

Briefing Note



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PROPOSAL FOR A LOCAL COLLECTIVE AGREEMENT REGARDING THE INTRODUCTION OF COMPULSORY GUARANTEED OVERTIME FOR SECURITY OFFICERS (ONLY)

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Executive Summary

Could the Committee please consider a recommendation for a local collective agreement which will permit the Council to include seven hours a week of guaranteed compulsory overtime to security officers, taking their full-time weekly working hours to 44 hours. Currently the NJC Green book's cap on weekly hours is 37 hours per week. All overtime in the Council is paid at single rate. A local collective agreement for these roles only, will enable a consistent approach to service management of a 24 hours 365 days a year and remove limitations that will affect the service provision.

The background to this request is, in January 2022 EQUANS Security team transferred under Transfer of Undertakings, Employment Protection (TUPE) to the Council during a position of demobilisation of the Engie bundled services. The TUPE of personnel to the Council ensured that the team became in-house as opposed to a contracting party, which has enabled further provision of the security service across the corporate landlord portfolio, which has limited increased expenditure.

Under the protected TUPE terms and conditions which transferred the contractual working hours of transferred staff were more, an example being 55 hours per week. Whilst a number of these staff have now left the Council, it is indicative of working hours within this industry.

Given the common practice of longer working hours within the security industry, for the Council this now means it is difficult to attract security officers with a working week of 37 hours and no guaranteed overtime. It is not attractive to potential candidates who are actively seeking longer hours as this increases their pay. It is also difficult operationally for the service to provide all the necessary cover based on full time hours being 37. A local collective agreement will remedy this issue.

Overtime is currently offered within the team, but it does not provide a long-term solution because it is not guaranteed, and the team and candidates want security and consistency with their working hours that the local collective agreement would provide.

It will also lead to a reduction in agency spend as currently the difficulties to recruit, the widening corporate needs on the team for example, Blue Lagoon / Emberton Park patrols (reducing antisocial behaviour initiatives) and the day-to-day operational demand has led to shortfalls which have been covered by agency staff. By having guaranteed additional hours for employees, it will reduce the need for this.

1. Recommendations

- 1.1 A local collective agreement is implemented to allow a working week of up to 44 hours for security officers and only for these roles. This would be achieved by allowing 7 hours of guaranteed compulsory overtime to increase the NJC Green book's current weekly cap of 37 hours per week.

2. Background

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3. Issue

- 3.1 Service management of a 24 hours 365 days a year, by having 44 hours for full-time security officers this will remove limitations that will affect the service provision.

3.2 Recruitment and Retention

By offering a weekly contract of 37 hours in an industry where pay is known to be at a lower rate, working more hours is a recognised common practice, the result is that the Council will not be competitive. Since staff transferred to the Council in January, there have been 3 separate adverts for security personnel and in this time frame there has been 1 successful appointment at 37 hours. Anecdotal feedback from shortlisted candidates was that 37 hours was simply not enough hours and overtime was not guaranteed.

It is considered the norm for the security industry to work hours more than 37 hours per week - previously TUPED staff were employed in excess of 55 hours per week having opted out of the WTD "working time directive".

The security industry is paid at minimum wage or in line with foundation living wage. The allowance of additional hours via overtime allows for flexible increased income.

Currently overtime is undertaken by the in-house security staff to allow for the staff to maintain the service with the required knowledge and skillset and enabling them to increase their take home pay.

The Council under the current employment agreements are additionally paying agency costs, implementing this local collective agreement will reduce this by enabling more hours for employed staff to support the Council services council wide.

Security Officers are supportive of working 44 hours a week, whilst this is above the Council's contractual working week, it is on the lower side for the security industry.

The introduction of this local collective agreement has been discussed with unions.

4. Proposal

- 4.1 Implement a specific set of working hours for the security team, it must be done through a local collective agreement enabling security officers to have seven hours a week as guaranteed compulsory overtime, which will be paid at the flat rate. This will only apply to security officers. This will provide a consistent approach to working practices and it is anticipated that overtime above this amount would be on an occasional basis and not a regular occurrence.

Undertake a review after twelve months to ensure the local collective agreement has provided a remedy in the areas mentioned. Feedback this information to the service and unions.

5. Implications

- 5.1 Policy

A local collective agreement will not alter the weekly hours of 37 hours within the Council, it is being proposed in a very specific set of circumstances and is not intended to set a precedent.

The Council remains committed to staff wellbeing and work life balance, this local collective agreement is for a specific team, and it is an exception. The Council will continue to adhere to working time legislation. Staff will also be able to request flexible working arrangements in line with the Council policies. Alternative work pattern (AWP) payments, where applicable will apply. Where overtime payment is claimed, this will be paid at plain time, with any AWP payment for the role applied, provided the pay band is F or below.

5.2 **Resources and Risk**

Going forward, it is anticipated there be ten security officers to meet the needs of the corporate portfolio, which is to provide in-house security operatives to support the wider Council services over a 24-hour period seven days a week. Examples include the new Homeless shelter, alongside other mechanisms of support such as Blue Lagoon / Emberton Park patrols and risk mitigation via the Council security team. Being able to operationally manage the security service 24 hours/ 365-day service is critical.

5.3 **Legal**

To move away from the Green Book working week and set up a specific set of working hours terms for this team must be done through a local collective agreement. This removes the risk of a claim under s.145B of the Trade Union and Labour Relations (Consolidation) Act 1992, which could arise if the Council sought to implement this change on an individual offer basis.

5.4 **Other Implications**

As mentioned above, there is no intention that this would set a precedent for increased working hours within the wider Council services.