

Guidance on Terms and Conditions

25.6.20

Report by the Head of HR

- 1 In dealing with the rapidly changing working environment we are all facing at present, a well-managed, flexible workforce is even more critical to support our business continuity and balancing our employee health and wellbeing during the COVID-19 pandemic.
- 2 It has been necessary to temporarily amend employment terms and conditions aimed at assisting managers and employees to continue to deliver essential services throughout the period of the pandemic. These changes were agreed through the GOLD group in consultation with the trade unions representatives on the COVID-19 Partnership Forum
- 3 **Annual Leave**
 - 3.1 One of the policies that was temporarily amended through this process was the Council's policy on annual leave. National guidance from CoSLA has subsequently been received on this topic. The Council's local guidance issued to managers on 1 April reflects the national guidance however it is worth emphasising leave should be taken throughout the year to ensure the health and wellbeing of staff. There is an expectation that all staff whether they have been working or are unable to work, take a minimum of 10 days by end of August, provided it does not adversely impact on service delivery. Every effort should be made to enable staff to take leave for their mental and physical wellbeing.
 - 3.2 As stated in the local guidance, the Government has amended the working time regulations to recognise essential workers and those who are continuing to provide services during the pandemic, and who may be unable to take leave. The regulations allow a carry forward of four weeks leave into the next two leave years.
<https://www.gov.uk/government/news/rules-on-carrying-over-annual-leave-to-be-relaxed-to-support-key-industries-during-covid-19> As stated above it is important that staff are given time off throughout the leave year for their health and wellbeing. Every effort will be made to enable staff to take annual leave. Where staff are unable to use all their leave, provision to carry over leave will be granted in accordance with the amendment to the WTR to carry forward four weeks leave. It is anticipated this will apply in exceptional circumstances.
 - 3.3 It is important that all staff and managers understand and observe this guidance for the health and wellbeing of staff and **avoid** too much leave being accrued during the second half of the leave year. All categories of

employees should be treated in a fair and equal manner when considering annual leave arrangements. Employees who have been unable to take leave because of the essential work they have undertaken during the COVID emergency period, will be given priority for any leave requests.

- 3.4** As previously advised employees who have bought additional leave under the Holiday Flex Scheme should use this leave as planned.
- 3.5** Those staff who are signed off sick continue to accrue leave whilst they are absent from the workplace. The current crisis has not changed that.
- 3.6** It is proposed **School based staff** who have booked leave during 10 – 14th August, work in a school and are unable to change their leave due to schools returning on 11 August, will have their leave honoured if booked before 21 May ie Scottish Government announcement of the schools returning. This is in line with guidance issued in circular **SNCT 20-76** dated 4 June 2020. School based staff who have booked leave anytime between 10-14th August after 21 May will not be granted the leave.

4 Quarantine for Employees Traveling Abroad during Covid-19 Restrictions

- 4.1** The Foreign & Commonwealth Office currently advises British nationals against all but essential international travel. As the phases of lockdown progress and based on other countries own policies this will be subject to constant review in the UK – [link](#) to Foreign & Commonwealth Office provide the most up to date advice.
- 4.2** A number of employees will have booked foreign travel prior to the current coronavirus pandemic. However, restrictions around quarantining/self-isolation potentially applying in the country being visited and on return to the UK could have operational implications for the Council which service managers require to be aware and consideration needs to be given to:
- the impact on ongoing service delivery beyond the approved planned absence period
 - ensuring fair treatment for other staff
 - consistency across the Council.
- 4.3** Circular **SNCT 20-76** indicates that teachers who travel should not suffer a detriment and will be able to work from home for the quarantine period. It also refers to other associated professionals covered by SNCT agreements, not working within schools and asks that they discuss annual leave or quarantine arrangements with their line manager. Arrangements may include working from home, annual leave or unpaid leave. A similar approach will apply to all school based staff.
- 4.4** Staff who have arranged foreign travel after 8 June are required to discuss and agree in advance with their line manager how any period of quarantine

will be covered to ensure this takes account of the operational demands and takes cognisance of the potential impact on their colleagues.

4.5

It is proposed staff who require to quarantine can be covered by:

1. Working from home where possible.
2. Employees who are unable to work from home, use annual leave. Where there is insufficient provision in the current leave year, there is an option to bring forward annual leave from 2021/22 entitlement.
3. Where employees are not able to use annual leave from current leave year or wishing to bring forward leave from 2021/22 leave year, unpaid leave will be applied.

5 Payment of Overtime

5.1 The Council's Overtime Policy was temporarily amended to recognise the additional work being undertaken by staff at all levels in the organisation in response to the COVID emergency. The changes to the overtime payment was made as follows:

- Employees on SJC grades HC08-11 will receive overtime at a rate of time and a half
- Employees on SJC grades HC12-15 will receive overtime at a rate of plain time.

5.2 It is proposed this temporary arrangement will cease as of 1st July with the Council's response moving from an emergency to recovery phase. The overtime provision will revert back to the standard [Overtime Policy](#) and [Working Hours Calendar](#) be applied.

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