

Decision maker:	Chief executive
Decision date:	Tuesday, 20 February 2018
Title of report:	Staff deployment guidance
Report by:	Emergencies and resilience officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To approve draft Staff Deployment Guidance. This is to ensure Herefordshire Council has the capacity to meet the requirements of the Civil Contingencies Act 2004. This is new guidance as we have previously relied on 'good will'.

Recommendation(s)

That:

(a) the staff deployment guidance attached at appendix 1 is approved.

Alternative options

1. Not to have a Staff Deployment Guidance. This is not recommended as it would leave the council (when an emergency incident occurs) at risk of not having the resilience or ability to staff the function(s)/service(s) required, therefore leading to non-compliance off the Civil Contingencies Act 2004 (CCA 2004).

2. To deploy staff without offering monetary enhancement. Not recommended as staff may need to be deployed into tasks above and beyond their contracted hours and duties. Without fair compensation, staff may refuse to be deployed. An alternative would be to offer staff time off in lieu but it is understood that this would not be attractive enough to staff to ensure we can fulfil our Civil Contingencies responsibilities

Key considerations

3. To enable us to meet our statutory responsibilities under the CCA 2004, we need to build resilience within our work force. This means we need to train individuals to be able to carry out these functions (such as Rest Centre support, Emergency Information Line) over and above their normal contracted working hours. The draft guidance sets out how we will compensate employees for taking on these additional duties outside of their normal working hours.
4. It is incumbent on Herefordshire Council to be able to act in an emergency situation in order to support the response and lead the recovery phase of any emergency or major incident in Herefordshire. To enable the organisation to be confident that it has staff that are trained, able and willing to respond to these events when they occur a programme of training and on-going recruitment of staff is required. These extra duties would normally fall outside of the normal working day.
5. Herefordshire Council should not rely on the "good will" of its employees to ensure that these emergency functions are carried out and therefore a payment for additional duties that are required outside of directed working hours is proposed. Historically employees have 'volunteered' their time. Other areas within Herefordshire Council (such as Electoral Services) pay staff who undertake additional duties to meet corporate requirements. Subject to approval changes to remuneration will be made as and when the need arises and the changes to this guidance will be communicated to the Gold and Silver Officers so that they are aware they can call people in and pay them for any additional hours they undertake

Community impact

6. If we do not provide these services using council staff in the event of an emergency incident, the community (potentially vulnerable people) may not know where to go or have the support they require. Ensuring that we have the right resources in place to respond to incidents or events will enable the council to continue to deliver services which contribute to achievement of the council's corporate plan priorities.

Equality duty

7. Under Section 149, the "General Duty" on public authorities is set out thus:

"A public authority must, in the exercise of its functions, have due regard to the need to -

eliminate discrimination, harassment, victimisation and any other conduct ... prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

8. This guidance does not impact on the council's ability to deliver its public sector equality duty however any 'reasonable adjustments' already agreed for employees must be considered when invoking any staff deployment.

Resource implications

9. There is no corporate funding set aside for any emergency response. As every incident is different, it is not possible to give a figure to what the costs will be as it could range from hundreds of pounds through to millions of pounds - dependent on the incident. For instance to evacuate and care for the residents of a Care Home, the costs would fall to Social Care. For a large scale incident, a Project Code would be established so that all costs (repair works, staff costs etc.) can be collated and a claim made under the Government's Bellwin Scheme. Herefordshire Council holds general reserves to meet any immediate emergency expenditure. Expenditure is then allocated appropriately or funding is sourced from other schemes eg Bellwin.

Legal implications

10. The Civil Contingencies Act 2004 came into force 1 April 2005 and was fully implemented 15 May 2006, establishing a new legislative framework for civil protection. It imposed a clear set of roles and responsibilities on those organisations with a role to play in preparing for and responding to emergencies.
11. This council has a key role to play discharging our duties under the legislation including assessing risk of emergencies and implementing emergency plans.
12. The proposed staff deployment guidance, enables managers to make reasonable requests for council officers to assist with the benefit of additional terms and conditions of employment whilst undertaking the duties Reputational – should an emergency or major incident happen and Herefordshire Council are deemed not to have provided the required services for the public or put more people at risk for not taking the appropriate response levels, it could have an adverse effect on the reputation of the council most probably on a national basis.
13. Financial – the council could find themselves being challenged by central government if they do not adhere to their responsibilities under the Civil Contingencies Act 2004.

Risk management

14. Reputational – should an emergency or major incident happen and Herefordshire Council are deemed not to have provided the required services for the public or put more people at risk for not taking the appropriate response levels, it could have an adverse effect on the reputation of the council most probably on a national basis.
15. Financial – the council could find themselves being challenged by central government if they do not adhere to their responsibilities under the Civil Contingencies Act 2004.

Consultees

16. Trade Unions and Employment Panel have been consulted and are supportive of the draft guidance being adopted.

17. The Employment Panel suggested that there was clarity on the rates of pay and these comments have been reflected in the guidance.

Appendices

Appendix 1 - Staff Deployment Guidance

Background papers

None identified.