

# Disruption to Normal Working Policy

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<b>Document History</b>	
Version	1.4 (See below)
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Version 1.2	Draft for discussion (February 2020)
Version 1.3	Incorporating TU comments (March 2020)
Version 1.4	Final version agreed with Joint Trade Unions in August 2020 (Next review is due August 2022 or sooner if required by legislation)

## Table of Contents

1. Introduction.....	3
2. Scope .....	3
3. Core Objectives.....	3
4. Key Principles.....	3
5. Other Absences During an Emergency.....	5
6. Child / Dependant Care if Schools or Centres Close .....	5
7. If the Council Closes Buildings / Services.....	5
8. Redeploying Staff – Voluntary Measures .....	6
9. Other Forms of Redeployment .....	6
10. Additional Costs / Payments .....	7
11. Cancelling Annual Leave .....	7

# **1. Introduction**

- 1.1 This policy is intended to allow managers and staff to adapt to extreme events that may disrupt the local / national transport infrastructure or otherwise affect the ability of staff to report for work (e.g. flu pandemic, weather, terrorist attack etc).
- 1.2 The policy is also intended to provide an overarching, corporate framework on the deployment of staffing which supplements existing service continuity and other contingency plans that are already in place.
- 1.3 This policy is not intended to be used in the event of disruption caused by industrial action undertaken by Council staff. Separate guidance will be issued to cover these circumstances.

# **2. Scope**

- 2.1 This policy applies to all Council employees, excluding agency staff and school staff.

# **3. Core Objectives**

- 3.1 The first core objective of this policy is to ensure that as far as possible, extreme events (see above) do not adversely impact on the services provided by the Council to vulnerable clients and the community at large.
- 3.2 The second core objective is that in meeting the first objective staff are treated fairly and consistently, and their health and safety is not compromised.
- 3.3 Like many public sector employers, the Council benefits from having staff who are motivated and flexible to meet the needs of the people that depend on its services. Each extreme 'event' – be it flooding, snow or other disruption – will bring its own particular challenge and circumstances.
- 3.4 This policy recognises that staff will often make exceptional efforts to attend for work or otherwise mitigate the effects of disruption. This additional effort should be recognised and reciprocated by managers when agreeing arrangements to make up for time lost (see 4.8 below).

# **4. Key Principles**

- 4.1 Events that impact on the attendance of staff can sometimes be foreseen and planned for (e.g. bad weather, transport strike) but they can also occur without warning. Managers and staff should be aware of what is expected of them before an event occurs. This means that expectations are discussed, explained and explored on a regular basis within teams, induction etc and as part of service continuity planning. Staff should be made aware of the contents of this policy and in any relevant service continuity plan.

- 4.2 Staff are expected to attend for work if it is safe and reasonable for them to do so, and if an event occurs during the working period for that employee they are expected to remain at work if it is safe and reasonable to do so. The guidance in this document applies to both scenarios.
- 4.3 **The Council does not have a general policy of paid time off for staff who are unable to attend for work.** Managers and staff are encouraged to take a flexible approach to this aspect of contingency planning.
- 4.4 If staff are unable to attend for work (or predict that they will have difficulties) then they should discuss (not text or e-mail) this with their manager at the earliest opportunity – before they leave work in the event of a foreseen event, or as soon as possible in the event of an unforeseen emergency.
- 4.5 If it is not possible for the employee to speak to the manager (i.e. manager is unavailable) then the employee should speak to the next senior person available at that time. The manager and employee should then discuss options for either making up the time lost, (ideally the manager should record the arrangements in writing), or alternative ways in which staff can contribute to the provision of services such as -
- allowing staff to stagger journey times (to and from work) where possible (with flexibility for making up time later)
  - car sharing to ease the number of cars on the roads and lifts for staff who generally rely on buses
  - arrangements for staff to be prepared to work from home or
  - arrangements for staff to report for duty to another work location - either Service Managers (or the Council's Emergency Planning team) may be able to assist with this should the need arise
- 4.6 Staff are ultimately responsible for making their way to work and the Council does not have a policy to pay (or otherwise provide) alternative means of transport. However, where there is an exceptional need for an employee to be at their normal (or alternative) place of work, then support may be offered. Such support will be time limited and not be a precedent for the future.
- 4.7 When discussing options for an employee consideration should be given to factors such as the distance between their home and work, the nature of the disruptive event, health factors, and any disability the employee may have.
- 4.8 Staff and managers can be creative about the ways in which time can be made up - either using the provisions of the flexible working hours scheme, paid (annual)/unpaid leave or some other form of work in lieu. Managers are encouraged to be reasonable, and not overly rigid in recovering time lost. Decisions on recovery of lost time should have regard for any exceptional efforts to attend for work undertaken by an individual and should reflect a balance between this effort and the time to be recovered.
- 4.9 In exceptional circumstances managers can be more flexible about how they address these challenges - for example 'pulling forward' leave from next year.
- 4.10 Records of decisions / agreements with individuals should be made and kept.

- 4.11 Existing Council policies and procedures are unaffected by these arrangements, but do not in themselves presume that staff will be granted paid leave of absence. Decisions should be made on a case by case basis with managers able to justify objectively any variations between staff.

## **5. Other Absences During an Emergency**

- 5.1 Other pre-planned absences such as annual leave, special leave, flextime leave or leave for public duties, may need to be cancelled or rearranged during an emergency to ensure sufficient cover can be maintained. Leave requests should also be prioritised, e.g. special leave requests for bereavement situations and public duties which must be provided by law, will take precedence over non-critical flextime / annual leave requests. Decisions must be rational, proportionate and discussed with the individuals concerned and recorded. If it is necessary to cancel leave and employees have already paid for flights, hotels or incurred other expenses then the Council will reimburse the costs incurred subject to proof of expenditure (see also 11.2). The manager must ensure that all other options have been explored before cancelling leave where this would incur costs as described above.

## **6. Child / Dependant Care if Schools or Centres Close**

- 6.1 If a member of staff needs to take care of children or other dependants in the event that schools or other care centres close, a progressive approach should be taken with the onus on the individual to sort out care needs in the first instance, but with support and understanding from the employer – using existing compassionate leave, annual leave, unpaid leave policies. Consideration may be given to allowing staff to make up time over a period.

## **7. If the Council Closes Buildings / Services**

- 7.1 If services are temporarily shut down in response to an agreed plan, the first stage would be to seek to redeploy people to appropriate areas of work that still need to be delivered; this may involve some retraining. If, however, this is not possible then employees may be asked to stay at home, for which they will continue to receive contractual pay (but not for any elements of pay that are dependent on the work actually being carried out).
- 7.2 Staff will have to be continually available for work during this period (and so cannot arrange leave or be out of travelling distance from work without going through the normal process to request leave) and may be called in to attend work at short notice.

## **8. Redeploying Staff – Voluntary Measures**

- 8.1 A manager of a service designated RED or AMBER on the Council's Business Continuity list will assess when staffing levels are about to reach critical minimum and then seek redeployees from neighbouring services / across the Council as necessary. Managers in other services would encourage those staff who have already indicated a willingness to volunteer to put their names forward in a collective effort to resource the affected areas.
- 8.2 Managers will take account of individuals outside responsibilities outside of work, such as child or older person care.
- 8.3 Volunteers can also be sought from other employees outside of the above areas. Those who volunteer should be provided with adequate basic training and information to enable them to carry out the task safely and effectively. If employees from other areas of the Council volunteer to cover essential service delivery areas they will still have to meet any basic requirements of the role (e.g. checks or qualifications). If these cannot be met, then the situation will have to be subject to a relevant risk assessment agreed by a senior manager.

## **9. Other Forms of Redeployment**

- 9.1 Major emergencies and transport disruption may mean that managers will need to identify any critical areas that are likely to have a shortage of employees in line with the Business Continuity Plan.
- 9.2 Although it is preferable to identify volunteer staff to assist in the provision of essential services, it may be necessary to direct other staff to avoid a failure of critical service provision. Notwithstanding the provisions of 8 above (and the related provisions for training and adequate health and safety elsewhere), the Council may have to issue an instruction for staff from one service area to support another. Such instructions must be reasonable, accord with the guidance in this document and be time limited.
- 9.3 Employees are expected to be flexible to ensure that services can be maintained. The general principle is that the authority should make the best use of resources to support its communities and that resources should be prioritised towards critical services.
- 9.4 Where necessary, employees who are suitably trained or skilled to carry out tasks can be asked temporarily to provide cover if the number of employees available for work who normally provide the service becomes too low. This might apply across sections / departments as well, particularly for those employees who are not able to work in their own area if the service is suspended.
- 9.5 In exceptional circumstances the underlying principle is that if someone has an acceptable level of training or skills and knowledge to carry out the basic

task, it should be reasonable to expect them to do it. The aim is to ensure that critical Council services are maintained wherever possible.

## **10. Additional Costs / Payments**

- 10.1 In the event that the Council directs staff (or staff volunteer) to work in different areas during an emergency and this results in the employee incurring additional costs from those that they would normally incur when working, then these will be met by the Council providing that they are reasonable and agreed with the relevant budget holder before they are incurred. Note there is a reimbursement of expenses policy concerning travel to other sites. All expenses must be claimed within three months of the event occurring.
- 10.2 If a member of staff is redeployed into a post that has a higher salary grade, managers should ensure that the member of staff who is being redeployed has the necessary skills, training or experience to operate at that higher level. Staff will receive enhancements currently paid to the substantive staff in the post covered. Only where this is not possible (e.g. the elements are subsumed into a grade) should consideration be given to ad hoc payments. Staff will not be financially worse off (e.g. if they are temporarily redeployed to a lower graded role).
- 10.3 Staff who work additional hours shall receive the normal enhancements payable under their contract of employment or may receive time off in lieu. In the event that staff grade RG5 or above work additional hours, then they will not normally be eligible for an overtime payment but may receive an ad hoc payment as determined by the Corporate Management Team from time to time.
- 10.4 Payment for work whilst on maternity leave must be treated as a Keeping in Touch (KIT) day in accordance with the Maternity Leave Policy.

## **11. Cancelling Annual Leave**

- 11.1 When other voluntary / redeployment processes have been used (and as a last resort), staff may be required to cancel pre-planned annual leave. This is an exceptional step and will only be done when all other reasonable steps have been taken to find alternative means of providing essential services.
- 11.2 In cases where staff were instructed to cancel their holiday (or in negotiation with someone who volunteered to do this and there is no cost free alternative available to the manager), the Council will reimburse the cost incurred, providing that necessary proof of expenditure is provided.
- 11.3 The manager will discuss the intention to cancel leave with the employee/s prior to issuing any instruction and will fully consider any comments or submissions made by the employee. In particular, the manager will set out the reasons behind the request, the alternatives that have been considered, and the support that the employee will receive to rearrange their leave.