaries and wages;
- providing Human Resources with job descriptions and other information required to enable the determination of grade, wage or salary level for posts in their services;
- advising Human Resources of any variation, or proposed variation, of duties and responsibilities attached to a post in their Directorate which may have implications for the wage, grade or salary for that post.

3.3 The Human Resources Manager is responsible for:

- advising the Council on wage rates, salary levels, job evaluation, wage and salary review procedures;
- maintaining an up to date establishment list which will contain each post on the Council's establishment, with information relating to the remuneration and other payments relative to each employee;
- advising all employees of changes to their wage and salary levels, and making appropriate variations to their written particulars of employment as required by the Trade Union Reform and Employment Rights Act 1993, and Employment Rights Act 1996;
- administering the appeals procedures relating to grading matters.

In liaison with the Head of Finance:

- the payment of wages and salaries to the Council's employees in accordance with the terms of their contract with the Council;
- making lawful deductions from the wages and salaries of the Council's employees in accordance with legislation summarised in the Employment Rights Act 1996;
- issuing an itemised pay statement to each employee of the Council at or before the time at which any payment of wages or salary is made in accordance with the Employment Rights Act 1996.

4. PAY PROCEDURES

4.1 Wyre Council will pay its employees' salaries which reflect the agreement reached by the National Agreement on Pay and Conditions of Service, except in circumstances

- where locally agreed variations are in place
- which are jointly agreed between the Council and representatives of its employees in the furtherance of successful tenders for areas of activity which are exposed to competitive tendering,
- where the Council has taken into its employment employees of other councils or contractors under the TUPE regulations.

4.2 The appropriate grade for any particular post will be determined by Job Evaluation and administered by Human Resources.

4.3 **New Appointments**

Staff newly employed by the authority will normally be appointed to the initial point of the established grade for the post unless their skills, experience or previous salary justifies paying a higher scale point within that established grade. Offers above the initial point should only be made in consultation with Human Resources and the relevant Director / Chief Executive.

4.4 Calculation of Salary for New Employees

If an employee commences their employment part way through a month, the pay due to them will be calculated as follows:-

- Normal annual salary divided into 12 equal instalments to give monthly salary.
- Monthly salary divided by the number of days in the current month multiplied by the number of days due.

Example: For a start date of 11th September the calculation would be – monthly salary/30 days x 20 days.

4.5 Calculation of Salary for Leavers

If an employee terminates their employment and is due to leave part way through a month, the leaving date for pay purposes will normally be a Sunday.

The pay due to them will be calculated as follows:-

- Normal annual salary divided into 12 equal instalments to give monthly salary.
- Monthly salary divided by the number of days in the current month multiplied by the number of days due.

Example: For a leaving date of 11th September the calculation would be – monthly salary/30 days x 11 days

4.6 Incremental Progression

Progression through the grade from one increment to the next will normally take place on the 1 April each year until the maximum point of the scale is reached.

However Officers with less than six months service by 1 April will be granted their first increment six months after their appointment, promotion or re-grading.

4.7 Increments may be accelerated within an employee's scale on the grounds of special merit or ability subject to approval of the relevant Director or Chief Executive.

4.8 At the discretion of management and in consultation with Human Resources employees can be accelerated up to two increments (within the grade) subject to the successful completion of a final examination of an approved course of study.

4.9 Increments may be withheld from any employee following an adverse report on an officer in line with the relevant formal process (subject to the normal rights of appeal). Any increment withheld maybe paid subsequently when the employee's service becomes satisfactory.

4.10 **Recompense for Undertaking Temporary Additional Duties**

An employee who, for any reason other than the annual leave of another officer, is called upon by their Director to undertake the full duties and responsibilities of a higher graded post for a continuous period of at least four weeks is entitled to receive a salary in accordance with the first increment of the grade of the higher graded post temporarily occupied. Once qualifying the higher salary will be paid with effect from the first day on which the employee was required to undertake the duties and responsibilities of the higher graded post.

4.11 Where an employee undertakes additional responsibility in the absence of a more senior officer (for any reason other than annual leave), albeit not the full duties and responsibilities, any entitlement to additional payments will be subject to the qualifying period set out in 4.10 above and will be based on an evaluation of the additional duties under the Council's Job Evaluation Procedure.

Such payments are to be determined by the HR Manager after consultation with the relevant Director / Chief Executive.

4.12 **Grading, Re-grading and Appeals**

Proposals for the management of the grading of new and changed posts, re-grading applications and appeals can be found on the Councils' Intranet.

4.13 **Calculation of Accrued/Overtaken and Unpaid Leave**

Leave is calculated based on a 5 day working week (pro-rata for part time staff). Examples of calculations are shown below:

On leaving an employee has 10 days untaken accrued leave entitlement – weekly salary/5 days x 10 days paid with their final pay.

On leaving an employee has overtaken their leave entitlement by 3 days – weekly salary/5 days x 3 days deducted from their final salary.

An employee wishes to take 6 days unpaid leave – weekly salary/5 days x 6 days deducted from their salary.

4.14 **Reimbursement of Expenses**

4.14.1 Staff are eligible to be reimbursed only where expenditure is necessarily incurred in the performance of an approved duty.

4.14.2 Full details of expenses incurred must be recorded in the Mileage/Expense log book. All claims should be supported by a receipt which must be attached to the log book.

4.14.3 Claims for alcoholic beverages will not be accepted.

4.14.4 Financial Services issue rail warrants so staff should not be claiming for rail travel.

- 4.14.5 Employees who as a result of their official employment duties are prevented from following their normal meal arrangements or who have to stay away overnight may claim reimbursement of the actual expenditure incurred (excluding alcoholic drinks) up to the maximum allowance as set out below.

Minimum Journey Time	Maximum amount of Allowance
5 hours	£5
10 hours	£10
15 hours	£25

- 4.14.7 All expense claims should be made monthly using either the HR21 system or the 'Staff Travel and Subsistence Allowance' claim form. Claims submitted more than two months after the expenses were incurred will be paid only with the express approval of the relevant Director or Chief Executive. Claims will be paid on or around the 15th of each month with salary payment.
- 4.14.8 Petty cash must not be used as a means of reimbursement.

4.15 Reimbursement of Mileage

For information on claiming reimbursement for mileage carried out on official business duties see the council's Driving Policy.

5. OVERTIME AND TIME OFF IN LIEU (TOIL)

- 5.1 Overtime pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or occasionally unplanned. Unless an employee has a contractual entitlement to overtime or it has been authorised in advance by the appropriate line manager a claim for overtime will not be considered.
- Planned overtime is pre-determined and the need for the overtime will have come about either from special one off project work or to carry out essential work.
- 5.2 Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours.
- Subject to working patterns and contractual arrangements TOIL should normally only apply to hours worked before 7.15am and after 7.00pm.
- 5.3 Employees who work additional hours on an ad hoc basis are recompensed either with an overtime payment or time off in lieu (TOIL) through the flexible hours recording system.
- 5.4 If the starting point for overtime worked is the employee's home address any travel time included should be less than the time that it normally takes to travel from home to normal work base and back.
- 5.5 **Employees on or below scale point 22**

Employees on or below scale point 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments / TOIL on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)

5.6 Employees paid on scale point 23 or above

Those who are paid on scale point 23 and above will receive overtime payments as outlined above but these will be calculated at scale point 22.

Staff paid on scale point 23 and above will be entitled to TOIL at plain time for hours worked from Monday to Thursday, time and a half for Fridays and Saturdays and double time for Sundays and Bank Holidays.

5.7 Part time employees

Part time employees are entitled to receive overtime payments / TOIL only at times and in circumstances in which full-time employees in the establishment would qualify. Otherwise a full working week for full time employees (37 hours) shall be worked by a part time employee before these enhancements apply.

5.8 Work undertaken under the emergency plan

Where recall to work is outside an employees' usual/contracted working hours and their skill and professional knowledge means their attendance is critical to the emergency, the normal restriction that part time workers will need to have worked 37 hours before attracting overtime payments / TOIL at enhanced rates will be set aside. This arrangement must have been previously agreed with the Corporate Director for payment to be made.

5.8.1 Employees recalled to work under the emergency plan will be paid as follows:

Employees on or below scale point 22 who are required to work additional hours beyond their working week are entitled to receive overtime payments on the following basis:

Monday to Saturday – time and a half

Sundays and Public and Extra Statutory holidays – double time (min 2 hours)
Work carried out from midnight onwards will be paid at double time.

Those who are paid on scale point 29 and above will receive overtime payments as outlined above but calculated at scale point 22.

5.8.2 Travel time will be included in the time worked.

5.8.3 Staff recalled to work on a day's leave will have their leave reimbursed. Overtime rates will only apply outside of normal working hours.

5.8.4 Sleep time for those working through the night and contracted to work the next day will be granted depending on the circumstances and only with the agreement of a Corporate Director up to a maximum of 7 hours 24 minutes.

5.9 Working Hours

The Council is mindful of the Working Time Regulations and has a duty of care to protect the health and safety of its employees by ensuring that they do not work too many hours. The normal working week is one of 37 hours and employees should not work more than 48 hours a week unless agreed by the line manager. Any requirement to work beyond the Working Time Regulations should be referred to the human resources team in the first instance.

If any employee regularly works additional hours, then working hours may need to be formally amended to reflect this.

5.10 Record Keeping

Where an employee currently utilises the Council's flexitime system this will be the mechanism by which additional hours worked will be managed.

The arrangements for the operation of the flexitime system are detailed in the relevant policy and procedure.

Post holders who are required to work outside the normal core flexi time (7.15 am to 7.00pm Monday to Friday) on a regular basis, may have their carry over limit increased up to a maximum of 4 days to accommodate operational requirements. Any increase in the carryover from 2 to 4 days must be agreed by the Head of Service in consultation with the HR team.

It is the responsibility of Line Managers to monitor the accumulation of TOIL and additional hours should normally only be worked with the prior agreement of the Line Manager.

5.11 Taking TOIL

Every effort should be taken to take TOIL as soon as possible after it is accrued, however, it is recognised that this may be restricted due to operational requirements.

Where TOIL of more than half of a normal working day is being claimed this should be claimed in line with the principles of booking flexi or annual leave.

5.12 Staff with high TOIL balances must speak with their manager and agree a plan to reduce the balance by taking TOIL leave whilst maintaining service delivery.

TOIL balances should not exceed 37 hours (pro-rata). Director approval will be required for any exceptional balances over this threshold.

6. ADDITIONAL PAYMENTS AND ALLOWANCES

6.1 Saturday and Sunday Working

Where employees are required to work a five day in seven week; plain time rates apply to the first 37 hours of any working week (excluding Public Holidays), irrespective of which days are worked and, thereafter, the appropriate additional hours provisions apply.

6.2 Night Work

To qualify for night work, the night time period must be 7 hours long and include the period between midnight and 5am.

Employees who work at night as part of their normal working week are entitled to receive an enhancement of time and one third for all hours worked between 8pm and 6 am.

6.3 Evening Work

A number of posts work into or in the evening on an ad hoc basis and are recompensed either with an additional hours payment or time off in lieu. The time off in lieu entitlements will be calculated in accordance with this policy and administered via the flexible hours recording system.

If any employee regularly works evenings, then their working hours may need to be formally amended to reflect this.

6.4 Public and Statutory Holiday.

Payment / TOIL for work undertaken on Public and Statutory Holidays will be made in accordance with National Agreement on Pay and Conditions of Service.

6.5 Severe Weather Standby and Operational Standby

A current weekly payment of £105.27 (as at April 2023) will be paid for Severe Weather Standby (previously referred to as Albion and Neptune standby) and Operational Standby and is increased in line with national pay awards. Where there is a recall to work to deal with an incident, employees will be paid in accordance with work undertaken under the emergency plan as set out in section 6.8 of this policy.

6.6 Recall to Work /Informal Standby

Where an individual is not on formal standby, but they may be recalled to work to deal with a matter that has arisen, it is proposed that no standby payment be paid (on the basis that there is no requirement for the employee to be on standby). However they should be recompensed in accordance with the provisions below:

- Time and a half is paid (or corresponding time off in lieu given) to any officer recalled to duty on scale point 22 or below
- Plain time is paid (or corresponding time off in lieu given) to any officer recalled to duty on scale point 23 or above
- Travel time be included in the time worked

Should any part time employee be called to work under the emergency plan the normal restriction that part time workers will need to have worked 37 hours before attracting TOIL / overtime payments at enhanced rates will be set aside.

6.7 Key holders call out

Key holders who do not receive regular standby payments and are called out to deal with an alarm at the Council premises for which they have responsibility will be paid in accordance with the provisions below:

- Two hours at double time (or corresponding time off in lieu given) to officers on scale point 22 or below.
- Two hours at plain time (or corresponding time off in lieu given) to officers on scale point 23 or above.

6.8 Duty Officers

6.8.1 The Duty Officer role is not allocated to any particular post but these additional duties are open to any employee to apply for. Where the Duty Officer is called out monitoring ensures that the provisions of the Working Time Directive are not breached.

The current weekly payment for Duty Officer standby is £315.85 as at 1 April 2023.

The Duty Officer will also be reimbursed 1 hour of flexi for each week they are on duty irrespective of whether they are called out or not.

On occasions where a call out exceeds 3 hours flexi time claimed will be the period of the call out less 1 hour. It is expected however that this will only be required in exceptional circumstances.

6.8.2 Where the emergency plan is activated then the Duty Officers will be paid in addition to the weekly standby payment depending on the circumstances as follows:

- If called out payment will be made in accordance with the emergency plan as set out in section 5.7
- If homebased they will receive an additional payment pro-rata of weekly payment for each day additional work is carried out during the activation of the emergency plan

Duty Officers will also be entitled to sleep time in line with section 6.8.4.

6.9 Food Safety Inspections

These rates are updated by the value of the annual pay award each year.

7. RECRUITMENT AND RETENTION INCENTIVES

- 7.1 The Council is committed to the principles of equal pay for work of equal value. However, there are times when the rate of pay as determined by job evaluation is not competitive in the relevant job market, causing serious recruitment and retention difficulties particularly where certain specialisms are required.

In exceptional circumstances, it may be appropriate to consider payment of a recruitment or retention incentive to ensure the delivery of high performance services. These incentives may be in the form of a relocation package, a golden hello or a market supplement.

- 7.2 Proposals for payment of incentives must be made in consultation with Human Resources and include supporting evidence of the recruitment / retention difficulties and give consideration to the cost and implications on existing staff.

- 7.3 All proposals to offer a recruitment or retention incentive must be approved by the Chief Executive / Directors and Section 151 Officer.

- 7.4 All incentive payments are subject to a requirement to repay in the event that the employment terminates for whatever reason within a specified time and individuals will be required to sign contract agreements to this effect.

- 7.5 **Relocation Allowance**

The decision to offer such a recruitment incentive must be based on the business need, taking into account the purpose of the post, the difficulties in recruitment, the benefits to be gained and the alternatives to the employee relocation taking place.

Relocation expenses are judged on a case-by-case basis and each employee's situation and circumstances will be unique. The Council therefore retains discretion to tailor the relocation package to suit the particular circumstances and needs of each employee.

The payment of all relocation allowances under this policy will be restricted to permanent appointments where the new employee moves from a location beyond a radius of 50 miles from the Wyre Council Civic Centre to take up residence within reasonable commuting distance from the employee's usual place of work. Applications for relocation to an area beyond the Borough or surrounding area will not be approved.

All claims under this scheme must be made within 12 months from the date of the appointment and no more than three months after the date the expenditure was incurred.

An application for assistance under this scheme shall be made using the approved form and should be signed by the appropriate Director. Claims for lodging and travelling allowance only should be submitted monthly using the subsistence claim form.

An officer granted assistance under this scheme, who leaves the service of the Council within three years of taking up an appointment shall be required to repay up to a maximum of the total amount of the allowances received calculated pro-rata to the part of the three year period not completed.

Further detail is shown in Appendix A and in the Recruitment and Selection Handbook.

All offers of relocation are subject to HM Revenue & Customs regulations.

7.6

Golden Hello

In circumstances where it is expected that there will be exceptional difficulties recruiting to a position (irrespective of grade), a sum of money may be offered as an incentive.

This payment is discretionary and will only be made where there is clear evidence that the salary payable is in monetary terms, significantly lower than the market rate and there are serious recruitment and difficulties associated with the position.

Payments are normally made in the form of a cash lump sum and are subject to normal income tax and national insurance deductions.

As with relocation expenses this would need to be repaid by the employee if they left the council within an agreed time-frame.

8. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 8.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

9. DATA PROTECTION

- 9.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

APPENDIX A

Relocation Expenses

Relocation expenses are normally only payable where an officer is moving to take up residence within the Borough of Wyre or to be within reasonable community distance of his or her normal place of work and such a move is necessary in the interests of the Council.

The Council will make a contribution to removal expenses, legal costs, temporary rent/lodging, travel expenses and estate agents fees on the sale and purchase of property upon production of satisfactory evidence of costs. Claims can be made up from all of the allowances, subject to a maximum claim of £5,000 in total.

a) An allowance of £60 per week for up to 12 weeks can be claimed by new employees who incur additional expenses (lodging, rents, etc.) on temporary accommodation whilst retaining a financial commitment on their former residence and/or are separated from their immediate family. Receipts or other proof of expenditure must be produced to support the claim for lodging allowance.

b) A standard class return rail fare can be claimed by new employees who are separated from their immediate family for one journey per week from Poulton-le-Fylde train station to their former town/City of residence and back while in receipt of the temporary accommodation allowance. Receipts or other proof of expenditure must be produced to support the claim for travel allowance.

c) The lodging and travel allowance may be capable of extension for up to a further 12 weeks at the discretion of the appropriate Corporate Director in consultation with the Head of Business Support. Receipts or other proof of expenditure must be produced to support the claim for lodging and/or travel allowance.

d) Payment of up to the maximum of £5,000 of expenses reasonably incurred for the removal of personal effects. This will be based on the lower of three written quotations and will include any payment for insurance cover during the removal. The Officer may accept a quotation other than the lowest quotation if he/she pays the difference between the lowest quotation and the quotation accepted. Officers must also provide a receipt as evidence in relation to the claim.

e) The allowance shall not be payable to an officer leaving his/her parental home and will only be payable where an officer can demonstrate that they have a substantial financial commitment in respect of his or her former home.

APPENDIX A

f) Provided that it is agreed in advance by the appropriate Corporate Director, the allowance may be payable where an officer elects to travel to and from the Borough daily and incurs substantial expenditure. Officers electing to travel to and from the Borough daily must provide details of mileage incurred in relation to the claim.

The payment of all relocation allowances under this policy will be restricted to permanent appointments where the new employee moves from a location beyond a radius of 50 miles from the Wyre Council Civic Centre to take up residence within reasonable commuting distance from the employee's usual place of work. Applications for relocation to an area beyond the Borough or surrounding area will not be approved.

All claims under this scheme must be made within 12 months from the date of the appointment and no more than three months after the date the expenditure was incurred.

An application for assistance under this scheme shall be made using the approved form and should be signed by the appropriate Corporate Director. Claims for lodging and travelling allowance only should be submitted monthly using the subsistence claim form.

An officer granted assistance under this scheme, who leaves the service of the Council within three years of taking up an appointment shall be required to repay up to a maximum of the total amount of the allowances received calculated pro-rata to the part of the three year period not completed.

The officer concerned will be asked to sign an undertaking to that effect.

A new employee shall not be entitled to claim allowances in accordance with the provisions of this scheme in circumstances where such allowances may be claimed under a scheme operated by a Government body or where his/her spouse claims allowances under a scheme operated by another employer.

The allowances provided by this relocation scheme will be paid retrospectively on production of receipts or other evidence of payment.

The allowances quoted in this scheme are maximum values and payments made to employees will be based on the actual expenditure incurred by the employee.