



MANAGING DEMAND (EXCEPTIONAL PAYMENTS) POLICY



Introduction

It is recognised that there are peaks and troughs of working demand. It is also recognised that the management of demand is a key priority for line managers and is essential to support employees' mental health and wellbeing.

To help to manage this, most employees (not all) are entitled to accrue flexi-time subject to the needs of their department. The Flexi Time Policy can be seen here: (INSERT LINK) Flexi time will always be the first option when managing demand.

There will however be exceptional circumstances in which flexi time is not a viable option. These occasions are summarised below with further detailed information about each option identified in this policy.

This policy sets out the criteria which must be met in order for a payment to be made and the process which must be followed to ensure that decisions relating to this are consistent and fair across the Council.

Payment of Overtime

The line manager/CMT member must have agreed the budget for this with the Finance Team and S151 officer in advance of the overtime being worked.

Overtime must be:

- Agreed in advance by the member of staff and the relevant Head of Service/Director unless there is an exceptional/emergency need for overtime that requires retrospective agreement. In this instance, the Head of Service/Director must be informed and asked to authorise as soon as is reasonably possible after the event and any further overtime requirements discussed and agreed in advance.
- Have an identified budget agreed by Finance/S151 officer (or the budget holder in the case of emergency overtime as above)
- Be in response to an exceptional business need
- Be time limited to support a specific work requirement
- Authorised by the Head of Service/Director
- Is optional for the member of staff and not a requirement
- The working pattern for overtime is agreed in advance to ensure the Working Time Directive requirements are being followed.



Payment

Overtime is paid at the following rates:

If you are a part time member of staff:

- Flat rate until you have worked 37 hours in any one week period
- Time and a half in excess of 37 hours and up to 48 hours. Overtime cannot be claimed in excess of a 48 hour working week.

If you are a full time member of staff:

- Hours in excess of 37 per week and up to 48 hours are paid at time and a half. Overtime cannot be claimed in excess of a 48 hour working week.

Working Pattern and hours

The line manager must be aware of the Working Time Directive and ensure that members of staff retain a reasonable work life balance and have sufficient rest between periods of work. No member of staff may be expected to work:

- More than 48 hours per week
- Without sufficient breaks (at least 20 minutes every 6 hours)
- Without sufficient uninterrupted rest between periods of work in every 24 hour period (at least 11 hours)
- Without sufficient breaks once a week (at least one full uninterrupted rest period of 24 hours)

It is important that the line manager is aware if the employee is working in any capacity outside their usual role with Surrey Heath Borough Council and takes those working hours into account when authorising overtime and assessing whether work demand is reasonable.

Right to rest

Employees have a right to uninterrupted breaks from work and this is essential for health, wellbeing and productivity. Managers must pay particular attention to ensure that they are not contacting staff during rest periods from work or requiring a response during a rest period except in exceptional circumstances (such as the declaration of a major incident involving the borough).



Arrange for additional resources

The line manager must consider whether this can be offered internally as a career development opportunity. This would be particularly appropriate:

- if the additional demand is to undertake a specific piece of work as opposed to a take on a whole or major part of a role for example a project
- if the member of staff has capacity in their current role
- if the opportunity is going to last less than 4 weeks
- if the member of staff has requested it as a training option or as part of their career development programme.
- If the Council as a whole are facing exceptional circumstances (for example during a major incident) when greater role flexibility is required and we are on a 'best endeavours' footing.

Other internal options include:

- Secondment
- Additional Duties
- Acting Up Duties

If none of the above are suitable then a business case needs to be made for external temporary resources and the recruitment process followed. The line manager must identify:

1. The budget/funding to be used
2. The length of the role
3. The contractual basis for the role (fixed term, temporary, etc.)
4. A staffing resources form should then be completed (see LINK)
5. The role will then require the relevant recruitment process to be followed which may be internal, external (using an agency as appropriate).
(ENCLOSE LINK TO RECRUITMENT).

Please be aware that an agency worker is likely to be more expensive than a directly recruited member of staff (as agency fees will apply) and will also have a finders fee attached if their contract is transferred into a permanent placement.

Authorisation

Authorisation for Acting Up Allowance and Additional Duties allowance will be agreed by the appropriate Director/Head of Service in consultation with the Human Resources Manager who will monitor consistency of application and



check that the criteria have been applied. The request will then be authorised using the Staff Resourcing Form located on the intranet:
<https://intranet.surreyheathonline.gov.uk/hr/downloadable-forms-and-letters>.
INSERT LINK

This authorisation workflow will be agreed by the Finance team, the SI51 officer, (or deputy in their absence), the Head of HR, Performance and Communications (or the HR Manager in their absence) and the Head of Paid Service. In some circumstances such as the authorisation of an Acting Up Allowance for Head of Service and above the Employment Committee will be requested to approve the allowance payment.

Overtime payments will be agreed using the existing workflows on Itrent.

No officer must not authorise a payment to him or herself

For staff at Head of Service level or above, this allowance will need to be approved by the Employment Committee, unless the decision is reserved to the Full Council.

All exceptional payment applications and agreements will be confirmed in writing in advance or within four weeks of the work starting, clearly stating the start date the review dates and if known the end date.

Retrospective applications will not be considered.

Additional Duties Allowance

It is accepted that during periods of extended leave or other periods where there is a short term resource shortfall, teams have the capacity and flexibility to amend their working practices to accommodate their services accordingly. However, when there is a longer term resourcing gap and specific significant additional duties need to be taken on which are not covered by an employee's existing job description but is at the same grade, it might be appropriate to consider an Additional Duties allowance.

In these circumstances when an employee who, for any reason other than the annual leave of another, is required to undertake the full or a significant



proportion of the duties and responsibilities of a similar graded post for a continuous period of at least four weeks, an additional duties allowance may be considered. This allowance is only applicable for staff below Head of Service level. The Additional Duties Allowance can only be claimed for a maximum of 6 months and it must be made clear to the recipient from the outset that this is a temporary arrangement to allow the line manager time to make alternative resourcing and demand arrangements (for example recruitment or re-arrangement of the workload).

It should be noted that this allowance only applies when taking on the work of another substantive role that is temporarily un-resourced (either through extended leave other than annual leave or through a temporary vacancy). It does not apply to the management of peaks of workflow demand that are not caused by a resourcing gap in a substantive post. Flexitime, or the payment of overtime should be used in these instances as an alternative.

Reasons for Receiving Additional Duties Allowance:

The reasons for receiving an additional duties allowance are:

- temporarily filling a post until a substantive appointment can be made or to provide resources during a period of long-term leave for example a sabbatical.
- filling a key post while another employee is on maternity/paternity/parental leave
- filling a key post to cover long term sickness absence
- filling posts due to other temporary extended leave arrangements, e.g. secondments

Payment

If it is agreed that the employee is carrying out significant additional duties that fall within their current grade, they will be entitled to receive an additional duties payment of up to 5% of their salary for their current scale point.



Acting Up Allowance

Where an employee who, for any reason other than the annual leave of another, is required to undertake the full or a proportion of the duties and responsibilities of a higher graded post for a continuous period of at least four weeks, an acting up allowance should be considered and the employee is entitled to receive a salary in accordance with the grading of the higher post.

Reasons for Receiving Acting Up Allowance

The reasons for receiving an acting up allowance are:

- temporarily filling a post until a substantive appointment can be made
- filling a key post while another employee is on maternity/paternity/parental leave or other long term leave such as a sabbatical
- filling a key post to cover long term sickness absence, filling posts due to other temporary extended leave arrangements, e.g. secondments

Secondments

These offer a longer term option for longer periods of resource requirement and can be offered up to 12 months in length. This is a suitable option when the Acting Up Allowance criteria is met but the anticipation is that the interim position will last for between 6-12 months and that the whole role is performed for the same amount of hours. Secondments cannot apply to part of a role (for example when duties have been divided between a number of roles).

Appointing

Opportunities for acting up or secondments will be regarded as development and such opportunities will be advertised internally to all members of the section or service for competitive application. In the case of a generic role, the opportunity will be advertised for all staff.

Applications should be made following discussion with the applicant's own Executive Head/Head of Service. The job description and person specification of the higher post should be fully reviewed and the applicants' skills and knowledge reviewed against it.



For roles below Head of Service level an Executive Head/Head of Service and or/CMT have the discretion to authorise an acting up allowance without advertising a role if it is felt the role is business critical and not filling the senior role will be detriment to the department or Council.

Payment

Payment of the acting up allowance or secondment will be based on the salary which would apply were the officer to be promoted to the higher-level post, which would normally be the bottom spinal column point of the higher grade. The allowance should be the difference between the current spinal point and the acting up spinal point. Please note that on occasion there may be options to 'Act Up' as a development post and in these instances, the job description and grade of the development post would be agreed with the advice and support of the HR team and may be lower than the substantive grade.

For Acting Up Allowance only, where a percentage of the higher post's responsibilities are allocated, a pro rata payment will be applied. The Executive Head/Head of Service needs to clearly identify using the job description which duties of the higher post will be carried out by the post holder and select one of the options below.

Extent of Cover	Payment of difference in salaries
Full duties and responsibilities	100%
Most duties with some additional supervision, guidance or assistance	66%
Sharing responsibility but undertaking a significant part of the duties	33%



NB: Where more than one person was covering a post the sum of the two payments should not exceed the total that could be allocated to a single member of staff.

Performance

A staff member receiving either a secondment, acting up or additional duties allowance will be performance managed on these duties. If there are any concerns regarding performance then these should be discussed and relevant support provided. If necessary this should be supported further by a personal development plan.

If for some reason a staff member is not fully able to take on the additional duties to a suitable level, then the manager must use normal employment procedures to address this.

Both acting up and additional duties allowances should have an end date. Where it is not possible to identify a specific end date at the commencement of the allowance period, it must be reviewed at least every 3 months or more frequently if felt appropriate by the Executive Head/Head of Service.

Only in exceptional circumstances should the duration exceed 12 months for a secondment, acting up or additional duties allowance. If at any point during the period it is anticipated that the duration will equal or exceed 12 months, advice must be sought from the Human Resources Team on the effect this may have on the contractual rights of the employee.

If an employee who is receiving either an additional duties or acting up allowance is absent from work due to sickness for a prolonged period the allowance may be reviewed by the Executive Head/Head of Service or Human Resources.

