

Meeting:	Employment panel
Meeting date:	Monday 15 January 2018
Title of report:	Staff Deployment Guidance
Report by:	Director for economy, communities and corporate

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To seek the views of the employment panel on the draft Staff Deployment Guidance. This is to ensure Herefordshire Council are adhering to the Civil Contingencies Act 2004. This is new guidance as we have previously relied on 'good will'.

Recommendation(s)

That:

- a) **the panel determine any recommendations it wishes to make to the chief executive regarding the draft staff deployment guidance at appendix 1.**

Alternative options

1. There are no alternatives to the recommendation; the constitution requires the chief executive to consult with the panel on changes to employee terms and conditions including policies, and it is open to the panel to suggest amendments or clarifications to the draft guidance to inform the chief executive's decision-making
2. 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).

3. 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

4. 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 The draft guidance sets out how we will compensate employees for taking on these additional duties outside of their normal working hours.
5. 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.
6. 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

7. If we do not provide these services using council staff in the event of an emergency incident, the Community (potentially vulnerable people) would not know where to go or have the support they require.

Equality duty

8. 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."

9. 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

10. 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 flooding incident, a Project Code would be established so that all costs (repair works, staff costs etc.) can be collated and claimed from the Government's Bellwin Scheme however this cannot be guaranteed.

Legal implications

11. 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.
12. This council has a key role to play discharging our duties under the legislation including assessing risk of emergencies and implementing emergency plans.
13. 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.

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 have been consulted and are supportive.

Appendices

Appendix 1 - Staff Deployment Guidance

Background papers

None