

**NORTH LINCOLNSHIRE COUNCIL**

**CORPORATE SERVICES CABINET MEMBER**

**PANDEMIC FLU POLICY**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To obtain approval for the attached policy, which sets out the council's approach to its workforce and to employments matters in general in the event of a flu pandemic.
- 1.2 The matter has now become urgent in view of the current outbreak of swine flu and the imminent possibility that it could be declared to be a pandemic.

**2. BACKGROUND INFORMATION**

- 2.1 The attached policy has been drafted with a view to preparing the council's managers and workforce as far as is possible for the employment implications that may arise in the event of a flu pandemic.
- 2.2 The policy has been in preparation for a number of months and a wide range of officers, working groups and partner organisations have contributed to its development. It is however, recognised that this will be only one of a number of such documents and that individual services will also have service continuity provisions and/or service specific flu pandemic plans.
- 2.3 The policy is not intended to be alarmist but does provide for the worst case scenario even though it is the fervent wish of all concerned that it never has to be used.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 To approve the attached policy.
- 3.2 To reject the attached policy.
- 3.3 To request additional information.

#### **4. ANALYSIS OF OPTIONS**

- 4.1 A policy is urgently required particularly in the light of current developments.
- 3.4 Rejection of the attached policy will leave the council less well prepared to meet the potential challenges of a flu pandemic.
- 4.2 Additional information can be provided but this may delay preparations especially if swine flu is declared a pandemic and the situation deteriorates rapidly.

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

- 5.1 The policy is intended to ensure optimum use of the council's workforce in the event of flu pandemic.
- 5.2 There are no property or IT implications.

#### **6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 The policy should minimise the risks to council employees and for service users.

#### **7. OUTCOMES OF CONSULTATION**

- 7.1 The trade unions have been consulted and are supportive.

#### **8. RECOMMENDATIONS**

- 8.1 That the attached policy be approved and adopted.

SERVICE DIRECTOR HUMAN RESOURCES

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**Background Papers used in the preparation of this report:** None

## **1.0 Introduction**

- 1.1 A pandemic occurs when a new influenza (flu) virus to which people have little or no immunity appears and starts spreading from person to person as rapidly and effortlessly as normal flu. A pandemic flu has the ability to sweep across the country and around the world in a very short time. People who contract pandemic flu are likely to experience a much more serious disease than caused by normal flu and in a number of cases it may cause critical illness in those infected.
- 1.2 Whilst it is difficult to determine when a pandemic flu may occur, the World Health Organisation (WHO) believes that we are closer to another pandemic than at any other time since the last of the previous century's three pandemics which occurred in 1918, 1957 and 1968.
- 1.3 North Lincolnshire Council recognises a pandemic flu outbreak poses a significant threat to the welfare of it's employees and the ability of the council to maintain normal service delivery.
- 1.4 This policy is in place to provide a consistent approach to the management of employment issues likely to arise during the period of outbreak.
- 1.5 A pandemic flu outbreak will place significant pressure on the council with the likelihood of such a widespread problem that will affect our customers as well as our employees. On that basis it is clear that normal working arrangements during a period of outbreak are likely to be inadequate.
- 1.6 The council's response to a pandemic flu outbreak will require a great level of commitment and reasonableness from those employees who do not contract the virus. Requests for time off from the remaining workforce will be dealt with sympathetically but will be balanced by the need to maintain essential services with a reduced workforce.
- 1.7 Wherever possible essential and non-essential services will have been identified in advance and employees required to work in different roles will have been provided with the necessary training. However the planning process can only be based on

estimated absence levels and should they be exceeded volunteers will be sought from across the workforce to ensure essential service delivery is maintained.

- 1.8 This policy applies to all employees of the council other than those employed by schools with delegated powers. Schools with delegated powers may choose to apply their own policies, which similarly reflect the principles of the council's approach, at the discretion of the governing bodies.
- 1.9 This policy should be read in conjunction with Department of Health (DoH) and Health and Safety Executive (HSE) guidance.

## **2.0 Closure of council premises**

- 2.1 A pandemic flu will be a global issue determined by the WHO and communicated to the council via the National Health Service. The Chief Executive will keep employees informed if a pandemic flu outbreak is likely to affect the area.
- 2.2 Service Directors will be responsible for considering the implications of pandemic flu outbreak on their service areas. If the closure of council premises is warranted, the Service Director or a nominated officer will ensure that all affected employees and service users are informed.
- 2.3 Employees who are sent home early or who are advised (by management) that their workplace is closed to reduce the spread of a pandemic flu outbreak will continue to receive their normal pay.
- 2.4 Employees whose work premises are closed may be asked to take up alternative employment for the period of an outbreak to ensure that essential services are maintained. In some cases it may be appropriate to consider short-term home working arrangements where the nature of the postholder's role makes this feasible.
- 2.5 The closure of schools and other childcare settings may also mean that a large number of staff feel they need to be away from work to care for dependants. Employees faced with this predicament who cannot make alternative arrangements should make a request for compassionate leave in the first instance. Managers

should consider all such requests having due regard for the need to ensure continuity in their own service areas. Once the existing provision of five days' compassionate leave has been exhausted, annual leave, flexitime and/or unpaid leave should be used to cover the employee's time away from work.

- 2.6 Employees with parental/carer responsibilities whose school or childcare provision has not been closed, but who simply wish to keep their children at home to reduce the risk of infection, should inform their manager at the earliest opportunity. Every effort should be made to accommodate the employee's wishes whilst balancing the need to sustain essential services. The employee concerned should be advised that they will be required to take annual leave, flexitime and/or unpaid leave for the period.
- 2.7 The principles of support outlined in 2.5 and 2.6 above should also be followed in relation to other dependants such as those with a disability or older relatives. In summary, where there is a breakdown in normal care arrangements and no suitable alternative available existing compassionate leave provisions should be made available, thereafter or where employees elect to remove dependants from normal care arrangements, annual leave, flexitime and/or unpaid leave must be utilised.

*Note 1: A dependant is defined as someone who lives with the employee as part of his or her family. In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency.*

### **3.0 Working flexibly**

- 3.1 The emergency planning process for each service area will take steps to identify essential and non-essential roles in advance of any pandemic. As a result, employees may be required to perform roles in areas where there is a need to increase the workforce, particularly if their own role is of a non-essential nature or is in a service which has been temporarily suspended. Thereafter, volunteers will be sought from across the workforce to fill such posts and will be released according to demand within their own service area.

- 3.2 Employees will not be asked to fulfil a role without first receiving appropriate training or guidance and normally employees will not be asked to fulfil a role which requires a new skills set, but rather will be asked to utilise their existing competencies in a transferable role.
- 3.3 The impact of a pandemic flu outbreak will also mean a need to increase the capacity of the workforce as workload increases and the number of employees available for work reduces. As a result employees may be asked to work more hours and/or to work differently.
- 3.4 Part time staff may be asked if they are able to increase their hours for the period of the pandemic and where appropriate full time employees may also be asked to work additional hours.
- 3.5 Where necessary employees may be asked to work at different localities and/or if the nature of the role allows and they are not required to fulfil an essential role, employees may be permitted to work from home.
- 3.6 Allowing appropriate employees to work from home may enable the employee to balance work with emerging responsibilities to provide longer term care for a dependant. Employees who make a request to change their normal working arrangements in this respect will not be unreasonably refused.

#### **4.0 Working time arrangements**

- 4.1 While the standard working week is 37 hours, it is accepted that during the period of a pandemic flu outbreak it is likely that this will need to be varied to increase the capacity of the workforce.
- 4.2 In general staff should not be asked to work in excess of 48 hours per week, nor work without appropriate rest breaks. In a pandemic situation, it will be important to ensure that staff continue to receive appropriate rest breaks or compensatory rest and that they are not asked to work more than 48 hours on average (per week) over a 17 week reference period, in accordance with the Working Time Regulations.

4.3 However there may be some employees for whom such an approach is not practicable even with a 17 week period as due to their specialist skills they are likely to be in heavy demand. In addition, senior managers may be required to be available to provide guidance and leadership. In these cases it may be necessary to ask individual employees to voluntarily waive their right not to work more than 48 hours a week to allow for flexibility. A Waiver Clause Agreement attached as Appendix 1 to the council's Working Time policy A.5 is provided for this purpose.

## **5.0 Terms and conditions**

5.1 Changes to normal working arrangements during the period of an outbreak will be temporary and will not constitute a change to terms and conditions of employment.

5.2 Employees will be paid at their normal rate of pay regardless of the work they are required to perform during the period of outbreak.

5.3 In exceptional circumstances where an employee is required to undertake the duties and responsibilities of a higher graded post for a sustained period (normally in excess of four weeks), the employee may be paid in accordance with the grade of the duties and responsibilities temporarily undertaken. Payment will cease immediately when the employee resumes their normal duties.

5.4 Part time staff asked to increase their hours or full time employees asked to work additional hours will be paid in accordance with existing arrangements outlined in the council's Pay policy B.2.

5.5 The taking of lieu time/'flexi-leave' may be suspended during critical periods of the pandemic.

5.6 Employees will be reimbursed the additional expenditure in home to work travel arising from a change in their place of work. Payments will be made in line with existing excess travel payments outlined in the council's Allowances and Expenses procedure B.4.

5.7 Every effort will be made to maintain existing arrangements related to payroll etc.

## **6.0 Annual leave**

- 6.1 Annual leave that has already been authorised will be honoured wherever possible, although where this will severely effect essential service delivery employees may be asked to cancel their leave. Staff with pre-booked and pre-paid holidays will be released although in the event of an outbreak international travel may be affected or cease altogether.
- 6.2 Any pandemic is likely to last for a significant period of time. Experience also suggests that the nature of a pandemic will mean the likelihood of a second wave of influenza. On this basis it is anticipated that large numbers of staff will apply for annual leave at the same time, which even following an outbreak will have a dramatic effect on service provision.
- 6.3 In these circumstances the facility to carry forward leave to the following year and for employees to receive pay in lieu of annual leave not taken will be relaxed. HR will offer council wide guidance at the time.

## **7.0 Absence management**

- 7.1 Influenza symptoms include a fever and a dry cough with an abrupt onset. Further symptoms can include headache, sore throat, runny or stuffy nose, aching muscles and joints, with extreme tiredness also possible.
- 7.2 Employees should not attend work whilst unfit to do so. Employees who attend work and are displaying symptoms represent a significant health risk to colleagues and must be sent home from work. Employees exhibiting signs of infection must be advised not to work until fully recovered.
- 7.3 In practice any employee who contracts influenza is unlikely to attend work, as they are likely to feel too unwell to consider working. Employees who become symptomatic and feel ill whilst at work should inform their manager immediately.
- 7.4 The day an employee is sent home from work will be considered as authorised absence with full pay. Thereafter, normal absence reporting arrangements should

apply and ensuing days will be recorded as sickness absence. Employees must inform their manager if the duration of the absence extends beyond the original estimate.

- 7.5 During a pandemic flu outbreak, employees should complete a self certification form for the full period of any sickness absence even where this extends beyond seven calendar days. Statutory sickness certification arrangements will be reviewed at the time, however employees are still encouraged to seek advice from their GP unless national commentary during the period of outbreak advises otherwise.
- 7.6 In the event that GPs cease to provide sick notes the council will require self certification to continue for the full period of absence.
- 7.7 Whilst managers should make every effort to maintain contact with employees who are absent through sickness, the level and frequency of exchange will not necessarily be as prescribed in the sickness absence procedure. Sickness absence attributable to a pandemic flu outbreak will normally be disregarded from future short-term sickness absence monitoring.
- 7.8 Whilst it is anticipated that most council employees will respond positively to the adversity of an outbreak, there is likely be a high level of anxiety, resulting in some staff being unwilling to attend work for fear of putting themselves or their family at risk. Managers should make efforts to convince employees to attend. Thereafter the employee concerned should be advised that they will be required to take annual leave, flexitime and/or unpaid leave for the period.

## **8.0 Health & safety**

- 8.1 Employees at greater risk of infection (e.g. pregnant women, asthmatics, those with HIV, those who on the advice of their GP have the seasonal flu vaccination etc.) will be identified by managers or by virtue of the employee making their manager aware of their condition. If the risk cannot be reduced sufficiently and suitable alternative employment that appropriately reduces the risk cannot be found, the employee will be medically suspended on full pay.

- 8.2 Specific groups of staff will be issued with guidance to improve hygiene and reduce the spread of infection but all staff will be expected to take personal steps during the period of outbreak.
- 8.3 Influenza is transmitted from person to person through close contact usually from coughing and sneezing. Thorough and more regular hand washing with plain soap and water, hygiene measures such as one-use tissues and avoiding unnecessary hand to mouth or hand to eye contact will be rigorously encouraged to help reduce the spread of disease.
- 8.4 Non-essential meetings and customer contact throughout the period of an outbreak should be limited. Only essential business journeys should be undertaken.
- 8.5 The council's Confidential Staff Welfare and Counselling Service and HR staff will maintain a service as far as possible to support employees and managers.

### **9.0 Recruitment**

- 9.1 In an emergency situation normal recruitment processes may be supplemented by other means, which may include word of mouth requests for volunteers and contact with former employees.
- 9.2 If an extreme emergency situation and if existing employees (who have been checked) are not available, the need to obtain pre-employment checks such as medical clearance, references and CRB Disclosure may be suspended for the duration of the emergency.

### **10.0 Other workforce issues**

- 10.1 All non-essential employment processes such as discipline; grievance and dignity at work will be suspended during the period of emergency without this being a breach of the corresponding policy.
- 10.2 The council will communicate with the workforce in the normal way for as long as is possible. Should normal arrangements break down employees should monitor all available means of communication.