

CAIRNGORMS NATIONAL PARK AUTHORITY RESOURCES COMMITTEE

FOR DISCUSSION

Title: 35 HOUR WORKING WEEK

**Prepared by: KATE CHRISTIE, HEAD OF ORGINISATIONAL
DEVELOPMENT**

Purpose

This paper presents the proposed 35 hour working week to the Board.

1. The 2021/22 Scottish Government (SG) Finance Pay Policy (FPP) provided employers with the discretion to consider standardising to a 35-hour working week. This was set out explicitly in the Policy and there was a strong expectation both in the Policy and subsequent directives from the finance minister that organisations should at the very least start considering this direction of travel.
2. Resources Committee (RC) considered this proposal at its October 2021 meeting and agreed that it would be appropriate at that stage to commence the dialogue with staff on the matter, without committing to any course of action. RC agreed a set of questions that would be posed to staff, and an initial timetable that the earliest point of implementation if we were to progress this direction would be from the start of the 2023/24 financial year.
3. These questions were put to staff via SurveyMonkey and through virtual drop-in sessions with the HR team – the response is set out in appendix 1.
4. The 2022/23 FPP took matters a step further, not only providing employers with the discretion to consider standardising to a 35-hour week, but also allowed the opportunity for employers to explore the possibilities of a four-day working week.
5. Having completed the survey last year and participating in several drop-in sessions to further explore staff views on this potential change to contractual T's and C's, and publications to staff of the 2022/23 FPP proposals in this regard, staff are now beginning to raise the matter again and seeking an update on our approach and timetable for progressing consideration of these matters. In addition, national union focus on this matter, including awareness of the focus given to 35-hour / 4-day week considerations by Scottish Ministers, suggests that we do need to revisit the

conversation, and start developing our strategic approach in this regard, particularly if we are aiming to develop a business case for implementation in 2023/24.

6. We have established from the FPP team that CNPA is one of only 3 NDPB's who are still currently on a 37.5 hour working week. 5 organisations have now used the FPP to move to a 35-hour week, with another one taking a phased approach, reducing initially to a 36-hour working week. The table in appendix 2 sets out the current contractual hours across NDPBs.
7. 19 out of 52 NDPBs are now on a 35-working week – i.e., 37%. 51% are on a 37-hour week, but indications from the FPP are that several of these organisations are considering the 35 hours week, and in the process of developing business cases. It is interesting to note that many of our partner organisation, the organisations that we work closely with, are on 35-hour terms – i.e., LLTNPA, Nature.Scot, SLC, SEPA, HIE, VisitScotland. Our staff therefore have a ready and frequent comparator of working hours and wider terms and conditions drawn from organisations with whom they work most frequently.
8. CNPA have recruited a significant number of staff over the last 18 months. We have noted an increase in the number of applicant enquiries about the working week. We had one applicant turn down an offer of appointment due to the fact that their existing employer offered a 35-hour week, and we have had several new appointments negotiate a higher than band minimum starting salary due in part to the fact they were moving from a 35-hour contract at their existing employers to a 37.5-hour contract at the CNPA.
9. The ongoing and expected future Scottish Ministers' policy therefore continues to focus on the movement toward a 35-hour week as a standard contractual position, together with seeking a consideration of a four-day week. This national policy position is reinforced by a clear desire amongst unions, and our staff group as expressed through initial consultations, to pursue these changes in terms and conditions. The Authority, through its Resources Committee, now therefore needs to consider:
 - a. Level of commitment to deliver a 35-hour working week in the context of this prevailing Ministerial strategy.
 - b. Key elements of a business case to support a move to a 35-hour working week.
 - c. The extent to which the evolution to a 4-day week should be considered as an element of this business case.
10. The key elements of a business case supporting the movement toward a 35-hour working week are those in the following list. These considerations have frequently been seen as elements of other organisations' business cases supporting a reduction in the working week through maintaining productivity from reduced hours based on:

- a. A significant reduction in non-productive time because of reduced business travel.
 - b. Very low / reduced absence levels attributed at least in part to an improved work and life balance.
 - c. Hybrid working arrangements lead to more productive overall staff time. A significantly greater proportion of staff time is oriented to task and objective completion, and away from more informal use of work time.
 - d. Enhanced staff wellbeing, which is a positive outcome, contributes to increased staff productivity over the hours worked.
11. We are asking RC to approve the development of a business plan for a 35-hour week proposal based on these considerations and for the RC members' thoughts on the overall direction of that business plan around the following key areas: -
- a. Options around a phased reduction – the following examples have been provided for illustrative purposes
 - i. 36 hours in year 1 and 35 in year 2.
 - ii. 36.25 hours in year 1 and 35 hours in year 2 (e.g., cutting ¼ hour per day FTE for two consecutive years)?
 - iii. The options above are based on a 2-year transition period. It should be noted that the Scottish Government FPP preference is for a one-year transition, but they have suggested a transition period should not exceed 3 years. The “linear” way to achieve the full reduction over the max of 3 years could be a 50 minute reduction per year: 36 hours 40 min year 1; 35 hours 50 minutes year 2; and 35 hours year 3. ; This would be an administrative challenge – a simpler alternative way of achieving this over 3 years could be 37 hours in year 1, 36 in year 2 and 35 in year 3
 - iv. Currently staff have the option to claim a ½ hour as their “active” flexi credit. So, staff who use this flexi credit work 37 hours and engage in activity for ½ hour, paid time. Should a phased reduction take this flexi credit time into account? E.g., there is a potential option of reducing working hours by e.g., 1 hour per week over the next two years, whilst still retaining the 30-minute active credit for wellbeing promotion, to leave us at 36.5 year 1 (so, 36 working hours and ½ hour flexi credit) and 35.5 year 2.
 - b. Impacts on part-time staff hours
 - c. Impacts of increased virtual meetings on productivity and staff time
 - d. Impacts of reduction in travel time on increased productivity, in terms of less time lost due to travel, and also financial savings of reduced travel
 - e. Impacts on staff wellbeing and work loads
 - f. Potential mitigation actions – e.g. reduction in amounts of flexi and/or annual leave carry forward.
 - g. Equality Impact Assessment (EqIA) – any specific factors which staff should bear in mind when undertaking the EqIA around this policy development.

12. We propose that the draft business is taken back to Resources Committee for sign off prior to being shared with staff and SG.

Kate Christie

3 August 2022

katechristie@cairngorms.co.uk

Appendix 1

See attached.

Appendix 2

Public Body	Current Working Hours
Airport Management Services Ltd	35
Architecture and Design Scotland	37
Bord na Gaidhlig	37
Cairngorm National Park Authority	37.5
Caledonian Maritime Assets Ltd	37.5
Care Inspectorate	35
Children's Hearings Scotland	37
Community Justice Scotland	37
Consumer Scotland	37
Creative Scotland	36
Crown Estate Scotland	37
Crown Office and Procurator Fiscal Service	37
Environmental Standards Scotland	37
Forestry and Land Scotland	37
Highlands & Islands Airports Ltd	35
Highlands & Islands Enterprise	35
Historic Environment Scotland	37

**CAIRNGORMS NATIONAL PARK AUTHORITY
RESOURCES COMMITTEE Paper 4 12 August 2022**

Independent Living Fund Scotland	37
Loch Lomond and the Trossachs National Park Authority	35
Mental Welfare Commission for Scotland	37
National Galleries of Scotland	37
National Library of Scotland	37
National Museums of Scotland	37
NatureScot (formerly SNH)	35
Police Investigations & Review Commissioner	37
Redress Scotland	37
Registers of Scotland	36
Risk Management Authority	37
Royal Botanic Garden Edinburgh	37
Scottish Canals	37
Scottish Children's Reporter's Administration	35
Scottish Courts and Tribunal Service	37
Scottish Criminal Cases Review Commission	37.5
Scottish Enterprise	35
Scottish Environment Protection Agency	35
Scottish Forestry	37
Scottish Funding Councils	36
Scottish Government Main	37
Scottish Land Commission	35
Scottish Legal Aid Board	37
Scottish Legal Complaints Commission	35
Scottish National Investment Bank	35
Scottish Police Authority	35
Scottish Prison Service	37
Scottish Qualifications Authority	35
Scottish Social Services Council	35

CAIRNGORMS NATIONAL PARK AUTHORITY
RESOURCES COMMITTEE Paper 4 12 August 2022

Scottish Water	37
Skills Development Scotland	35
South of Scotland Enterprise	35
sportScotland	37
VisitScotland	35
Water Industry Commission for Scotland	35