
Overtime and discretionary payments

Introduction

1. General peaks and troughs of work are catered for within the flexi-time system. However, it is recognised that on occasion a particular block of work needs to be undertaken which:
 - Cannot be accommodated within the flexi-time system; and
 - Requires staff, with their agreement to work more than the standard 35 hour week.
2. In these circumstances, overtime or discretionary payments will be paid at the discretion of management.

General principles

3. The management approval process is as follows: a case for overtime or for discretionary payments needs to be prepared in advance (with the exception of emergency call-outs) by the line-management in which the work is identified and quantified in terms of the staff who are needed, the additional hours required per week and the overall duration of the work, and an explanation as to why this cannot be accommodated within the flexi time system.
4. The relevant Director must approve this case prior to its submission to the Deputy Director of People and Transformation who has authority for approving the payment of overtime, which will only be paid with their written approval.
5. Prior notification is also required to flag up any potential Health & Safety issues (e.g. working alone, late or outwith normal office hours).
6. The phrase “flexi time” is used as most staff work within the flexi system. Where staff who do not work within the flexi time system work overtime, they can also take time off as an alternative to payment in keeping with the provisions below. This will be referred to as “time off in lieu”.

Overtime rules

Training courses

7. Time spent in excess of normal working hours on training courses will not attract any extra payment. Staff that are required to attend official training courses on a Saturday, Sunday or a recognised rest day may be allowed flexi time for those hours. No additional payments will be made.

Retrospective pay increases

8. Retrospective increases in pay may be taken into account and discretionary payments or overtime adjusted from the date of the pay increase.

Calculation of overtime rates

9. To calculate the hourly overtime rate HR uses the following formula:
 - Salary (Full time equivalent salary that ranks for overtime purposes including any relevant allowances) divided by 52.2 weeks per year/35 hours per week.

Overtime rates

10. Once overtime has been approved by the Deputy Director People and Transformation, the following rates will apply:

A) Staff in grades up to and including E1:

- Monday to Friday - hourly payments at the rate of time and a half;
- Saturday - hourly payments at the rate of double time.
- Sunday - hourly payments at the rate of double time.

B) Staff in E2 and E3 grades:

- Monday to Friday - hourly payments at the rate of plain time;
- Saturday - hourly payments at the rate of time and one half
- Sunday - hourly payments at the rate of double time.

C) Public holidays: grades up to and including E3:

- Payment at plain time for hours worked plus equal flexi time: or
- When flexi time cannot be granted payment for the hours worked, as described above, payment will be made at double time.

Flexi time as an alternative to payment for overtime: grades up to and including E3

11. At the discretion of the Council, staff in overtime grades may, if they wish, be allowed flexi time in lieu of payment for overtime. They should not be required to take flexi time instead of payment for worked Monday to Friday. Where staff have been offered/are entitled to an overtime payment, they may accept flexi time as an alternative to payment if they wish but are not obliged to do so.
12. Staff who do not work within the flexi system may be offered time off in lieu.
13. Flexi time is awarded as follows:

Monday to Friday - Excess hours worked should be accommodated within the flexi time where possible.

- Grades up to E1: Flexi at plain time, plus payment at half time
- Grades E2/E3: Flexi at plain time.

Saturday –

- All grades up to and including E1: flexi time for actual hours worked with payment at plain time for those hours.
- E2 and E3: flexi time for actual hours worked with payment at half time for those hours

Sunday-

- All overtime grades (up to and including E3): flexi time for actual hours worked with payment at plain time for those hours.

Call-outs – continuity and overtime

Planned call-outs

14. Where staff are advised/approved in advance and they are required to work for short periods outside the hours of 8.30am – 5pm Monday –Thursday /8.30am – 4pm Friday or after the normal finishing time for part time staff and:

- The attendance begins within three hours of the normal starting time, or
- Ends within three hours of normal finishing time,

the attendance will be treated as if no break had occurred for the purpose of overtime.

15. **Example:** My normal finishing time is 5pm. I am called back into the office from 6pm until 6.30pm. Because I returned within three hours of the normal finishing time (I returned before 8pm), I can claim for the period between 5pm and 6pm as well as the time I actually worked: a total of one hour and forty-five minutes.

16. Where staff are advised/approved in advance and they are required to work for short periods outside the hours of 8.30am – 5pm Monday –Thursday /8.30am – 4pm Friday or after the normal finishing time for part time staff and:

- The attendance begins more than three hours before normal starting time, or
- Ends more than three hours after normal finishing time,

staff can claim a minimum three hours overtime credit even though the work may have taken less than three hours.

17. **Example:** My normal finishing time is 5pm. I am called back into the office at 8.30pm and finish at 9.15pm. Because I finished work later than 8pm, which is three hours more than three hours than my usual finishing time, I can claim a minimum of three hours

overtime. I can claim three hours instead of the forty-five minutes the work actually took.

Emergency call-outs

18. When staff are unexpectedly required to travel to the office in an emergency – i.e. where the original expectation was not that they were due to work, but this has been made necessary due to an unforeseeable event such as the alarm sounding, the following applies:
19. If the emergency work exceeds two hours, they may claim an extra hour as overtime credit as an alternative to the minimum three hours credit.
20. **Example:** I am unexpectedly called into work because of an emergency and work for 2 hours and 15 minutes. The minimum entitlement is usually three hours, but I can claim 3 hours and 15 minutes - because it was an emergency situation.
21. Two or more call-outs during a spell of an on-call duty will not entitle staff to greater credit than if attendance had been continuous (i.e. as if no break had occurred from the beginning of the first period of call-out to the end of the second).
22. Staff who are liable to be called out in an emergency –i.e. those who are authorised to deal with alarm soundings, may also receive a payment of £17.50 per month as recognition of their making themselves available to attend work during their free time.

Change in entitlement on promotion

23. When a member of staff is promoted and consequently changes to different overtime conditions they can receive payment for excess hours and weekend attendance according to their new/promoted grade and current salary.
24. However, for the first six months of the new role, if the member of staff's promoted pay plus overtime payments results in them being paid less than they would have been if not promoted, they are entitled to compensation. This compensation should bring payments up to the level that it would have been if their salary and overtime conditions were those applicable immediately before the date of promotion. This is subject to satisfying the qualifying conditions of the higher grade – i.e. doing work the new grade would class as being entitled to an overtime payment.

Discretionary payments for staff in grade M1

25. Grade M1 staff are not eligible for overtime; however, discretionary payments may be made to them when they are required, for operational reasons, to work exceptionally long and unsocial hours. This will require approval as per paragraphs 2-4.

Qualifying circumstances for grade M1

26. To qualify for payment, an eligible member of staff must have worked 30 or more excess

hours over a 3-week period in addition to the standard working week (whether worked at weekends or during the week). Time spent on official travel in excess of the standard working hours will normally also qualify.

27. Normally, work undertaken at home will not qualify for payment. Such hours may however count where individuals are obliged to work at home for reasons acceptable to the Deputy Director People and Transformation and where prior approval has been obtained.

Calculation of payment for staff in M1

28. Discretionary payments will be calculated on the basis of the total number of hours worked in excess of the standard working week, including weekend hours

Options for Grade M1s

- Monday to Friday - Payments for excess hours to be made using the actual hourly rate as calculated at 7 above.
- Saturday - flexi time for actual hours worked, where possible, plus payment at half plain time for those hours using the actual hourly rate. Additional flexi time will not be offered in place of this payment.
- Sunday - flexi time for actual hours worked, where possible, plus payment at plain time for those hours worked. Additional flexi time will not be offered in place of this payment.
- Public Holidays - flexi time equal to the actual hours worked plus payment at plain time for those hours. Where flexi time cannot be given, a payment at double time rate will be given.
- Flexi time will generally be granted though there may be some exceptions, typically where to do so would:
 - Cause disruption to service levels, or
 - Result in an excess of flexi.

The final decision rests with the Deputy Director People and Transformation after consulting the relevant Director.

Part-time staff

29. Where part-time staff work overtime:
- Hours falling short of the standard working week (35 hours) will be paid at the agreed plain-time rate.
 - Hours in excess will be paid at the excess-hour rate applicable to the full-time member of the grade.

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- Irrespective of the number of hours they have worked, however, part-time staff qualify for any additional payments related to the requirement to work at weekends or on public holidays.

Further information

30. Further information is available from Human Resources. Please also refer to the Flexible Working Hours (Flexi-time) policy.
31. This policy is subject to the Working Time Regulations. More information on working time is available at www.gov.uk/maximum-weekly-working-hours.

Appendix: Summary of entitlement

Pay only

	Training	Mon-Fri	Sat	Sun	Public holiday
Up to E1	N/a	Time and a Half	Double Time	Double Time	Double Time (if flexi cannot be granted)
E2/E3	N/a	Plain Time	Time and a Half	Double Time	Double Time (if flexi cannot be granted)
M1 and above	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary

Pay and flexi

	Training	Mon-Fri	Sat	Sun	Public holiday
Up to E1	M-F: N/a Sat/Sun/Public Holiday: Flexi at Plain Time	Flexi at Plain Time & Payment for Half Time	Flexi at Plain Time, plus payment for Plain Time	Flexi at Plain Time plus payment at Plain Time	Flexi at Plain Time, plus payment for Plain Time
E2/E3	M-F: N/a Sat/Sun/Public Holiday: Flexi at Plain Time	Plain Time	Plain Time, plus payment for Half Time	Plain Time, plus payment at Plain Time	Plain Time, plus payment for Plain Time
M1 and above	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary

Document history

This Policy and Procedure is a contractual document. It is negotiated between Management and Unite collectively on behalf of staff.

Owner: Human Resources

Version number	Changes	Date approved
1.1	Policy updated to reflect reduction in working week to 36 hrs standard work week.	17/11/2022 Ratified by JNCF
1.2	Policy updated to reflect reduction in working week to 35 hrs standard work week.	23/08/2023 Ratified by JNCF

Review period: where there is a change in elements of the policy or periodically every two years.