

# **Local arrangements NJC**

## **Part 3 provisions**



## Version Control

Current version	Previous version	Summary of changes made	Approved by (meeting/committee)
February 2022	April 2019	April 2019 pay structure removed	HRMT
April 2019	May 2018	Final proposals regarding the local application of the new national 2019 NJC pay-line following consultation and collective agreement with the joint Trades Unions.	Cabinet 11 February 2019
May 2018	June 2015	Appendix A added	
		Excess Travel Allowance.	Exec Member Regen & Resources 13 Feb 2017
		Vehicle Technicians Equipment Allowance.	Exec Member Regen & Resources 05 June 2017
		GM protocol on continuous service.	Exec Member Regen & Resources 09 April 2018
Jun 2015	April 2012	New salary scale to reflect Grade 1 and Grade 15 uplift. Incremental progression guidance refreshed to reflect grade 1 change. Casual pay amended to “normally” at the bottom of the grade to reflect G1/2 overlap.	SLJCC 29 June 2015
		Clarity of protection arrangements added for imposed reduction of hours changes where the post is still considered a suitable alternative, that staff will receive “cash value” personal protection for 2 years where needed.	
		Overtime and holiday pay added to reflect the legislative update.	
April 2012	June 2009	Essential Car User Allowance - individuals employed in a post where the ECU allowance is withdrawn will have the value protected until 1 April 2014.	The Executive 05 December 2011
		Car Parking - fully subsidised car parking for all staff will be withdrawn. A SS scheme for the purchase of car parking passes with the benefit of tax efficiency will be implemented for all staff from 1 April 2012.	
		Bank Holiday Remuneration - all staff paid at grade 6 and below will be remunerated at double time plus a day off in lieu when they work on a Bank Holiday. Staff paid at grade 7 and above will be paid at double time only when they work on a Bank Holiday, with the exception of those who are contractually required to work on Bank Holidays.	
		Amendments to grade name (in place of SCPs) in section 2.2 & 2.3 and clarification of 30% enhancement application.	SLJCC 29 May 2012

June 2009	n/a	The council's local arrangements for NJC Part 3 conditions of service, which were determined in consultation with the Trades Unions as part of the pay and grading review	Exec Member HR & Diversity 29 July 2009
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# Introduction

Bolton Council undertook a fundamental pay and grading review, to comply with the 2004 National Agreement and to equality proof our pay structure. This booklet outlines the local arrangements for other terms and conditions, known as NJC part 3 provisions. The arrangements were reached in consultation with the joint Trades Unions.

The pay structure and conditions apply to all staff on NJC and Craft terms and conditions. Other arrangements are retained in line with the provisions of the National Agreement.

All arrangements are underpinned by our existing HR OD policy framework. Where available you should also refer to the relevant policy for more detail.

If you have any queries, please raise these with your line manager in the first instance. Contact details for HR teams and the Trades Unions are at the end of this booklet.

## 1 Pay and grading

### 1.1 Pay Structure

The council operates a structure of 14 grades named A-N which is based upon the National Joint Council salary spine. The SCPs 10, 13, 16, 18 and 21 are currently not in use at Bolton to avoid 'long grades' and to maintain the integrity of the existing structure. Each grade overlaps the next by one incremental point. Posts will be allocated to each grade dependent upon their point score under the job evaluation scheme.

All grades within the new pay structure are incremental, subject to the grade progression criteria. Increments will be paid to eligible employees on 1 April each year, with the exception of new starters between October and March, who will receive an increment following the completion of six months satisfactory employment.

The pay spine has been extended locally to SCP62 creating a Senior Head of Service grade for a specific set of circumstances as agreed when the grade was approved in 2013. This is for a small cohort of staff where approval to apply this grade is by exception and made by the Chief Officer Appointments Panel/Executive Cabinet Member.

### 1.2 Review of pay grades

The pay spine on which the grading structure is based is determined nationally. The pay spine is reviewed annually by the National Trades Unions and Employers, who determine the value of a "cost of living" increase across the Local Government sector.

### **1.3 Grade progression**

The council has adopted the national provision for accelerating or withholding increments on an exceptional basis, subject to individual performance. Written evidence must be provided for any such request, which requires the approval of the relevant Assistant Director and HR.

Once the top of the scale is reached, the employee will remain upon that scale point. No further salary increase will be payable, apart from that arising from the annual cost of living review.

### **1.4 Starting salaries**

New starters are appointed at the bottom of the appropriate grade. Exceptions to this must be agreed by the relevant Assistant Director and HR with consideration given to equality and any team relativity issues.

Staff appointed on a casual basis are normally appointed at the bottom of the relevant grade.

### **1.5 Pay period**

All employees of Bolton Council are appointed on monthly pay and are paid in equal monthly instalments. Payment is made directly into a bank or building society account of the employee's choice on the closest working day to the 18th of the month. Each month's pay comprises 18 days in arrears and the rest of the month in advance, i.e. the salary paid on 18th March is for the 1st to the 31st March inclusive.

### **1.6 Review of grading**

All posts are evaluated using the National Joint Council's job evaluation scheme. If a job has changed substantially since the post was last evaluated and a new job description has been produced, an employee may seek a re-evaluation of the grading of their post in accordance with council policy. An employee will have the right of appeal against the grading of their post, if they feel the assessment did not fairly reflect the level of duties and responsibilities of the post.

The council's Job Evaluation and Appeals procedure is available in the policies section of the intranet.

### **1.7 Market rate supplement**

The pay level for all posts is determined by the job evaluation scheme, which ensures consistency and equal pay for work of equal value. The process does not, however, take into account levels of pay within the wider employment market. In the event that evaluated levels of pay fall short of those in the wider employment market for similar roles, and the council is experiencing recruitment and retention challenges, a market rate supplement may be applied.

The council's Market Rate Supplement Policy is available on the intranet.

## **1.8 Pay protection**

If there is an imposed reduction of grade or hours as a result of a re-structure or other organisational change and the post is considered a suitable alternative, current earnings are protected at “cash value” for a period of two years. This protection includes contractual enhancements / allowances. During the protection any incremental or annual pay increases will be incorporated in the protection amount until their protected earnings become less than their pay under the revised arrangements, or the protection period expires, whichever is the sooner. The suitability of the post will be in line with our restructure and redeployment procedures and for imposed hours changes, normally within 10%.

## **1.9 Professional fees and registration**

The council does not meet the costs of individual professional fees and registration unless membership is mandatory to practice.

## **1.10 Promotions**

Where an employee is promoted into a post on a higher grade or where an employee’s post is regraded to a higher grade, they will receive either the minimum of the new pay grade or one increment, whichever is the greater.

## **1.11 Acting up payments**

If an employee is required by their manager to undertake the full duties of a higher graded post, they will normally be paid at the minimum of the grade of the higher graded post for the period they are “acting-up”. If the employee is covering duties at a higher level which are not attached to a substantive post, the job evaluation scheme will be used to determine the level of work and associated remuneration.

The higher rate of pay is normally applied with immediate effect for employees paid at Grade F and below, who typically work in front line services where immediate cover at the higher level is required.

Assistant Director’s will determine whether acting up payments are appropriate for those at senior levels in the organisation, where undertaking higher level duties may legitimately be regarded as professional development. Payment to staff paid at Grade G and above is not normally made before an individual has been required to act up for a period of 4 weeks, although managers have the discretion to make the payment sooner, subject to the exigencies of the service. Once the qualifying period of four weeks has been satisfied, the higher salary will be paid with effect from the first day on which the higher duties were effective. Payments will be made with salary or after completion of the appropriate period.

Where there is more than one employee undertaking the additional responsibilities, managers must ensure that their decision can be objectively justified, in accordance with equality principles and is fully documented. Evidence should also be available of the individual’s competencies to fulfil the role.

If the duties and responsibilities of a higher graded post are shared between more than one employee, or only part of the duties of the higher graded post are undertaken, the payment made will reflect the proportion and relative importance of the duties undertaken. In such

circumstances the additional payments should not normally exceed the total amount payable if one employee undertook the full duties

## **1.12 Honorarium payments**

Where an employee undertakes additional duties outside their job description and the requirements of their role, they may be eligible for an honorarium payment.

Short term honoraria payments are not normally paid for longer than 3 months. The value of any payments must be proportionate to the circumstances and are not normally greater than 10% of salary. Short term honoraria payments may be paid monthly or retrospectively.

If an individual is required to take on additional temporary responsibility for longer than 3 months, a temporary job description and person specification should be produced and referred to Corporate HR for evaluation.

All honoraria payments must be agreed by Assistant Director's with the relevant Director, in consultation with the HR Business Partner, in line with the council's Honoraria and Acting-Up Policy. All payments are reported to EMT and DJCCs, to monitor consistency of approach and equality of treatment.

## **2 Working Arrangements**

### **2.1 Working hours**

The standard working week for all full-time employees is 37 hours. There has always been the expectation that staff will work outside normal working hours on occasion to support particular service needs. In return for this flexibility, managers will work with staff to agree time off in lieu or overtime payments, if appropriate, to a maximum value of time and a half.

To ensure equality the council has formalised remuneration arrangements for those regularly required to work out of hours. The arrangement covers those with flexible hour contracts, including 7 day service cover and night workers. These arrangements are set out in Section 2.2.

### **2.2 Payments for regular, non-standard working arrangements**

Staff employed on a contract to work Saturday and/or Sunday only will be paid at plain time.

A single system of remuneration has been agreed for those employees contractually required to work at night time and/or over a 6/7 day period for 10% or more of their working time. It operates as follows:

- Employees in posts which operate between 7am and 10pm (defined as day time) over a 6/7 day period (i.e. shift patterns covering week days and weekends) will receive an allowance equivalent to 7% of basic salary. N.B. staff appointed purely to cover weekend work who do not operate during the week will not be eligible for any enhanced payments.
- Employees in posts which operate at night on any day of the week will receive an allowance equivalent to 30% of basic salary for the hours worked during this period. The definition of night time hours is time worked between 10pm to 7am.



- Staff who work both day and night time hours over a 7 day period will receive an allowance of 7% which will be increased to 30% for the hours worked at night.

Employees covered by this arrangement will:

- Receive the appropriate enhancement as part of their normal pay.
- Receive a prorated enhancement for any hours worked that overlap the day/night time rates.
- Receive the enhancement during periods of approved annual leave and properly notified sickness.
- Not receive any additional enhancements for planned work at weekends.
- Staff paid at Grade F and below will receive double time and a day off in lieu if rostered to work on a public holiday. Staff paid at or above Grade G will receive double time only, with the exception of those roles for which it is a contractual requirement. A list of these posts is available from HR.

Should service need determine that a post needs to transfer to this arrangement, the Service Manager should provide a written report to their Assistant Director for approval. The relevant Trades Unions will be consulted about any such cases via the Assistant Director's JOG meeting.

## **2.3 Payments for infrequent / less than 10% non-standard working hours**

Employees who work at the weekend or at night on an infrequent/ad hoc basis and who are not paid an all-inclusive allowance may claim enhancements to a maximum of time and a half for any hours worked at the weekend or at night.

Enhancements apply to any hours worked at night or the weekend and are not related to the number of working hours per week. Staff who work less than 37 hours per week would, therefore, still be entitled to enhancements for any time worked at the weekend or at night.

## **2.4 Public holidays**

All employees are entitled to the 8 public (bank) holidays.

Staff paid at Grade F and below will receive double time and a day off in lieu if rostered to work on a public holiday.

Staff paid at or above Grade G will receive double time only, with the exception of those roles for which it is a contractual requirement. Details are available from HR.

The council's "Leave Policy" is available on the intranet.

## **2.5 Overtime**

Employees with more than one contract with the council will not receive overtime if their total weekly hours exceed 37 unless they work more than 37 hours on one particular contract in a particular service area.

- Employees paid at Grade F and below may receive payment to a maximum value of time and a half should they exceed a 37 hour working week on a planned basis, or

take time off in lieu at plain time. Any additional hours up to and including a 37 hour working week are paid at plain time.

- Employees paid at Grade G and above have the option to receive either payment at plain time for any overtime hours worked or to take the equivalent time off in lieu.

## **2.6 Overtime and holiday pay**

Employees who are required to work compulsory overtime, or compulsory additional hours, are entitled to a payment in their holiday pay for the first 20 days of annual leave taken in each leave year, in accordance with regulation 13 of the Working Time Regulations 1998.

Compulsory overtime / compulsory additional hours are defined as those which the employee is required to work and is unable to refuse.

Contractual overtime payments are already included within each monthly salary payment.

## **2.7 Standby and callout payments**

The council pays an allowance per session for staff required to be on standby for duty. Current rates are available on the intranet.

The allowance covers work undertaken in the standby session, up to 10% of time. Staff required to work longer than 10% of the time of a standby session will receive pay at time and half for the hours worked.

## **2.8 Sleeping in duty**

Employees required to sleep-in on the premises shall receive an allowance as set out in national conditions (the “green Book”). This allowance covers the requirement to sleep-in and up to 30 minutes call-out per night, after which additional hours provisions will apply.

## **2.9 Flexible and revised working arrangements**

Certain employees have a legal right to request flexible working. These include parents of children age 16 or under or under the age of 18 if the child has a disability, and carers of adults aged 18 or over. Any changes agreed under the terms of the legislation will form a permanent change to terms and conditions of service, but will be subject to regular review.

The council recognises that considering requests for flexible working can benefit both parties. All requests for changes in working patterns are considered seriously by Managers in line with the Flexible Working Strategy and associated policy.

The key criteria against which an individual request for flexible or changed working arrangements will be considered are:

- The extent to which the service can support the requested working pattern, without the need for additional resources.
- The impact of the proposed new pattern on customers and/or clients.
- The impact of the new working pattern on the team and whether colleagues will be adversely affected.
- The ability of the individual to work their contracted hours in the new working pattern.

Where a request is not agreed, the manager will provide clear written business reasons for this and, if possible, work with the individual to find a more appropriate working pattern.

### **3 Sickness scheme**

Bolton Council expects high levels of attendance from all staff. The council accepts, however, that from time to time individuals may need time off work due to poor health. Our Managing Sickness Absence Framework is designed to ensure that periods of sickness absence are managed thoroughly and fairly and that staff are supported to return to and remain in work. The particular principles underpinning this policy are:

- Employees have a duty to maintain good levels of attendance at work and, should problems arise, to work constructively with the council to resolve them
- The council has a committed workforce and all sickness absence is assumed to be genuine. Any misuse of policy provisions will, however, be dealt with under the disciplinary policy
- All sickness absence, regardless of reason, will be managed in the same way and the policy should be applied consistently to all staff. Managers should, however, exercise sensitivity and discretion in the application of this policy and should seek advice from HR in complex situations, for example where absence may be related to disability or potential industrial injury
- Where an employee has a disability as defined by the Equality Act 2010 the council will make reasonable adjustments to their working arrangements if necessary to ensure they are not disadvantaged. This may ultimately include access to redeployment to another post within the council on health grounds
- The council is keen to support the health and wellbeing of our staff and has a comprehensive occupational health service, which provides access to:
  - i. Medical advice
  - ii. Psychological wellbeing services including counselling, CBT and access to psychology and psychiatry services
  - iii. general health advice
  - iv. vaccination and immunization programmes where appropriate

We must, however, balance our commitment to the welfare of staff with the costs of sickness absence, which can be high. Staff who are unable to fulfil their contract because of poor health may ultimately, therefore, be dismissed.

#### **3.1 Conditions for payment of sick pay**

Payment of occupational sick pay is subject to compliance with the requirements for the employee to:

- Inform their manager or supervisor of their absence as early as possible on the first day, the reason for the absence and provide an indication of when they may return to work, if known.
- If the absence continues for more than one day, contact their manager or supervisor regularly, normally every day, including Saturday, Sunday, Bank Holiday and rest days if these are scheduled working days, up to and including the seventh day of absence.

- Inform their manager or supervisor on the next working day if the absence falls on a non-working day.
- Submit a medical certificate to cover all time off until a return to work, if absence continues beyond 7 consecutive days.
- Complete a self-certification (PU29) form covering the whole period of absence, whatever its length, and attend a return to work interview with their Manager/Supervisor to discuss the reasons for absence, as soon as possible.
- Be willing to discuss concerns or problems in relation to their work with their Manager/Supervisor and/or HR and Occupational Health as appropriate.

### **3.2 Summary process for managing sickness absence**

Managers are responsible for recording the attendance levels of all their staff and, following a period of absence, for conducting thorough and supportive return to work interview to identify ways in which attendance can be improved.

Managers are, however, required to hold a formal sickness absence review meeting in cases of long-term absence or regular short-term absence, where a formal warning may be issued on the grounds of poor attendance and an attendance improvement plan will be determined. Attendance will be monitored against the plan; if standards are not achieved a further meeting will be held which may result in a second written warning. If attendance continues to be below the established target at this time a medical Incapacity hearing may be held and the employee may be dismissed on the grounds of ill health.

## **4 Child Care and dependants**

As a good employer, Bolton Council aims to provide support for those with childcare or carer responsibilities. In accordance with legislation the council permits employees to take reasonable unpaid time off during working hours to deal with one or more of the following:

- When a dependant falls ill (including mental and physical illness).
- When a dependant is injured or assaulted, or gives birth.
- To make longer-term arrangements for a dependant who is ill or injured.
- The death of a dependant.
- An unexpected incident involving a child of the employee.
- An unexpected disruption or breakdown in care arrangements for a dependant.

A dependant is defined as the spouse, parent or child of the employee, or someone who lives in the household as part of the family, rather than being a lodger / tenant. The definition is extended to any person who reasonably relies on the employee for assistance to make care arrangements where that person has fallen ill, been injured or assaulted.

Employees are entitled to a maximum of 3 days paid leave in the event of the death of an immediate family member, e.g. spouse, parent or child.

Employees who can demonstrate the need to take time off to cover one or more of the conditions set out above will be entitled to time off during working hours, provided that they inform their manager as soon as reasonably practicable of the reason for the absence and how long it is likely to continue.

In addition to emergency leave, employees with a minimum of 1 years' service may also apply to take a planned period of unpaid carer leave. An eligible employee can take a maximum of 13 weeks carer leave for each dependent over a 5 year period, with a maximum of 4 weeks being taken in any one year.

Employees must give their Manager as much notice as possible of their request for leave. The council reserves the right to postpone leave subject to the exigencies of the service.

## **5 Car Allowances**

### **5.1 Essential Car Users (ECU)**

From 1 April 2012 the council implemented the Travel Costs Reimbursement Policy, under which a lump sum payment is only made to essential users if the requirements of the role cannot be met without the use of a private vehicle.

The allocation of this allowance is subject to an annual review and any changes are subject to DMT and corporate approval. Examples of the essential requirement for a private vehicle include:

- The role requires regular travel across and/or outside of the borough, typically at multiple sites within one day, where public transport is not practicable and/or would be more expensive than use of a private car;
- The post holder may often be called out on an emergency basis, outside of any planned cover arrangements, and requires access to a private vehicle to respond quickly;
- The post holder is regularly required to transport clients or equipment as part of their work.

Car insurance policies must cover the car for business use. Any mileage claimed will be at the essential user rate.

### **5.2 Casual Car Users**

Should an employee who doesn't receive the essential car user allowance use their vehicle in the course of their duties, a casual car user mileage rate will be paid.

Car insurance policies must cover the car for business use. Any mileage claimed will be at the casual user rate.

### **5.3 Payments to Car Users**

Allowances are reviewed regularly by the National Joint Council (NJC) and all nationally agreed increases are applied as appropriate. The Essential Car User (ECU) allowance and mileage rates for essential and casual users are in line with bands 1 and 2 of NJC rates.

If you use a motorcycle or bicycle for business use, then the relevant HMRC rate will be applied.

Current rates are available on the intranet.

Mileage claims should be submitted monthly and all claimants must hold a full, current and valid driving license and have adequate vehicle insurance cover to comply with the council's requirements. Fraudulent claims may result in disciplinary action taken against the claimant and/or the authorising officer.

The council's Travel Costs Reimbursement Policy and mileage claim forms are available on the intranet.

## **5.4 Car Parking**

The council does not pay for car parking for staff within the Borough.

There are a few exceptional situations where car parking reimbursement may be approved. More details can be found within the council's Travel Costs Reimbursement Policy.

Staff have the opportunity to purchase an NCP car parking space via a salary sacrifice arrangement. There are savings to employees from lower National Insurance contributions, which means the cost of the pass is approximately 12% cheaper than the already preferential rates. Staff whose post is designated as Essential Car User (ECU) will have the opportunity to purchase a pass at a further discounted rate.

Further details are available on the intranet.

## **6 Meals and Accommodation Charges**

Arrangements made in former national agreements in place at 31 March 1997 in relation to charges for meals and accommodation will remain, pending agreement of alternative local arrangements.

## **7 School crossing patrol attendants, retained school bus attendants and other retained education service escorts and school meals employees**

- Annual leave will normally be taken during school holidays however local arrangements may be agreed. Payments for annual leave will be pro-rata to comparable full-time employees.
- In addition to the provisions set out in the agreement on annual leave, public and extra statutory holidays there shall be an entitlement to:
  - i. Payment for days when the school is closed during term-time due to exceptional circumstances such as an election, emergencies or the like, to a maximum of three days in each academic year.
  - ii. Employees required to work additional days are entitled to equivalent time off in lieu at a later date, or if this is not practicable, payment may be made.
- Bolton Council employees who work term time only are appointed on term time only contracts, which include a provision for pro-rata holiday entitlement.

## 8 Further information and useful contacts

Other relevant documentation and policies include:

- Managing Sickness Absence Framework
- Flexible Working Strategy
- Honoraria and Acting up Policy
- Market Rate Supplement Policy
- Leave Policy
- Job Evaluation and Appeals Procedure
- Travel and Subsistence Expenses Policy

If you have access to the intranet, please see the policy section for access to the above. Alternatively, please speak with your line manager.

For further advice and information contact your Departmental HR team or Trade Union:

<b>Department</b>	<b>Email Address</b>	<b>Helpline Number</b>
Department of People Services (Adults) HR	<a href="mailto:hrpeopleadults@bolton.gov.uk">hrpeopleadults@bolton.gov.uk</a>	01204 33 8727
Department of People Services (Children) HR	<a href="mailto:hrpeoplechildren@bolton.gov.uk">hrpeoplechildren@bolton.gov.uk</a>	01204 33 2805
Department of Place HR	<a href="mailto:hrplace@bolton.gov.uk">hrplace@bolton.gov.uk</a>	01204 33 6761
Chief Executives Department HR	<a href="mailto:hrchiefexecutives@bolton.gov.uk">hrchiefexecutives@bolton.gov.uk</a>	01204 33 1666
Corporate HR	<a href="mailto:hrcorporate@bolton.gov.uk">hrcorporate@bolton.gov.uk</a>	01204 33 2634
Schools HR	<a href="mailto:hrschools@bolton.gov.uk">hrschools@bolton.gov.uk</a>	01204 33 2879
GMB	<a href="mailto:gmb@bolton.gov.uk">gmb@bolton.gov.uk</a>	01204 33 1122
Unison	<a href="mailto:admin@unisonbolton.org">admin@unisonbolton.org</a>	01204 33 8901

## APPENDIX A

### Approvals of other related provisions and service specific allowances following implementation of Part 3

Date/Approval	Title	Service	Detail
Exec Member Regen & Resources 13 Feb 2017	Excess Travel Allowance	All services	For staff who incur an imposed change of work base, the process for claiming excess travel costs and/or mileage has been detailed in section 7 of the Travel Costs and Subsistence Policy. This is for a period of 4 years and must be claimed as the expense is occurred and approved by management.
Exec Member Regen & Resources 05 June 2017	Vehicle Technicians Equipment Allowance	Vehicle Fleet Management Service	This allowance applies to staff who are required, as part of their role, to provide vehicle technicians equipment. The service provided a specific business case of the viability of this arrangement opposed to the council provision of equipment. All obligations, including health and safety provisions, outlined by management are to be adhered to. Any staff receiving the weekly allowance must sign to confirm they comply with specific guidelines determined by service management. The weekly allowance will be the equivalent to the amount assigned in the NJC Craft and Associated Employees conditions of service for "tool money". The equivalent weekly amount paid to staff will track any increases applied nationally to the payment.
Exec Member Regen & Resources 09 April 2018	GM protocol on continuous service	All services	This provision sets out the Greater Manchester protocol to recognise continuity of service for staff across the GM Local Government and NHS and organisations.