



POLICE STAFF COUNCIL TRADE UNION SIDE

COVID19 BULLETIN No. 1

2 April 2020

Police staff across England and Wales are working flat out to keep communities safe during the Covid19 crisis. You are giving your best and stepping up to the challenge. The unions recognise that at a time like this, our members in the police service may wish to volunteer to work flexibly to assist their force.

We support our members who wish to volunteer to work flexibly, but we also have a responsibility to look out for your health and safety and to ensure that your contractual terms are respected at all times.

Here is a summary of what UNISON, UNITE and GMB are doing on your behalf. We make up the Trade Union Side of the Police Staff Council which is the negotiating body for your pay and conditions.

WHAT ARE THE UNIONS DOING?

The three unions are working on a number of fronts to represent the interests of our police staff members during the Covid19 crisis. Our priority is to ensure that:

- health and safety is protected to the best of forces' ability
- pay and conditions are protected
- contracts of employment are respected

KEEPING YOU SAFE

The unions have been consulted on the National Police Chiefs Council '**Updated Guidance for Forces on Working Time and Sickness in relation to Covid-19**' (26.03.2020) which has been circulated to all forces in England and Wales.

Although the subject of consultation, the guidance has not been agreed with the unions and there remain some areas where we are not in agreement. We are in discussion with the Police Staff Council Employers in relation to some of these outstanding areas and hope we can reach agreement on a Covid19 policy on pay and conditions. In the meantime, we are issuing this guidance because of the urgency of the situation facing police forces and their police staff.

The NPCC guidance, which should have been shared with all trade union police branches, contains the following safeguards for police staff:

- if you are well and can work from home you can seek the approval of your line manager to work from home
- if you work from home and are recalled to work in a location other than your normal place of work, the alternative location will be agreed with you
- if you are well and cannot work from home you will remain at work, but forces must ensure that the 2 metres social isolating distance can be maintained between employees who are at work
- if you have to self-isolate due to family members/cohabitees having symptoms of Covid19 you will work from home if you can. If you cannot work from home, you will stay at home and be granted special leave with full pay for the period of your absence
- if you have the symptoms of Covid19 you will take sick leave with sick pay. Such leave will not count in the reckoning of sick leave for management intervention purposes. The sick leave will be recorded as Covid19 sick leave.
- if you are in one of the categories of the specially vulnerable, who need to shield during the crisis, you will work from home if possible, or, if not, you will stay at home and be granted special leave with full pay for the period of your absence.

The unions are very clear that the government rules on social distancing must be applied at all times by forces for staff who remain in the workplace. This is important for all police staff, but is especially important for those police staff who live with/care for relatives who are in the specially vulnerable group.

The government guidelines on social distancing can be found here:

<https://www.gov.uk/government/publications/full-guidance-on-staying-at-home-and-away-from-others/full-guidance-on-staying-at-home-and-away-from-others>

We plan to issue some guidance on personal protective equipment for police staff and Covid19 in the very near future following discussion with National Police Chiefs Council.

PROTECTING YOUR TERMS AND CONDITIONS

The unions recognise that the Covid19 crisis is an unprecedented event which will stretch police force resources to the extreme. We know that you will want to give of your best on behalf of the communities you help to keep safe.

But this does not mean that your existing terms and conditions can be ignored. Police staff employment is governed by employment law and your contract of employment and this position is unaffected by the Covid19 crisis.

Please speak to your local trade union branch if you have any questions, or concerns, about the implications of changes to working practices arising out of Covid19 for your pay and conditions.

The unions are hoping to agree a set of guidance with the Police Staff Council Employers Side for police forces about the following issues, but until such an agreement has been reached, we advise you as follows:

1. Exigencies of Duty and Changes to Individual Working Patterns

The Covid 19 crisis, and the way in which it impacts on staffing requirements in forces, is likely to trigger an 'exigency of duty' as defined by the Police Staff Council Handbook of Terms and Conditions, namely:

'The term 'exigencies of duty' should be interpreted as relating only to situations of exceptional organisational demand, where a pressing staff requirement arises which could not be reasonably anticipated and which necessitates a change of working pattern.'

Forces should notify their trade unions in good time if an exigency of duty is likely to be declared.

If a force declares an exigency of duty in relation to Covid 19 it may require individual staff to:

- Work on a day not originally published/scheduled
- Change a shift start/finish time

These are the limits to changes to individual working patterns which can be required as a result of the declaration of an exigency of duty. Forces cannot use an exigency of duty to make a wholesale shift change for a whole department or unit without consulting with your trade union – see 4 below.

The Police Staff Council Handbook sets out the pay and other arrangements which compensate staff whose working patterns are changed as above. Please speak with your local branch if you are unsure about what you are entitled to.

2. Changes to working patterns to facilitate caring responsibilities

If you wish to change your individual working pattern to accommodate caring responsibilities created by the Covid 19 crisis, and these changes are approved, this should be on the basis of no detriment to your earnings. In other words, take home pay should be unaffected.

3. Voluntary Sell-Back of Annual Leave

Forces may approach staff to see if staff are willing, on a voluntary basis, to sell back annual leave in order to provide additional staffing resilience to

forces during the Covid19 crisis. Please speak to your branch if you are approached with a request to sell back annual leave to your force.

4. Changes to Collective Working Patterns

If a force wishes to change collective working patterns, as a consequence of Covid 19, the usual requirement for full consultation with trade unions over the changes, as set out in the Police Staff Council Handbook, applies. Please speak to your local union branch if your department or unit is asked to change working pattern.

RESPECTING POLICE STAFF CONTRACTS OF EMPLOYMENT

As with your pay and conditions, your work location and what you can be required to do at work are set out in your contract of employment. Forces may not change your contract without your agreement, or the agreement of your trade union following a collective agreement.

You are advised in particular:

1. Changes to work location:

- Your mobility obligations will usually be clearly set out in your contract of employment
- Payment for additional travelling expenses/time will usually be set out in your contract of employment. It should be noted that the usual modes of public transport may not be available due to the reduction or shut down of services.

2. Changes to work role/responsibilities

If your force wishes you to redeploy into roles/responsibilities other than your substantive role, the following should apply:

- The force should approach you with a request to redeploy
- If the redeployment is outside the requirement of your contract of employment, you may agree, or not, to the redeployment request. You are strongly advised to take the advice of your trade union before agreeing to any redeployment request. The force, you and your union should agree on what contractual documentation is relevant to the request.
- Unless contractually required to redeploy, you may decline the request
- No negative inference should be drawn from a decision of an employee to decline a request

- If the redeployment is a contractual requirement, you and your trade union and the force should discuss whether the redeployment is reasonable and proportionate taking into account the operational requirement for the redeployment and your personal circumstances, particularly health considerations and/or caring responsibilities.
- Where possible, your preference for shift patterns should be accommodated upon redeployment
- You and the force and your trade union should agree the duration of the redeployment at the outset, including a review at which you or the force may serve notice of a wish for a return to the substantive role, depending upon the contractual obligations on the respective parties.

REMEMBER TO SPEAK WITH YOUR UNION IF YOU ARE ASKED TO CHANGE THE WAY YOU WORK IN RESPONSE TO THE COVID19 CRISIS