

Managing Staff FAQs

If an employee refuses to undertake reasonable alternative work in an essential role – what can I do?

The Council has identified a [list of essential services](#) that must be provided during the Covid-19 response. What this means is that we need to focus our staff and resources to these areas. Employees who are well and symptom free have a duty to be available for work. Requests to undertake reasonable alternative work should not be *unreasonably* refused by employees - unless they are on Self Isolation Leave (SIL), or in a [Vulnerable Group](#) where working from home may be the only viable option. In these exceptional times, we expect staff to support us to deliver essential services across Perth and Kinross which may involve working from home, undertaking part of their normal role, undertaking related duties within their job family, or any reasonable duties which may be required and which match with the employee's skills, experience and knowledge.

In line with the national agreement for Teaching Staff, we are seeking volunteers from teaching staff to carry out reasonable alternative work.

You should discuss concerns and anxieties with employees and provide reassurance wherever possible. Our employees will have differing levels of resilience, and some may require support with their [Mental Wellbeing](#). Whether employees are worried about Covid-19, the financial aspects, concerns about home life which may include new caring responsibilities to support family members who are shielding or isolating, their mental wellbeing, their health, or feeling lonely/isolated, there is support available [here](#). This page will be kept up to date as things develop. Employees can also contact the Council's Occupational Health Service (People Asset Management – PAM) [Covid 19 Advice line](#) for ongoing support.

Where Council staff are key workers, or who are re-tasked into a role that would make them a key worker, those with child caring responsibilities who meet the agreed criteria may be eligible for their children to [apply for a place](#) at the Children's Activity Centres/Hubs.

An individual assessment will be undertaken to address any specific concerns raised, including health and safety measures which may be required to support them to undertake the role.

Employees who are asked to re-task to a social care role may refuse – please see re-tasking to social care questions below. A discussion with the recruiting manager should be encouraged so that the employee can make an informed decision. The reasons for refusal should be noted.

In some cases, a referral to Occupational Health (OH) may be necessary to support the employee. Managers will be required to submit a copy of the individual's assessment along with details of current duties and re-tasked duties. A statement on fitness for re-tasked duties will be issued. If an employee is assessed as fit for re-tasked duties, you should contact hr@pkc.gov.uk for advice.

I have an employee who is refusing to come into contact with people when it is a core part of their job – what can I do?

Employees should follow the [social distancing measures](#), as far as reasonably possible, which have been put in place and, where possible, use technology to carry out essential meetings virtually. Risk assessments have been carried out to ensure appropriate safeguards are built in to safeguard employee health, safety and wellbeing, as far as possible. Appropriate Personal Protective Equipment (PPE) should be used to prevent the spread of Covid-19, in accordance with [PPE Guidance](#) prepared by PKC and the Health & Social Care Partnership. This is based on UK and national Public Health Guidance and helps all staff work out what is the most appropriate way to protect themselves and customers/service users, etc. Local arrangements are in place within certain teams; for example, screening questionnaires before entering client's homes.

If employees refuse to carry out the public facing aspect of their role in an essential service, you should ensure an open and honest conversation takes place so the employee's concerns can be fully explored and supported, where possible.

If an employee shares they have an underlying illness when asked to do alternative duties – what steps should I take?

If an employee advises they have an underlying health condition that you were previously unaware of, you will need to carry out an individual assessment to identify all reasonable steps to mitigate any risks and if any other steps are required, with support from trained risk assessors if needed. If changes are required, then any risk assessment or procedure should be amended to reflect the changes and communicated. It is important that you are sensitive to the raised levels of anxiety and try to understand what their ongoing concern may be. You should ensure all support options outlined above have been explored, appropriate PPE is made available, and should include, where appropriate, the health and safety measures that have been put in place to support them to undertake that task.

In some cases, a referral to OH may be necessary. You will be required to submit a copy of the individual assessment along with details of current duties and re-tasked duties. A statement on fitness for re-tasked duties will be issued. If the employee is assessed as fit for re-tasked duties, you should contact hr@pkc.gov.uk for advice.

Can I stop someone's pay if there is an unreasonable refusal to undertake tasks?

If an employee fails to follow a reasonable instruction to carry out particular tasks or an essential role, you should ensure all support options outlined above have been explored. It is important that you are sensitive to the raised levels of anxiety for some employees and try to understand what their ongoing concern may be. You can sign-post employees to areas of support to help with their [Mental Wellbeing](#), remembering that this support is available for you too. Training or refresher training for any new safe system of work should be fully explained to alleviate any concerns.

If an employee *unreasonably* refuses to attend work, you will need to establish how the absence will be covered. For example, they may wish to discuss options around taking a proportion of their annual leave and/or unpaid leave. You should establish that the employee has enough annual leave to ensure they have an appropriate rest period later in the year.

Failure to follow a reasonable management instruction or refusal to attend work without appropriate explanation may ultimately be considered a conduct matter and result in a sanction or stopping pay. These are not decisions to be taken lightly at any time, especially during these challenging times related to the Covid-19 pandemic. Therefore, advice should be sought from Human Resources – please email hr@pkc.gov.uk

An employee has failed to notify their Manager of their absence, or failed to report for work. Does the normal absence notification procedure still apply?

Yes, the [Absence Notification and Communication](#) Procedure in the Supporting Health and Wellbeing Framework still applies. Employees should notify both their substantive manager and interim manager of their absence. Managers and their employees should keep in regular contact, and this is particularly important when employees are working from home. You should ensure you have appropriate communication channels in place. If you become concerned about lack of contact where an employee lives alone or who uncharacteristically fails to maintain contact, you should consider contact with their next of kin (details available on Resourcelink or through contact with HR). If required, the initial non-reporting letter can be found on [eric](#). Please contact HR@pkc.gov.uk if you have any queries.

Can my staff member refuse to be re-tasked to personal care?

Ensuring the safety and wellbeing of vulnerable adults remains a key priority. Working in social care can be an extremely rewarding role and not all social care roles involve delivering personal care. We are focused on identifying willing volunteers who want to and have the aptitude for working with vulnerable people in a social care setting. Therefore, any employees asked if they would be prepared to re-task to a social care role can refuse.

If you are managing staff and have been asked about re-tasking, you could encourage your employee to make an informed decision once they understand the type of activities or duties they may be expected to carry out. They can ask to speak to a member of staff, normally the recruiting manager, from Health and Social Care to find out more about what it involves.