

Disruption to working arrangements

Updated February 2020

carmarthenshire.gov.wales

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Contents

- 1.0 Introduction
- 2.0 Scope
- 3.0 Principles
- 4.0 Roles and responsibilities
 - 4.1 Line Managers
 - 4.2 Employees
 - 4.3 HR Teams
- 5.0 Policy
 - 5.1 Sickness Leave
 - 5.2 Redeployment
 - 5.2.1 Redeployment to frontline critical services
 - 5.2.2 Risk management and redeployment
 - 5.3 Leave and flexible working
 - 5.3.1 Compassionate Leave
 - 5.3.2 Time off for Dependents
 - 5.3.3 Homeworking
 - 5.3.4 Flexible working
 - 5.3.5 Flexi leave
 - 5.3.6 Annual leave
 - 5.4 Working time
- 6. Equalities statement

1. INTRODUCTION

It is accepted that we cannot plan for every eventuality, and on occasion disruptions may arise that will affect a significant part of the workforce. The source of the disruption may be internal such as reduced staffing levels, loss of premises, IT failure/ loss of data, utility failure or an external influence such as extreme weather, flooding, fire or explosion, pandemic flu or a transport accident, this list is not exhaustive.

In all cases of disruption to working arrangements the purpose of the policy is to set out how the Council will handle staffing implications at this time.

Where disruption to the workforce occurs, this policy is intended to take precedence over existing employment policies and practices.

2. SCOPE

This policy applies to all employees excluding staff employed by locally managed schools where the governing body will determine the policy.

3. PRINCIPLES

During the occurrence, the Council aims to ensure consistency in the way employees are managed whilst at the same time ensuring priority areas of service are adequately resourced.

The Policy seeks to support line managers with balancing the need to maintain critical service delivery and managing the people issues arising from the disruption. It provides options for consideration to support this principle and ensure fairness and consistency in application.

4. ROLES AND RESPONSIBILITIES

4.1 Line managers will:

- Be consistent in implementing this Policy
- Communicate this Policy and Procedure to existing and new employees
- Follow any national guidelines issued at the time of the disturbance
- Keep abreast of information issued by the Council on the management of the disturbance
- Ensure accurate records are kept of employee absence from work due to the disturbance

4.2 Employees will:

- Be flexible in assisting the delivery of Council services
- Follow any national guidelines issued at the time of the disturbance
- Keep their line manager informed about any new or continuing absence and

the reason for it, and for keeping any absence to a safe minimum to aid the continuation of service delivery

- Keep abreast of information issued by the Council on the management of the disturbance
- Ensure that the Council has up-to-date contact information and next-of-kin details
- Provide their line manager with details of any travel arrangements and/or caring responsibilities that may affect their ability to work normally during a disturbance.

4.3 People Management Teams will:

- Maintain this Policy
- Develop any related people management guidance documentation
- Provide advice and guidance to Line Managers and Employees

5. POLICY

This section provides an overview of the key HR policies and procedures that you may need to refer to as a line manager or employee because of the disturbance the full documents can be viewed on the intranet.

5.1 Sickness Absence

In the event of a disturbance, the principles of the Council's [Sickness Absence Policy](#) will continue to apply.

Employee(s) are required to keep their department informed promptly about any new or continuing absence and the reason for it, in line with the Sickness Absence Management Policy and keep any absence to a safe minimum to make it easier to maintain services.

Sickness certification requirements currently remain as:

- For sickness absence up to 7 calendar days by self-certification
- For absence longer than 7 calendar days by medical certification via the GP*.

**There are however exceptions in the relation to the 2020 outbreak of coronavirus. Please refer to the covid-19 guidance in relation to sickness absence certification <https://ourpeople.carmarthenshire.gov.wales/our-people/coronavirus-guidance/>*

In the event of a disturbance which relates to health. The Council will review any guidelines issued by the Department of Health and advise employees accordingly.

5.2 Redeployment of Employees

5.2.1 Redeployment to frontline critical services

Volunteers from existing employees whose contractual role/duties do not normally cover the work in question can be asked to carry out other roles, but 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 the basic requirements of the role, if these cannot be met, then the situation will have to be subject to a relevant risk assessment agreed by a Head of Service.

Line managers will need to identify any critical areas that are likely to have a shortage of employees as the disruption develops in line with the Business Continuity Plan.

Employees are expected to be flexible to ensure that frontline critical services can be maintained. The Council is required to make the best use of available resources to support its communities and therefore its staffing resource will be prioritised towards maintaining critical services. 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. In the exceptional circumstances of disruption, 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.

In all cases though, no employee should be requested to undertake other duties that they are unfamiliar with and/or that they do not have the basic skills or knowledge to complete the tasks required. However, if an employee unreasonably refuses to attend work or a request to carry out other duties that are reasonable to undertake this may constitute unauthorised absence or deliberate underperformance which may be a disciplinary issue.

Employees who are temporarily redeployed into a role at a lower grade will continue to be paid at their substantive salary. Employees who 'act up' to a higher grade will receive an honorarium in accordance with the Council's [Payment of Acting Up and Honoraria Policy](#).

Travelling expenses will be paid in accordance with the Council's [Travel Policy](#) and [Financial Regulations](#) to employees who incur additional travel as a result of redeployment for the purposes of this Policy.

5.2.2 Risk Management and redeployment

The principal actions for managers and employees will be to try to ensure that during the occurrence of disruption risks are considered and measures taken to minimize the risks. For example:

- During an outbreak of pandemic flu healthy people reduce or avoid contact with individuals with symptoms consistent with an influenza like illness and adopt practices that reduce the risk of catching the infection (for example, social distancing measures and effective hand hygiene);
- During extreme weather individual employees should establish whether it is

reasonable to attempt normal means of transport or whether other options are more appropriate i.e. walking (consider appropriate footwear), car sharing or use of public transport. If getting to their own workplace is not achievable, is there a closer centre where they can go and undertake some useful work?

There may be employees who may be at particular risk during a disturbance e.g. pregnant worker, workers with a chronic health condition, and therefore managers should risk manage the situation depending on the unforeseen event and where necessary deploy individuals to areas where risk can be reduced.

Where the Council decides to suspend the operation of a service and/or to close a building or other location due to the disruption, contracted hours will be credited to those employees who are sent home early. Likewise, contracted hours for that period will be granted to an employee who arrives at his/her workplace to find that it has been closed by the Council.

5.3 Leave and Flexible Working

Planned absences such as annual leave, special leave, flexitime leave, or leave for public duties may need to be cancelled or rearranged during the disruption period to ensure sufficient cover can be maintained. Cancellation will have to be in line with any further national advice or guidance and based on the need to maintain necessary services. Employees and line managers will be advised of changes to existing procedures when appropriate. Leave requests will also need to be prioritised and cannot be guaranteed, e.g. special leave requests for bereavement situations and public duties which must be provided by law, will clearly take precedence over non-critical flexitime or annual leave requests.

Paragraphs 5.3.1 to 5.3.6 below outline the current statutory and contractual time off arrangements an employee may request during the period of disruption. Managers must ensure they reasonably consider all requests and minimise the impact on service delivery during the disruption. Flexibility in approach to working arrangements can help to maintain service delivery.

5.3.1 Compassionate Leave

The Time off policy states that

Up to a maximum of 5 days paid time off (pro rata part time) is available to employees in the event of the death, critical illness or injury of a member of the employee's immediate family. In the event of the death of a child, parent or partner this may be extended to 10 days. Authorisation must be sought from the Head or Service in these exceptional circumstances.

Immediate family for the purpose of this policy is defined as the employee's [spouse, civil partner, partner, parent, child, sibling or grandparent].

5.3.2 Time Off for Dependents

If an employee is unable to attend work because they need to care for dependants during the disruption or their care arrangements breakdown because of the disruption, the employee can request to take annual leave, flexi-time in line with the

Council's [Flexitime Scheme](#) or unpaid time off in line with the Council's [Time Off for Dependants Policy](#).

As explained above the Council has paid Compassionate Leave provisions, which may be granted on the death or serious illness of an immediate family member. These provisions are independent of and in addition to the Regulations concerning Time Off for Dependants.

The line manager should consider the following in deciding how much time off is reasonable:

- What are the practical things to be done?
- How long would this normally take?
- Are there any circumstances, which would justify more time for the particular employee? For example, does the dependent live at some distance and therefore is not practical for the employee to come back to work in between making arrangements?
- Are there any service needs that would affect the amount of time allowed to a particular employee at a particular time?

The above considerations should then be balanced in deciding what is reasonable

5.3.3 Home working

Short term home working can be requested by the employee and considered by the line manager as a short term solution for an employee who is unable to attend work because they need to look after dependents as a result of the disruption, e.g. because a school or a day centre has closed, or during extreme weather where travel is not possible. When considering requests line managers should first consider:

- Can the employee share or make alternative childcare or carer arrangements for all or part of the period requested?
- Is it feasible and reasonable for the employee to work from home for all or part of the closure?
- Does the job role enable tasks to be performed effectively from home?
- Can an alternative flexible working arrangement be considered on a short-term basis?

In the event of disruption, line managers should, in consultation with employees, identify any work that can be completed at home on a temporary basis as a means to maintaining service delivery. As this is short term home working employees will not be reimbursed any costs associated with home working.

In this situation, a workstation assessment will not be possible, although the employee will be responsible for ensuring safe work practices in the home.

The line manager and employee must ensure that the principles of [the Information Security Policies](#) and [Information Governance Policies](#) are adhered to.

5.3.4 Flexible working

The statutory right to request flexible working applies to all employees who have over 26 weeks service with the Council. An employee can make an application provided they have not made another application during the previous 12 months.

Employees may request short term flexible working arrangements to enable them to balance their work and caring responsibilities during the disruption period. Requests will be considered by the line manager on an individual basis and must balance the needs of the service and the reasonableness of the request for flexibility made by the employee.

Options may include temporarily requesting:

- Condensed working hours, e.g. working weekly contracted hours over 4 days instead of 5
- Reduced working hours
- Debit on flexitime (see below)
- Altering shift patterns or working arrangements (see below)

Any temporary reduction in hours worked will result in a reduction of pay in line with the working arrangement agreed between the line manager and employee. It is the line manager's responsibility to inform the HR Team of any changes so the adjustment can be made.

5.3.5 Flexi-Leave/working time back at a later date

For the period of the disruption the maximum number of debit hours within the Flexi-time Scheme that can be requested to be carried forward from one accounting period to the next will be increased to 16 hours (pro rata for part time). The debit hours must be worked back within three accounting periods. Each request is subject to the approval of the line manager and is to support employees who require increased flexibility as a direct result of the disruption.

It is recognised that certain employees do not participate in the Flexi-time Scheme due to the nature of the jobs that they perform. For consistency purposes line managers are encouraged to consider requests made by employees to take up to 16 hours off work which can be worked back through additional days/shifts over an agreed period of no longer than 26 weeks if service delivery allows.

In either circumstance a record of time in debit must be retained by the employee and monitored by the line manager regularly. In the event of the employee leaving employment before making up the time debit, the line manager must notify payroll of the number of hours in debit to be deducted from the employee's final salary.

Where none of the foregoing options is possible, as a measure of last resort, a deduction from pay will be made for the time lost.

5.3.6 Annual Leave

As it is necessary to balance the need for work and rest during a prolonged disruption period, leave may be cancelled, and new requests may be turned down where it is considered operationally necessary, and alternative dates will have to be agreed once the disruption has ended.

This may mean that the council will need to give retrospective consideration to allowing more leave than normal to be carried forward into the next leave year; this will be managed on a case by case basis. In accordance with legal requirements, individuals should take a minimum of 28 days leave (including public holidays) per leave year – pro rated as appropriate. Any requests for leave made for or during the disruption should have specific advance approval from the appropriate line manager.

If service delivery allows and with the line manager's permission, employees will be able to request to bring forward up to 5 days annual leave (pro rate for part time) from the next leave year in order to have paid time to care for dependents.

In the event of the employee leaving the Authority before having accrued the level of overtaken annual leave, an adjustment for the excess holiday will be made from the final salary payment.

5.4 Working Time

Employees will need to be flexible in respect of their working hours where possible to facilitate the provision of services. Where additional levels are needed to cover absence, line managers should ask for volunteers from existing employees willing to work additional hours in critical service areas and agree such additional working hours subject to the commitments in the Working Time Regulations (please contact HR teams for further guidance).

Care should be taken to ensure those working additional hours do not put their own or others' health and safety at risk, and that they get regular rest breaks. If employees are asked to work, they should be managed through time back arrangements such as flexitime or TOIL, or paid overtime or shift allowances subject to normal approval.

6. Equalities statement

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this Guidance.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.