



## **Business Continuity Policy (Human Resource Response)**

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1.1.

This policy provides a framework to ensure South East Coast Ambulance Service NHS Foundation Trust (The Trust) is able to continue its functions when business continuity is challenged due to exceptional circumstances in emergency situations such as:

- Declaration of a major incident
- Activation of the Business Continuity Plan
- Adverse weather or environmental conditions
- Widespread illness (pandemic)
- Civil disturbance (e.g. fuel shortage, blockades)
- Building evacuation / closure.
- (list not exhaustive)

1.2. The aim of this policy is to set out the expectations for staff and managers in emergency situations to ensure that services continue to be provided, and that the health and safety of employees is protected.

1.3. This policy should be read alongside other relevant Trust's documents relating to Business Continuity and Emergency Preparedness, Resilience & Response plans.

1.4. This policy is intended to take precedence over existing Human Resources policies as a result of the above events. These would include:

- Annual Leave Policy and Procedure
- Appraisal processes
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Capability Policy and Procedure
- Managing Health and Attendance Policy and Procedure
- Recruitment and Selection Policy and Procedure
- Special Leave Policy

## **2. Scope**

2.1. This policy relates to Business Continuity as it impacts on Human Resources issues and will apply to all staff working within the Trust.

## **3. Principles**

3.1. This policy will be activated following agreement by the Director of HR liaising with the Chief Executive or relevant deputies.

3.2. Upon agreement to implement this policy, the Director of Human Resources or their nominated deputy will notify staff side



representatives of the Joint Partnership Forum (JPF) to inform them that the policy is in use.

- 3.3. Dependant on the type and severity of the emergency the Trust will enact all or parts of this policy, as appropriate to the situation.
- 3.4. If additional or replacement guidance, relevant to the particular situation, is required then the Emergency Preparedness, Resilience and Response Team and / or Human Resources will meet to agree policy direction and issue supplementary or replacement guidance. They will involve other Heads of Service and selected staff side representatives, as appropriate.
- 3.5. The decision to de-activate this policy will be taken by the Trust, and subsequently communicated to managers and staff side.
- 3.6. The decision to rescind the provisions of this policy will be taken by the Director of HR liaising with the Chief Executive or relevant deputies.
- 3.7. This policy overrides the policies listed in section 1.4, however, they will be consulted in conjunction with it.
- 3.8. Any variations to normal working arrangements will only remain in place for the duration of the application of this policy. Upon formal communication that normal business will resume, normal policy provisions and working practices will also resume.
- 3.9. During a major emergency or widespread pandemic, it is recognised that a high-level demand for services will be placed on managers and staff, who will be coping with staff shortages over a prolonged period. Whilst accepting that everyone will be extremely busy, it is important that any decisions taken will be able to be justified and explained post major emergency or pandemic event.
- 3.10. The Trust will endeavour to encourage all staff to attend work during an emergency situation and support those who are genuinely unable to attend work during this time.

## **4. Definitions**

- 4.1. The posts defined as being key workers within a service critical core function are:
  - A & E Operational Road Staff
  - Nurses
  - EOC staff
  - 111 staff



This list is not exhaustive: other posts may be determined as critical depending on the situation.

- 4.2. **Business Continuity** refers to “...*the strategic and tactical capability of an organisation to plan for and respond to incidents and business disruptions in order to continue business operations at an acceptable predefined level.*”(Business Continuity Institute, 2011).
- 4.3. **Pandemic** refers to the World Health Organisation declaring a Pandemic Alert at Level 6.
- 4.4. **Adverse weather or environmental conditions** – refers to atypical extreme weather conditions, including extreme heat, flooding, cold, snow etc.
- 4.5. **Major incident** refers to an incident that brings immediate threat to life, health, property or environment, that will cause loss of life, health detriments, property damage or environmental damage and has a high probability of escalating to cause immediate danger to life, health, property or environment.

## 5. Roles and Responsibilities

### 5.1. All Staff

- 5.1.1. All staff should uphold the values of the Trust at all times and those values are particularly relevant during emergency situations; taking pride, striving for continuous improvement, acting with integrity, demonstrating compassion and respect, assuming responsibility.
- 5.1.2. Have awareness of and comply with the policy.
- 5.1.3. Have a duty to cooperate with the Trust during the emergency, undertaking duties within their scope of practice, as requested.
- 5.1.4. Are required to notify the Trust if they have recently returned from an area outside the UK, which has declared a pandemic incident.
- 5.1.5. Must continue to fulfil their contractual duties wherever possible.

### 5.2. Trust

- 5.2.1 The Trust has overall responsibility to have processes in place to ensure that staff are aware of this policy and adhere to its requirements.



## **Managers**

- 5.3.1. Ensuring this policy is disseminated effectively to their teams and that teams adhere to this.
- 5.3.2. All managers will have an obligation to ensure that service delivery is maintained to as high a level as possible
- 5.3.4. It is important that all decisions made which are outside of the normal policy are recorded.
- 5.3.5. Managers should continually monitor the well-being of their staff and ensure that adequate support and breaks are received.
- 5.3.6. It is essential that managers keep their service continuity plans up to date and make all employees aware of the contents of the plan and where the plans are held.

## **5.4. Human Resources**

- 5.4.1. To ensure that the policy is followed, fairly and consistently.
- 5.4.2. To provide advice on the application of this policy.
- 5.4.3. The Workforce Information and Planning team will provide reasonable statistical information to the Trust, the Department of Health and other bodies as appropriate on staff data.

## **5.5. Trade Unions**

- 5.5.1. Provide advice, support staff and work in partnership with managers and the Human Resources team in aiming to ensure that the Business Continuity Policy (Human Resources), is implemented, wherever possible.

## **6. Maintaining Services**

- 6.1. It is essential that the delivery of the Trust's (and all NHS Trusts') critical core function (providing 999 and 111 services) continue. However, it is acknowledged that service delivery may change during a business continuity incident. The Trust must do everything we can to maintain services. Therefore, where possible and safe to do so employees should continue to come to work.



All staff are expected to make reasonable efforts to come to work, adapting their means of travel and using public transport if this is a possibility. Working from home or at an alternative Trust location will be considered, if appropriate.

- 6.3. Where staff are unable to attend work, this must be notified in the normal way. Staff failing to attend work and who do not contact the Trust to discuss alternative arrangements will be treated as unpaid leave. Managers should inform the HR Service Centre if the absence is to be treated as unpaid leave.

## **7. Changing/ additional duties and Redeployment of Staff (including temporary transfer of staff between Trusts, following a request for mutual aid)**

- 7.1 To overcome staff shortages and ensure efficient use of staff in the areas of business which need support, there will be a need to redeploy staff into different roles and/or to other NHS Trusts, (following a request for mutual aid) to help manage the situation.
- 7.2 Any redeployment will be within their scope of practice/ skills base and within the boundaries of safety and competence. Employees without a Disclosure and Barring Service (DBS) check should not work unsupervised in a role, where a DBS check would be required.
- 7.3. Staff that are to be considered for redeployment will be notified by their Line Manager, as soon as is reasonably practical. Any requests for employees to vary their duties, perform a different function or change their hours will be reasonable.
- 7.4. Where possible the Line Manager will meet with the member of staff to confirm the details of the redeployment, such as:
- Location of work, or Trust redeploying to and/or from
  - Period of redeployment
  - Type of work
  - Working hours
  - Manager reporting to & contact details
- 7.5. Employees are requested to co-operate with reasonable requests from their line managers either to vary their duties, perform a different function or to work additional hours outside of their contractual provision but within the Working Time Directive. All other terms and conditions of employment will remain the same.
- 7.6. The Line Manager will be responsible for confirming these details on a Staff Changes form.





Managers should ensure that employees covering additional/ different duties are fit for and receive the adequate basic training and information to enable them to carry out the duties safely and effectively and that the relevant risk assessments take place. Managers should ensure that all employees, even those undertaking duties on a temporary basis are issued with the appropriate personal protective equipment, where required, and are adequately trained on how to use it.

- 7.8. Employees hot-desking or visiting another Trust sites/ NHS Trust's should familiarise themselves with the evacuation routes and muster points for the buildings they are visiting.

## 8. Arrangements for pay

- 8.1. Duties at the same grade - No additional pay will be provided where duties of the same grade are undertaken
- 8.2. Duties at a higher grade - For short- term periods (up to six weeks) no additional payment will be made for employees undertaking duties at a higher grade. Periods beyond this will be covered by the acting up arrangements in the Acting Up and Secondment Policy.
- 8.3. Additional hours – Depending on the number of hours worked, provision for compensation for this will be made either through flexi time arrangements, time off in lieu at a later date or pay for the additional hours worked.
- 8.4. Unsocial Hours – Will be calculated as per Annex 5 or Section 2 of Agenda for Change Terms and Conditions, as applicable.
- 8.5. The following agreements are already in place for staff covered under the NHS Agenda for Change' (AfC) terms and conditions of employment, as follows:
- **Excess Mileage:** those staff who have been deployed to a different work location will be entitled to claim excess mileage at the Reserve rate, which is taxable. Excess mileage is the difference between home to current work-base and home to new or temporary work-base.
  - **Passenger Mileage Claims:** staff who take passengers are entitled to claim for each person per mile in accordance with the AfC terms and conditions handbook and this may be claimed on any excess mileage as required.
  - **Unforeseen shift changes to agreed patterns of working:** any staff that are required to change their shift patterns with less than 24 hours' notice will be remunerated in accordance with the AfC terms and conditions.





- **On-Call Payments:** Staff who work on-call will receive pay enhancements in accordance with Section 2 of the AfC Terms and Conditions.

- 8.6. Any enhancements otherwise lost as a result of critical redeployment under this policy will be protected.
- 8.7. Claims during redeployment should be submitted in the usual way. All funding for additional pay as a result of emergency situations will be funded by relevant department.
- 8.8. During periods where this policy is activated, the Trust's Payroll Provider will endeavour to pay staff as much of their pay as possible but dependant on this severity of the situation may:
- In the first instance Payroll will do a flat payroll run based on the information already received prior to the implementation of this policy.
  - In extreme circumstances the payroll will be based on the BACS File of the previous month and any extra payments will be adjusted accordingly when normal business is resumed.

## 9. Working Time Regulations

- 9.1. It is acknowledged that during an emergency situation staff will not necessarily fully benefit from the provisions outlined in the Working Time Regulations. In all cases where individuals are working longer than 48 hours per week on average during a major incident, they can elect to sign an 'opt out' form. The opt-out form and further information is available in the Trust's Working Time Directive Policy.
- 9.2. Managers should be aware that working long hours over a sustained period is not a safe practice and should ensure that they and their staff take some rest time each week in order to recuperate. Managers will be required to monitor the time individuals are spending at work and to ensure that adequate rest is taken.

## 10. Provision of Food, Transport and Accommodation

- 10.1. In the event that employees are unable to access their personal belongings (e.g. keys, money, mobile phone) or vehicles, or where employees find that they have become stranded and where travel home for such employees is not considered reasonable or safe, Managers should assist employees to make alternative arrangements to get home safely or endeavour to arrange suitable accommodation for staff.
- 10.3. Any expenditure must be authorised by a manager, and receipted, in accordance with the terms set out within the AfC. Outside of these arrangements the employee will be required to pay back the amount paid.



In anticipation of, or during a serious emergency, accommodation may be sourced for staff who are deemed by the Trust to be critical to the maintenance of essential services. This will be arranged at Directorate level in the best interests of the Trust.

## **11. Late arrival at work**

- 11.1. Wherever possible staff should follow normal reporting procedures to advise that they are delayed, to enable the Trust to plan effectively.
- 11.2. Provided every reasonable effort is made, taking into account the distance from home to work and the availability of public transport, then staff will not be penalised for late arrival.

## **12. Closure of Site**

- 12.1. In certain circumstances, it may be necessary to close a building for health and safety reasons. When notification is given that a building is to close, managers are responsible for ensuring that all employees have left the building.
- 12.2. They should also notify anyone off site, who needs to return to the building that they cannot enter until notified.

## **13. Remote Working**

- 13.1. Where available, staff may agree alternative arrangements to work from other Trust locations or from home. Where this is not possible, staff will not suffer a loss of pay, but the Trust may require them to make up the time on another day.
- 13.2. The Health and Safety at Work Act 1974 requires that the Trust ensures, as far as is 'reasonably practicable', the health, safety and welfare at work of its employees. This duty also applies to staff working from home. As such, this places an obligation on staff working from home to ensure they take reasonable care not to expose themselves or others to risks to their health and safety. Individuals should refer to the Trust's Health and Safety Policy for further information.
- 13.3. Individual's must give consideration to the Trust's Display Screen Equipment (DSE) Policy and should complete the DSE self- assessment as required.



To ensure safe lone working whilst at home, as well as at work or when Mobile working, staff should be familiar and adhere to the Trust's Lone Worker Policy.

- 13.5. If an accident, incident or dangerous occurrence occurs whilst working from home, the member of staff must report the incident (via Datix) in accordance with the Incident Reporting Policy and Procedure.
- 13.6. In an emergency situation employees should still adhere to the Trust's Information Governance and Data Protection Policies to safeguard data if working remotely.
- 13.7. Employees should also adhere to the Remote Access Policy [http://intranet.westsussex.gov.uk/tools\\_and\\_resources/it\\_help/your\\_responsibilities/it\\_policies\\_and\\_directions/acceptable\\_use\\_policy.aspx](http://intranet.westsussex.gov.uk/tools_and_resources/it_help/your_responsibilities/it_policies_and_directions/acceptable_use_policy.aspx), Removable Media Information Security Policy and advice issued by IT about usage of remote access to ensure that service continuity can be maintained and that network resources are not overloaded.
- 13.8. The Trust does not undertake to supply any equipment as a result of emergency situation. However, it may at its discretion supply equipment such as a laptop and peripherals or solutions to work securely from an individual's own personal computer/mobile device. This will involve accessing the Trust's servers securely using the authentication tools provided by the Trust. The Trust will be responsible for the employee liability insurance for that equipment.
- 13.9. It is the responsibility of the home worker, to check whether carrying out business is not an exclusion or exemption on their home insurance policy.

## 14. Special Leave

- 14.1. Although the Trust has an obligation to maintain service delivery it is imperative that staff are supported throughout any period of increased pressure. It is acknowledged that schools, nurseries and other childcare facilities may close during emergency situations. Such closures may impact on staff with responsibilities for dependents.
- 14.2. The Trust aims to deal with carers leave requests in a sensitive and supportive manner. In line with the Special Leave Policy and Procedure, up to three (3) days paid leave may be granted, with consideration given to the following:
  - Flexible working arrangements, including home working if possible and appropriate.
  - Temporary change to working hours and work patterns
  - The ability to get to work from other Trust sites
  - Managers also have the discretion to allow TOIL, annual leave or grant further periods of unpaid leave.



During a pandemic only, payment for carers leave, to care for dependants infected, will be for a maximum of 7 days (due to the typical duration of infection).

- 14.4. Due to the nature of some major emergencies the Trust realises that staff may be affected by bereavements amongst their dependants. Whilst the Trust has a responsibility to ensure business continuity, any requests for leave in these circumstances will be treated sensitively in accordance with the Trust's Special Leave Policy.
- 14.5. All pre-booked leave, granted in accordance with employment legislation, such as paternity, adoption, maternity and parental leave will be honoured.
- 14.6. Managers are responsible for establishing the reasons for all absences and for entering the record on GRS.

## **15. Annual Leave**

- 15.1. It is recognised that it may be necessary to limit annual leave in order to sustain services during extreme exceptional circumstances. Although there will not be a blanket ban on taking annual leave the following will be considered, when appropriate:
  - All new requests for annual leave will be considered on their merits.
  - All pre-booked leave will be allowed; however, staff will be asked to consider rescinding the booking. Staff may cancel their pre-booked leave should they wish. Staff to whom this is applicable will have priority booking for all new subsequent annual leave requests received.
- 15.2. Leave booked without staff obtaining prior approval (in accordance with normal procedures), is unlikely to be granted retrospectively.
- 15.3. If staff are unable to take accrued annual leave within the current year, arrangements may be made to carry forward untaken leave or, if it is deemed beneficial for the service, payment may be made for untaken leave. The extra amount should be taken within the next leave year (provided the conditions which triggered the implementation of this policy are over).

## **16. Training Courses, Education and Induction**

- 16.1. During an emergency, it may be considered feasible to cancel/postpone induction training and non-essential training/ education courses depending on the severity of the incident.



As a result of an emergency situation, staff will be expected to attend work as normal or, if they are unable to travel to work to report their absence in the normal way. Education and training staff may then be redeployed in relation to their qualifications and skills as appropriate.

- 16.3 Staff attending training courses during an emergency situation should do so in readiness to respond to an urgent situation. For example, uniform staff should attend in uniform and service critical support staff should take their mobile, lap tops and chargers and any other work related equipment.

## **17. Recruitment**

- 17.1. During a time of major emergency, the Trust has an obligation to maintain service delivery of all critical core functions. As such, all recruitment activities will be reviewed to ensure recruitment is focused upon critical core functions. Normal recruitment processes for all non-critical core functions may be suspended.
- 17.2. Candidates who have passed all recruitment processes including pre-employment checks and who have a confirmed start date will commence work as planned. They will be notified by the resourcing team of the implementation of the business continuity plans and the likelihood of their being redeployed and/or not commencing their substantive role in full immediately upon commencement. The resourcing teams will liaise with operations and clinical education to determine where best these new staff can effectively and safely work during the implementation of the business continuity plans.
- 17.3. Candidates who have passed all recruitment processes including pre-employment checks but have yet to confirm a start date will be notified that their start date will be deferred until further notice due to the implementation of the business continuity plan.
- 17.4. Candidates who are in mid-recruitment process will be advised that there may be delays to the recruitment process explaining the reasons why and that this may include deferring assessments and/or interviews.
- 17.5. Managers should alert the resourcing team as soon as possible of any potential demand for additional temporary staff.

## **18. Appraisal**

- 18.1. Pay step progression reviews and appraisals may need to be postponed and rescheduled.
- 18.2. Individuals will not be disadvantaged if their pay step review is delayed.



## **19. Management of Disciplinary, Grievance and Capability Provisions**

- 19.1. In the event of a major incident or an event that impacts upon business continuity, some managers may not have the capacity to manage the formal processes within the Disciplinary, Grievance and Capability policies. Managers must discuss with HR, as soon as possible, whether formal processes can be postponed until normal business is resumed. If suspension of processes is agreed, managers should liaise with an HR Advisor regarding the contents of a letter that should be sent to the individual concerned. Each case should be considered on its merits and the decision whether to proceed or not with the case must take account of the interests of the Trust and the individual in cases where delay may cause organisation disruption and /or individual stress.
- 19.2. During major incidents or widespread outbreaks of pandemic, it is recognised that the instances when errors occur may be greater than normal. It is important that the cause is established, and systems are put in place to ensure that the risk is minimised. The Trust's supports honest mistakes, if individuals have acted in good faith within their skill and competence, it would be unusual to anticipate that a disciplinary issue would arise.

## **20. Data Subject Access and Freedom of Information Requests**

- 20.1. It is expected that responding to Data Subject Access Requests and Freedom of Information requests will be suspended during a major emergency. All parties must be informed by letter of the delay.

## **21. Time off for Public Duties**

- 21.1. The Trust may request that key workers be excluded from time off for public duties.

## **22. Review of Secondment Agreements**

- 22.1. During a major incident or widespread pandemic outbreak the Trust will review all secondment agreements, and reserves the right to recall any secondees, subject to the terms of the secondment agreement or sooner by agreement with the host organisations.





## **23. Management of Sickness Absence (due to pandemic illness)**

23.1. It will be necessary to implement the following sickness absence protocols:

- Any staff infected by a pandemic (flu, covid etc) must remain off work to minimise the spread of the virus. Staff should notify their absence using their normal reporting procedures, as specified in the Trust's Managing Health and Attendance Policy and Procedure.
- Staff who display symptoms of the predominant virus will be sent home and told not to return until fully recovered.
- It will be important for the Trust to monitor and provide information on absence levels to the Department of Health who will be monitoring the situation across all NHS organisations. As such, the reasons for all absences should be established and recorded on GRS. Any member of staff who is specifically absent due to a pandemic will have the appropriate reason code recorded.
- Absences due to a pandemic (flu, covid etc) will not be counted towards calculating absences for the purposes of managing sickness absence.
- Self- certification for absences will be extended up to and including 14 days.
- Wellbeing, Infection Prevention and Control, Occupational Health and HR will continue to support managers, as required.
- Welfare checks for staff may be undertaken by HR to release managers for business continuity.
- Where considered necessary to service delivery, overtime shifts will be available from an individuals' return to work date.

## **24. Staff Wellbeing Support**

24.1. The Trust acknowledges that during an emergency situation there may be a higher number of staff who are exposed to traumatic events than would happen under normal circumstances.

24.2. The Trust uses the Trauma Risk Management (TRiM) system, which is a post-traumatic assessment. TRiM aims to keep employees functioning after traumatic events, provide information about personal resilience to staff and managers, and identify staff that require specialist help immediately post-incident or sometime after the incident.

24.3. TRiM activation can be initiated, 72 hours post incident, by calling the Wellbeing Hub on 0300 123 9193. It should be noted that activating the TRiM process does not remove the responsibility of the duty operational





team leader to coordinate and /or deliver welfare follow up for the staff involved in the incident.

- 24.4. The Wellbeing Hub will provide access to an array of support, both local and national, and Wellbeing Practitioners who are able to provide assessments, 1:1s, and drop in clinics around the Trust. Opening hours for the Hub are Monday to Friday 0900 to 1700. You can also call the EAP counselling service on 0800 1116 387 or the Samaritans.

## **25. Death in Service**

- 25.1. Managers should notify the HR team as soon as a death in service is known so that necessary action can be taken.

## **26. Accessing emergency contact details**

- 26.1. The Trust uses the NHS Electronic Staff Records system (ESR) as the official means to record employees' contact and emergency contact details. Employees are responsible for ensuring that their personal details are kept up to date, using ESR Self Service. Managers are responsible for checking contact details and retaining this information securely with their business continuity plans to ensure that, in the event ESR is unavailable, these can be accessed if required.

## **27. Monitoring compliance**

- 27.1. The effectiveness of this policy will be monitored following an emergency incident.

## **28. Audit and Review (evaluating effectiveness)**

- 28.1. All policies have their effectiveness audited by the responsible Management Group at regular intervals, and initially six months after a new policy is approved and disseminated.
- 28.2. Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 28.3. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.



## 29. Associated Trust Documentation

- Annual Leave Policy and Procedure
- Appraisal processes
- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Capability Policy and Procedure
- Managing Health and Attendance Policy and Procedure
- Recruitment and Selection Policy and Procedure
- Working Time Directive Policy
- Special Leave Policy
- Business Continuity Management Policy
- Emergency Preparedness, Resilience and Response Policy
- Information Governance Policy
- Data Protection Policy
- Health & Safety Policy
- Remote Access Policy
- Removable Media Information Policy
- Lone Worker Policy
- Display Screen Equipment Policy
- Infection, Prevention and Control Policy

## 30. References

- NHS Terms and Conditions of Service Handbook

## 31. Financial Checkpoint

- 1.1. To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.
- 1.2. This document has been confirmed by Finance to have no unbudgeted financial implications.



- 32.1. The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.
- 32.2. Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.