

NORTH LINCOLNSHIRE COUNCIL

DEPUTY LEADER

DEPLOYMENT OF STAFF IN EMERGENCY SITUATIONS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To outline and seek approval for a new policy on the deployment of staff in emergency situations. This policy will formalise arrangements for the deployment of staff to critical services as part of the council's response to the Covid-19 outbreak.

2. BACKGROUND INFORMATION

- 2.1 The council is changing the way it works in order to respond to the Covid-19 outbreak in order to best support communities at this unprecedented time.
- 2.2 Where certain workplaces have been closed in response to Government advice, or workloads significantly diminished because of the Covid-19 outbreak, the council is deploying those staff affected to critical services such as the customer contact centre and to act as responders.
- 2.3 A draft policy regarding this deployment of staff has been developed to set out a clear framework for managing this process. It includes issues such as changes to roles, locations, working hours and additional pay where appropriate. It also sets out clear rules around recruitment, safeguarding and leave arrangements.
- 2.4 The policy has drawn on recent circulars from the National Joint Council for Local Government Services regarding the Covid-19 outbreak and draws all these principles into one overarching document.

3. OPTIONS FOR CONSIDERATION

- 3.1 To approve the new policy on the deployment of staff in emergency situations or;

- 3.2 To recommend amendments to the new policy on the deployment of staff in emergency situations or;
- 3.3 To reject the new policy on the deployment of staff in emergency situations.

4. ANALYSIS OF OPTIONS

- 4.1 Approving the new policy will ensure that the council can effectively respond to the Covid-19 outbreak by redirecting staff from services and workplaces which have been closed in line with Government guidance to limit the spread of the virus.
- 4.2 Recommending any amendments to the policy will delay the formalising of deployment arrangements, potentially impeding the council's response to the situation.
- 4.3 Rejection of the policy will mean the council does not have a formal policy to guide managers and employees through this process, which will slow down our ability to deploy staff to critical services and therefore ultimately reduce the effectiveness of our response and the support given to communities.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 The new policy will potentially apply to all staff who may be deployed to critical services as part of the council's response to the Covid-19 outbreak.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 N/A

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

- 7.1 The trade unions have been consulted via email and provided with a copy of the draft policy. All three signatory trade unions recognise that the policy follows national guidance on this issue.

8. RECOMMENDATIONS

- 8.1 That the proposed new policy on the deployment of staff in emergency situations is approved by way of an urgent decision.

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Background information used in the preparation of this report:

National Joint Council for Local Government Services Circulars on Covid-19
(various) March 2020.

Deployment of Staff in Emergency Situations

1. Introduction

- 1.1. This framework is intended to take precedence over normal HR policies if there is any conflict during the period of emergency during the coronavirus (COVID-19) outbreak.
- 1.2. During the period of emergency and recovery there may be a necessity to reallocate and refocus staff to an alternative role or workplace without warning and without consultation. This may include asking staff to undertake duties outside their normal professional area and/or at a different location. Additional staff may also be required, sourced potentially from casual workers, recently retired staff, employment agencies, volunteers and partner organisations.
- 1.3. It is recognised that during such an emergency situation, functions which are not identified as critical services may have reduced service or have to stop service delivery altogether. Critical services should continue wherever possible, but it is recognised that they may be impacted by staff shortages. To ensure critical services remain operational and the council is able to deliver its emergency response, staff may need to be deployed into other areas of work, work in different ways, and potentially in different locations.
- 1.4. This document sets out the safeguards and rules that should apply when the council needs to deploy staff to alternative roles or locations to ensure critical services can continue to run and to provide the council's emergency response during this pandemic event.
- 1.5. This document should be used in conjunction with business continuity plans.
- 1.6. This framework is not designed to replace permanent or normal redeployment which is dealt with in line with the council's normal HR policies.

2. Alternative deployment and reallocation of work for existing staff

2.1. Key considerations

- 2.1.1. During the emergency situation where the council needs to deploy staff to an alternative role or workplace, managers will assess:
 - a) Depending on service requirements and the availability of agile equipment and technology, the feasibility of staff being able to work from home to undertake either the same or different work.

- b) Whether it is necessary for staff to report to their normal place of work and the extent to which deployment of staff or reallocation of work is necessary to ensure that adequate cover is provided for critical services including the council’s emergency response. Managers will try, wherever possible, to direct staff to sites which minimise travel and allocate staff work with which they are familiar.
- c) The location of staff, their access to transport, any reasonable constraints on their flexibility, as appropriate.
- c) Depending on service requirements, the feasibility of staff being able to work at a different site closer to home, either to undertake the same or different work.
- e) The duration of any arrangements and whether these will apply to all or part of the individual’s normal contractual hours.
- f) Where possible staff will be deployed to a temporary role commensurate with their grade.
- g) If any temporary role attracts a higher rate of pay, then these should be paid for the period of temporary deployment as detailed below.
- h) If any temporary role attracts enhancements, then these should be paid for the period of temporary deployment as detailed below.

Spinal column point	Contracted hours	Days worked	Rate
Up to and including scp 20* (grade 6)	Full time (37 hours per week)	Monday to Saturday	Time and a half
		Sundays and public holidays	Double time
	Part-time	Monday to Friday up to 37 hours	Plain time
		Monday to Friday in excess of 37 hours	Time and a half
		Saturday	Time and a half
		Sundays and public holidays	Double time
Grade 7 (scp 20*) and above	Full time (37 hours per week)	Monday to Saturday	Plain time**
		Sundays and public holidays	
	Part-time	Monday to Saturday	Plain time**
		Sundays and public holidays	

*Overtime rates will be paid to employee who are on scp 20 within Grade 6, but not those on scp 20 within Grade 7.

**Payment will be made at the employee’s normal hourly rate.

- i) There will be no detriment to an employee’s normal pay.
- j) Whether the council can comply with its legal obligation to ensure employees’ health, safety and welfare at work as far as is reasonably practicable or its duty of care to others. In doing so, managers will take account of:

- any known/stated restriction on work that could safely be undertaken by an individual on health grounds. This may include, for example, pregnancy and specified underlying health conditions
- the capacity of individuals to undertake alternative work e.g. if the work involved heavy lifting or was physically demanding.
- any training or professional qualification that would be a prerequisite to carrying out certain duties safely;
- any other circumstance that may make working unreasonably unsafe, for example, severe staff shortages;
- any official communication from bodies with emergency powers by law, for example, advising against travel/other activity in all/some circumstances. The council will provide advice to staff on interpreting such communications. For example, workers assigned to essential services would normally be expected to travel to work if there was advice to refrain from non-essential travel;
- any public health or other governmental guidance issued during the pandemic situation.

2.1.2. When deploying to an alternative post or work location managers will have regard to the ability of individuals to undertake different work and the level of supervision that may be necessary under such circumstances. In the event of an individual disagreeing with the assessment of their manager over their suitability for a temporary role, the matter should be referred to the relevant Head of Service.

2.2. Additional business mileage

2.2.1. Normal arrangements will apply for any business mileage incurred by staff whilst undertaking duties of an alternative role and should be claimed via ESS in the normal way.

2.3. Working hours

2.3.1. Part time staff may be invited to increase their contractual hours for a specified period of time and are encouraged but will not be obliged to do so.

2.3.2. Staff on other flexible working arrangements may be asked to temporarily suspend or alter these arrangements in response to the emergency situation, this includes enabling employees to work more flexibly to accommodate childcare arrangements. Agile working solutions will also enable as many staff to continue working as possible (e.g. through home working).

2.3.3. It will be important for both staff and managers to monitor working time and ensure that excessive working time without appropriate rest does not occur, as this could adversely affect staff's health and therefore their ability to remain at work to support colleagues and the running of services.

2.3.4. Working arrangements will continue to comply with the requirements of the Working Time Regulations (WTR) and honour annual leave where possible. Within an emergency situation, there may be periods where this becomes unavoidable. However, these will be minimised wherever possible.

2.4. Sickness

2.4.1. The council has arrangements in place for sickness absence reporting as well as guidance on self-isolation (see COVID-19 FAQs document). Managers and staff are expected to follow the guidance and keep in touch on a regular basis to update on their current position and fitness for work.

2.4.2. Where staff are displaying symptoms of COVID-19 and not well or able to work from home this will be recorded as sickness absence, but does not count towards sickness absence trigger points.

2.5. Leave

2.5.1. The council may need to limit approval of leave (including annual leave, some types of special leave, leave for public duties, parental leave, unpaid leave, career breaks and study leave) during a pandemic. All requests will have to be considered in conjunction with business continuity arrangements and assessment of the council's current emergency situation. Normal arrangements for requesting the leave will apply.

2.5.2. New requests for annual leave may need to be more tightly controlled and staff may not be able to take leave at the exact times they request, depending on service needs. Where possible, we will seek to reach a compromise that can best meet the needs of both the council and the employee.

2.5.3. Where employees have booked leave they may be asked if they are able to cancel the period of leave booked and provisions will be made for employees to take annual leave at another time, mutually agreed by the employee and the manager.

2.6. Non-attendance at work

2.6.1. It is important in an emergency situation to ensure that all staff able to work do so as directed, to ensure critical services can continue to run and colleagues are not unnecessarily overburdened by their absence. Unauthorised absence

without good reason will need to be addressed. Where this arises, a discussion will take place between the employee and manager so that the circumstances can be fully considered.

- 2.6.2 Unauthorised absence will be unpaid and could lead to disciplinary action. Disciplinary action will only be taken after following the appropriate disciplinary procedure. Depending on the availability of resources and the duration of the emergency, disciplinary action may not be taken until the emergency is over or resources enable the matter to be dealt with.
- 2.6.3. In relation to deployment/reallocation of work, if staff refuse without good reason to follow a management request that is reasonable in the circumstances, this may lead to disciplinary action being taken, in accordance with the disciplinary procedure. Again, such action may be postponed until the end of the emergency or until resources allow the matter to be dealt with.

2.7. Staff support

- 2.7.1. To enable staff to continue working, it will be important to ensure they are appropriately supported during and after an emergency. Managers will play a key role in identifying concerns, supporting their staff and ensuring their health, safety and well-being at work by maintaining regular phone/Skype contact where face-to-face meetings are not possible. The council will communicate regularly with staff on wellbeing issues and the support/resources available, with particular focus on employees who may become isolated either due to sickness absence, self-isolation or working from home arrangements.

3. Staff with health conditions/ staff who are pregnant

- 3.1. Staff with underlying health conditions or those who are pregnant will continue to be supported. There will be instances where managers will not be aware of underlying health conditions and staff will be asked to speak to their manager so that they can be supported. Staff who are pregnant do not need to inform their managers until 15 weeks before the baby is due but they are urged to let their managers know as soon as possible particularly in the event of an emergency situation so that appropriate support is put in place and an appropriate risk assessment can be undertaken.
- 3.2. During an emergency situation, normal or non-urgent Occupational Health appointments/activities may be suspended in order to ensure that Occupational Health is able to more effectively support staff, particularly response staff during a major incident.

- 3.3. Managers have the discretion to deploy staff to suitable alternative roles/away from front-line duties or place them on authorised absence with normal pay where it is deemed to be appropriate. This should be for a short period and reviewed as soon as possible, ideally on a weekly basis.

4. Safeguarding

- 4.1. In maintaining the council's duty of care, particularly towards vulnerable adults and children, the normal standards of safeguarding will continue. In this regard, employees redeployed to working with vulnerable adults or children will only have unsupervised access to these client groups if the appropriate level of Disclosure and Barring (DBS) clearance is in place.
- 4.2. Staff with up-to-date DBS checks should be prioritised to alternative posts that require DBS clearance at a given level including those that care for vulnerable children and adults.
- 4.3. Temporary changes to DBS ID checking guidelines have been put in place to enable ID documents to be viewed over video link and scanned images to be used in advance of the DBS check being submitted. This will better enable fast-tracking of staff into critical roles.

5. Recruitment/ Resourcing

- 5.1. Recruitment has been reviewed in order to focus on business critical posts and other recruitment activities for non-essential posts will be suspended where required.

6. Data Protection

- 6.1 Council staff are obligated to comply with the principles of Data Protection and the General Data Protection Regulations in any work location.

7. Conclusion

- 7.1 Local authorities have various statutory duties in delivering its services including at times of emergency. This agreement supports the council's business continuity and emergency planning arrangements and demonstrates how the council will manage human resources to facilitate a quick response to, and effective management of emergencies. The council is optimistic that all staff will fully cooperate with all reasonable measures and instructions and expects that staff will not unreasonably refuse to do so. The council is aware that some staff may have personal caring commitments which cannot be

changed/substituted and will bear this in mind when making requests to individuals

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Appendix 1

Principles for deployment of employees to alternative work in an emergency situation

When deploying employees to do alternative work as a result of their workplace being closed or their work suspended, our focus will be on aligning people with the right skills, knowledge and experience to undertake different roles

No one will be put at detriment and we will as far as is reasonably practicable try to align staff to new roles by considering the following:

The employees'

- Current role and transferable skills
- Current grade
- Current contracted hours and availability
- Training held and requirements of the role (training will be given if required)
- Relevant checks and clearances held i.e. DBS
- Ability to transport themselves around the area
- Health considerations or reasonable adjustments required.

This will be applied in the following order:

- Those displaced due to workplace closures or work being suspended
- Those identified as not Business Critical in Business Continuity plans
- Employees volunteering to undertake alternative work.