

## **Item: 7**

**Special General Meeting of the Council: 16 April 2020.**

**Special Leave for Caring for Dependents.**

**Joint Report by Chief Executive and Executive Director of Corporate Services.**

### **1. Purpose of Report**

To consider homologating a temporary policy on special paid leave for caring for dependents, to apply whilst the present circumstances around the Covid-19 emergency remain in place.

### **2. Recommendations**

The Council is invited to note:

#### **2.1.**

Current policy whereby leave for childcare or caring responsibilities would normally be taken as annual leave or unpaid leave.

#### **2.2.**

That the sudden closure of schools with minimal notice, coupled with the public health advice as part of the Covid-19 response, has left some parents with no viable childcare options.

#### **2.3.**

That the Chief Executive has exercised emergency powers to grant paid special leave to those employees unable to attend work due to caring responsibilities while they have to carry out such responsibilities, with such leave granted on the basis that all other reasonable options have been exhausted, including:

- Working from home if possible.
- Exploring if caring responsibilities could be shared with someone in their household.
- Making alternative working arrangements with their manager to fit in childcare or caring for a dependent with work. e.g. change of hours, role or location.
- Accessing key worker childcare if they are eligible.

**It is recommended:**

**2.4.**

That the temporary policy position in respect special paid leave for staff for caring for dependents, referred to at paragraph 2.3 above, be homologated.

**2.5.**

That powers be delegated to the Chief Executive to withdraw the temporary policy position, referred to at paragraph 2.4 above, when the circumstances of the present Covid-19 emergency allow, namely when there are changes to the current social distancing restrictions that would allow normal caring arrangements to resume.

### **3. Background**

**3.1.**

The sudden closure of schools with minimal notice, coupled with the public health advice as part of the Covid-19 response left some parents with no viable childcare options. Employees who could work from home in such circumstances have been encouraged and enabled to do so wherever possible, however for many Council staff they simply cannot undertake their job from home.

**3.2.**

Normally leave for childcare reasons is expected to be taken as annual leave or unpaid leave, however due to the exceptional nature of the circumstances most local authorities across the country granted special paid leave as an immediate measure until at least their scheduled Easter holidays in April 2020. Orkney Islands Council also adopted this position, however with the Easter holiday period now here, clarification was required on the Council's policy going forward so employees knew where they stood..

**3.3.**

In addition to childcare, the present emergency has led to some employees with other dependents, for example adults with learning disabilities or elderly relatives, suffering disruption to normal care arrangements with very limited ability to put in place alternative options. In essence this is the same issue and needed to be considered alongside that of childcare.

### **4. CoSLA Advice and Guidance**

**4.1.**

There is not a blanket policy position on leave for childcare across local government. On 3 April 2020, the Convention of Scottish Local Authorities (CoSLA) released a set of frequently asked questions (FAQs) for staff, which included one around staff who have no childcare, which read:

“We appreciate that this is a difficult situation and your children need cared for, however we are also needing to try and maintain our essential services and support our community where we can. We would ask that you explore if caring responsibilities could be shared with someone in your household. We recognise that asking Grandparents would be unsuitable at this time. Any support you could provide to essential services would be appreciated and will help us support the most vulnerable in our community. Where you are unable to make alternative arrangements, you should try and continue to work from home where you can or use the opportunity for on-line learning.

If you are a key worker and do not have anyone else to look after your children childcare can be provided through your local authority – please speak to your manager or local school contact about accessing this.”.

#### **4.2.**

In addition CoSLA has acknowledged in an earlier joint agreement with the Trade Unions that, due to the present circumstances, it may be that after exhausting all options for working from home and/or alternative work and personal arrangements, some staff in local government will simply not be able to work and will be at home on special leave for the duration of the emergency. This is not specific about childcare issues or other caring responsibilities but is a broad agreed position with Unions at national level.

### **5. Benchmarking with other Local Authorities**

#### **5.1**

Like most matters during the current emergency, this has been an evolving and quickly moving issue with new guidance and factors to be considered being raised on a day by day basis, without the usual time for thorough reflection in policy making.

#### **5.2.**

Human Resources have sought clarity from the Council’s usual benchmarking partners in the northern region on their current policy position. This is summarised below:

<b>Council.</b>	<b>First position.</b>	<b>Current policy.</b>
Aberdeen City.	14 days additional paid special leave granted to all staff. To be taken at time of employees’ choosing.	Currently no change to first position.
Aberdeenshire.	Special Paid Leave granted until Easter break.	Indefinite continuation of special paid leave where no other arrangements can be made.

<b>Council.</b>	<b>First position.</b>	<b>Current policy.</b>
Comhairle Nan Eilean Siar.	Special Paid Leave granted until Easter break.	Not actively reviewing but may do so if need is there.
Highland.	Special Paid Leave granted until Easter break.	Indefinite continuation of special paid leave where no other arrangements can be made.
Moray.	Special Paid Leave granted until Easter break.	Indefinite continuation of special paid leave where no other arrangements can be made.
Orkney Islands.	Special Paid Leave granted until Easter break.	Indefinite continuation of special paid leave where no other arrangements can be made – adopted 6 April.
Shetland Islands.	Special Paid Leave granted until Easter break.	Under review.

### **5.3.**

Three other councils have acted decisively to extend arrangements for paid special leave and all have indicated this would apply broadly to all types of caring for dependents. Orkney Islands Council has also adopted this policy position with effect from 6 April 2020 and it is anticipated Shetland Islands Council is also heading in this policy direction.

## **6. Policy position**

### **6.1.**

On 6 April 2020 the Chief Executive exercised his emergency powers in order that the Council could adopt the position of granting paid special leave to those employees unable to attend work due to caring responsibilities while they have to carry out such responsibilities, on the following basis:

#### **6.1.1.**

A dependent being defined as “an individual residing within the same household as you for whom you are responsible for their care arrangements”.

#### **6.1.2.**

Such leave being granted on the basis that all other reasonable options have been exhausted, including:

- Working from home if possible.
- Exploring if caring responsibilities could be shared with someone in their household.
- Making alternative working arrangements with their manager to fit in childcare or caring for a dependent with work. e.g. change of hours, role or location.
- Accessing key worker childcare if they are eligible.

## **6.2.**

This policy position has been communicated to staff via the staff information section on Covid-19 on the Council's website and managers have been specifically contacted and asked to ensure these options have been discussed with the employee before granting special paid leave.

## **6.3.**

This policy decision keeps the Council in line with the direction of travel of other local authorities and avoids potentially difficult employee relations issues when goodwill with staff and Trade Unions needs to be maintained to ensure a flexible approach to the emergency.

## **6.4.**

This policy position is temporary and as a direct result of the present circumstances of the Covid-19 emergency. It is anticipated the policy will be withdrawn when there are changes to the current social distancing restrictions that would allow normal caring arrangements to resume.

# **7. Human Resource Implications**

## **7.1.**

Presently only six members of Council staff have been certified by their manager as requiring special leave due to childcare reasons. There is currently no recording category for other dependents. Officers in HR believe however this to be an under representation of the potential situation with many staff probably falling into other categories at the same time, e.g. self-isolating, and the likelihood that not all caring circumstances have been accurately reported at this stage.

## **7.2.**

HR is currently very busy with enquiries from staff and managers across the Council for advice and guidance on a range of staffing issues related to Covid-19, and in the past two weeks, the most frequently question has been around what the Council's position would be in respect of special leave for childcare after 5 April 2020.

# **8. Equalities Impact**

An Equality Impact Assessment has been undertaken and is attached as Appendix 1 to this report.

## **9. Corporate Governance**

This report relates to the Council complying with governance and its duties as an employer and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **10. Financial Implications**

### **10.1.**

The expectation of the Government is that all Public Authorities maintain employees' income during the pandemic using the public funds which they have been allocated.

### **10.2.**

Whilst this policy will not directly add to staff costs and expenditure in the present circumstances, it may be regarded to reduce overall productivity as some staff will be at home and not working on full pay.

### **10.3.**

Any staff replacement costs as a result of this policy should be costed and recorded so that the full cost of Covid-19 expenditure may be reclaimed if possible at a later date and recorded meanwhile through the national reporting requirement that Scottish Government have implemented.

## **11. Legal Aspects**

The Council is obliged to adopt appropriate staffing policies and procedures to ensure the effective and consistent management of its workforce.

## **12. Contact Officers**

John Mundell, Interim Chief Executive, extension 2101, Email  
[john.mundell@orkney.gov.uk](mailto:john.mundell@orkney.gov.uk)

Gillian Morrison, Executive Director of Corporate Services, extension 2103, email  
[gillian.morrison@orkney.gov.uk](mailto:gillian.morrison@orkney.gov.uk)

Andrew Groundwater, Head of HR and Performance, extension 2253, email  
[andrew.groundwater@orkney.gov.uk](mailto:andrew.groundwater@orkney.gov.uk)

## **13. Appendix**

Appendix 1: Equality Impact Assessment.



## Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

<b>1. Identification of Function, Policy or Plan</b>	
Name of function / policy / plan to be assessed.	Temporary policy provision on special leave for staff for caring for dependents
Service / service area responsible.	Corporate Services
Name of person carrying out the assessment and contact details.	Andrew Groundwater <a href="mailto:andrew.groundwater@orkney.gov.uk">andrew.groundwater@orkney.gov.uk</a>
Date of assessment.	14.04.2020
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	New.

<b>2. Initial Screening</b>	
What are the intended outcomes of the function / policy / plan?	To provide policy guidance for staff around paid leave for childcare and caring for other dependents during the current Covid-19 pandemic.
Is the function / policy / plan strategically important?	Yes
State who is, or may be affected by this function / policy / plan, and how.	Employees of the Council.
How have stakeholders been involved in the development of this function / policy / plan?	Due to the need to form a policy position quickly, full consultation with Trade Unions has not been possible, however we know informally they wished

	to see an extension of the availability of paid leave for caring reasons.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).	Benchmarking with other Local Authorities was undertaken and is detailed in the report.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See <a href="#">The Fairer Scotland Duty Interim Guidance for Public Bodies</a> for further information.	It is likely that this policy is going to be most pertinent to women and single parents who data shows are more likely to be in the lower paid portion of employees.  Generally, the temporary policy position taken benefits lower-paid workers and their families.
Could the function / policy have a differential impact on any of the following equality areas?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	None
2. Sex: a man or a woman.	The policy could have a greater positive impact for women who we employ as statistically they are more likely to be undertaking caring responsibilities within a household.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	None
4. Gender Reassignment: the process of transitioning from one gender to another.	None
5. Pregnancy and maternity.	None
6. Age: people of different ages.	The policy may benefit children and older people as it means they can continue to receive adequate caring provision from a family member closest to

	them without a detrimental financial impact on the family.
7. Religion or beliefs or none (atheists).	None
8. Caring responsibilities.	Yes – policy provides a beneficial outcome for people with caring responsibilities.
9. Care experienced.	None
10. Marriage and Civil Partnerships.	None
11. Disability: people with disabilities (whether registered or not).	The policy may benefit those with disabilities as it means they can continue to receive adequate caring provision from a family member closest to them without a detrimental financial impact on the family.
12. Socio-economic disadvantage.	It is likely that this policy is going to be most pertinent to women and single parents who data shows are more likely to be in the lower paid portion of employees.  Generally, the temporary policy position taken benefits lower-paid workers and their families.
13. Isles-proofing.	N/A

### 3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No – the policy is in itself addressing potential differential impacts where in the current pandemic many people will receive full pay despite not being able to work.
How could you minimise or remove any potential negative impacts?	N/A
Do you have enough information to make a judgement? If no, what information do you require?	Yes

### 4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	Policy has already been communicated.
Who will undertake it?	N/A

When will it be done?	N/A
How will it be monitored? (e.g. through service plans).	N/A

Signature: 

Date: 14 APRIL 2020

Name: ANDREW GROUNDWATER (BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at [hrrsupport@orkney.gov.uk](mailto:hrrsupport@orkney.gov.uk)