



T: 0131-244 7037

E: Stephen.gallagher@gov.scot

25 March 2020

Dear Chief Executive,

CORONAVIRUS (COVID-19) – ORGANISATIONAL READINESS – PUBLIC BODIES

I am writing to you given my responsibility for strategic oversight of the public bodies landscape in Scotland. I appreciate that you and your teams are working on the issue of Coronavirus and the impact this pandemic is having on your organisation and your stakeholders and customers. In this letter I want to share with you:

- 1. A protocol agreed with the trade unions on terms and conditions is being shared to enable consistency of treatment across the Scottish Government sector during the Coronavirus outbreak;**
- 2. Updated guidance published on remote working for Scottish Government civil servants;**
- 3. Business and organisational resilience issues.**

1. Protocol on Terms and Conditions

A high level protocol on the application of terms and conditions of employment during the Coronavirus outbreak has been agreed with the trade unions. This is attached at Annex A and is being shared to enable consistency of treatment of staff across the Scottish Government sector.

2. Guidance on remote working

Updated guidance for managers and colleagues working from home during the coronavirus outbreak. This applies to Scottish Government staff. I encourage you to think on this and how it matches your own arrangements. This is attached at Annex B and is intended to be used for information for your organisation.

3. Business and organisational resilience issues

Given the business and organisational resilience issues we all face, I ask that if you identify **any** obstacles hindering operations as result of Covid-19, you raise this with the Scottish Government, either through your Sponsor team or through your Directorate. This covers all aspects of operational resilience such as digital/laptops, human resources or finance. In

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these difficult and uncertain times, collaboration and using all of the resources at our disposal, will be more critical than ever. This may be particularly important with reference to our staffing resources. I encourage you to work together on this as your people may very well have transferable skills that could be of use to other organisations.

I will continue to communicate any emergent issues to you as they arise, including identification of key workers. We will continue to issue regular communications to Public Bodies and to sponsor teams and Directorates on Covid-19 issues. If there is anything that you wish to raise with me then I would be grateful if you could direct them to the following [inbox](#).

Yours

A handwritten signature in black ink, appearing to read 'Stephen Gallagher', written in a cursive style.

STEPHEN GALLAGHER

Coronavirus (Covid-19) – Impact on Terms and Conditions of Employment for Scottish Government Sector

Introduction

It is recognised that the current coronavirus outbreak will have a significant impact on the work of public bodies across the Scottish sector and on individual members of staff. This paper is intended to set out how specific terms of employment will exceptionally be impacted during the period of the outbreak. It does not create a precedent either for permanent changes to terms and conditions, arrangements that apply to agency and self-employed contractor staff, nor for more general alignment across bodies. These arrangements have been developed on a without prejudice basis.

The underlying principle is that staff will not face any detriment as a result of following Government guidance on dealing with COVID-19 nor any discouragement from following Government guidance fully.

Staff are expected to follow advice from [NHS Inform](#) or [Health Protection Scotland](#) in relation to monitoring for symptoms of Coronavirus, reporting of suspected cases and self-isolation.

Due to the restrictions on movement imposed by the Government, only essential key staff should attend the workplace. All non-essential staff must work from home.

Sickness Absence

Staff who are sick or unfit for work with symptoms of the virus should remain at home, rather than come into the workplace. They should follow the guidance from [NHS Inform](#) or [Health Protection Scotland](#).

All sickness absences should be recorded on HR systems using the appropriate categories.

Due to the pressures likely to be faced by GP practices and the need to follow advice on self-isolation, for this period only, a 'Fit Note' will not be required for the first 14 days of absence.

Members of staff should keep their line manager updated regarding their absence and plans to return to work.

Coronavirus absences will be excluded from any calculation of contractual sick pay and absence management triggers. In effect, this means that staff will not tip into the half and nil-pay categories specifically as a result of coronavirus-related sickness absence.

Homeworking and Special Leave options

Where the member of staff is fit for work but is impacted by the coronavirus, homeworking will be the default position. Where this is not possible, special leave will be applied. Each case should be treated sensitively and on its merits.

Homeworking will be considered in its broadest terms to enable those who could not normally work from home to do so e.g. tasks/work that can be carried out offline. Where homeworking is not an option, staff will have this recorded as special leave and will continue to be paid as normal.

Where staff who are unable to attend work due to caring responsibilities arising from school closures or caring for family members who have been diagnosed with coronavirus, attempts will be made to allow them to work from home where this is possible. In identifying potential work, as broad a view as possible will be taken of the type of work which may be able to be undertaken. Any work allocated should also take account of the specific circumstances (eg where a member of staff is caring for young children, it may not be possible for them to undertake work to any significant extent). Staff in this situation who are only able to work part of their scheduled hours will nevertheless be credited with their normal daily hours.

Where it is not possible for a member of staff to work from home, then paid special leave will apply.

In all cases managers should keep in touch with their staff and staff should take all practicable steps to resume duty as soon as possible - taking account of advice and guidance from government sources.

Staff should remain aware of their obligations under the Civil Service Code or other relevant code of conduct.

Staff With Underlying Health Conditions and other Vulnerable Adults.

Some colleagues with [underlying health problems](#) or who are pregnant may have specific concerns about coronavirus. Managers should consider what action might reasonably be taken to allow these staff to work from home wherever possible, including temporarily amending duties. Where homeworking is not possible, staff should be given paid special leave.

Business Processes/ Hours / Working Patterns

For key areas where attendance at a place of work is still required, it may be necessary to consider changing opening hours or moving work. Attempts will be made to allow staff to work remotely to prevent the spread of infection. Where this is not possible, for example in critical customer facing organisations, consideration will be given to using customer self-serve options such as telephone and online services to minimise face to face interaction.

Where changes to normal hours of work, times of work or locations are being proposed to stagger staff attendance and limit potential exposure to the virus, these will be discussed and agreed with staff. If this includes additional attendance, overtime, on-call or shift working, all appropriate terms and conditions of employment and policies relating to such working arrangements will apply.

Normal mobility rules will apply.

Temporary Agency Workers/Contractors

Temporary agency workers and self-employed contractors will be treated in the same way as permanent staff during this period in relation to Covid-19. Therefore arrangements relating to paid sick leave or special leave will also apply to them for the duration of their assignment.

Where it is possible for temporary staff to work from home during periods of self-isolation, this will be facilitated. Where this is not possible, paid special leave will apply. This will also apply in the event of building closures.

Pay Award

In light of the circumstances, discussion will take place at a national level with the trade unions regarding pay negotiations for 2020 across the wider Scottish Government sector to

determine a constructive solution which allows staff to receive the pay award in a timeous manner.

Annual & Flexi Leave

Approval of annual or flexi leave will be conditional on the business being able to support the absence at the time. Where staff have already booked annual leave, only in exceptional circumstances will they be asked to cancel this. Staff who have pre-booked leave over the course of the next few weeks may wish to cancel due to the isolation measures recently announced. Managers are encouraged to look sympathetically on requests to cancel leave where a planned holiday has been cancelled in this immediate period due to coronavirus travel restrictions. However, looking further ahead than this immediate period, it will be essential that staff use annual leave for rest and recuperation, even if they are unable to go away on holiday.

If it is necessary to recall a member of staff from leave, claims for expenses of any costs incurred as a result of the recall will be considered if these are not covered by travel insurance.

Scottish Prison Service

While the arrangements in this agreement are intended to apply to all staff it is recognised that there may be specific issues regarding maintaining operational delivery of the SPS. Alternative arrangements may be put in place subject to the agreement of unions and management in SPS. Unless otherwise agreed, SPS non-operational staff will be subject to the same arrangements as colleagues working for all other organisations covered by this agreement.

Further Developments:

It is recognised that we face a fluid situation regarding COVID-19 and that additional guidance from Government and changing circumstances may require amendment to this agreement. Any changes will be the subject of consultation and agreement with the trade unions. A joint working group comprising of management and trade union representatives will review the ongoing situation and any requirements for changed or additional guidance for employers and employees.

Guidance on remote working

The First Minister has instructed people to stay at home as much as possible and avoid unnecessary social contact. This includes working from home wherever possible. For some colleagues, working from home may not be an option due to the nature of the work carried out in line with local business continuity plans. If you are in any doubt about whether you can work from home, speak to your line manager in the first instance.

1. Remote working due to coronavirus (COVID-19)

This guidance contains advice for managers and colleagues about working from home during the coronavirus outbreak. Each directorate's business continuity planning team will identify the critical functions that need to be maintained and how these can be achieved through remote working.

Scottish Government business continues during the coronavirus outbreak. Government must continue to show leadership, professionalism and solidarity with those who continue to attend work, in particular those delivering frontline services, keeping critical functions running whilst ensuring that wherever possible, staff work remotely.

2. Revised HR home working arrangements

In these exceptional circumstances, we have relaxed our informal home working guidance to enable people to work from home wherever possible, if they are not ill. These arrangements mean:

- managers should work with their teams to review and agree objectives to reflect current circumstances and priorities
- you should consider as broad a range of duties as possible which could be carried out at home, including offline tasks or temporarily changing your duties
- if you have access to the flexi system, you should clock in and out as normal using the flexi system online. You will be given a flexi credit for your normal working hours even if you are unable to actually work your full hours
- we all have a responsibility to safeguard Scottish Government systems, devices and information - you must read and follow [your security responsibilities](#)
- you should create a comfortable and secure environment that works for you. - but you don't need to complete self-assessments, for example the health and safety assessment checklist, which apply to formal home working arrangements

3. Connecting to SCOTS from out of the office

Read the [guidance on how to ensure you can connect your laptop to SCOTS](#) when away from the office.

4. Coronavirus guidance for colleagues

Read our [coronavirus guidance for colleagues](#), including how our existing HR policies apply.

5. Home working while caring for others

You can work from home whilst caring for others e.g. caring for your children during school closures.

You can work at a time that suits your circumstances - that doesn't have to be between 7am and 7pm, but please keep your manager informed so that critical business can be covered. Your wellbeing matters and should be considered when agreeing what work to undertake. You are not expected to make up your normal hours by working late into the evening. Where possible agree cover arrangements across teams.

At the end of each week, if you have been unable to work your contracted hours, you should put in a MISC flexi update to your manager for the hours not worked.

You and your manager should agree keeping in touch arrangements to allow you to stay connected and keep up-to-date whatever the hours you work.

6. Using special leave

If you are caring for someone at home with coronavirus or and working from home isn't possible, you can apply for a period of special leave on eHR using the specific reason Covid-19. You will be paid as normal.

If you have caring responsibilities and your arrangements are disrupted by Covid-19, for example school closures, you can apply for special leave on eHR using the specific reason Covid-19. You should first exhaust all options to make alternative arrangements.

7. Claiming costs associated with homeworking

You should minimise the costs you incur wherever possible, for example using Skype to reduce the costs of calls on personal devices. If incurred, you can reclaim these costs using iExpenses in the normal way.

If your broadband does not cover the hours you will be working from home, you can claim for this using [iExpenses](#). You will need to provide documentation to support any claim.

The cost of heating and light can't normally be reclaimed. If you experience severe hardship as a result of costs incurred from working at home, request a call back about a personal or sensitive issue using [HR Online on iFix](#) to find out about sources of support.

8. Comfortable and healthy working environment

Not everyone has a home office or space to escape to so it is important to find a spot that works for you and is somewhere you can be productive.

Working from home is unusual for many of us and it is important to look after yourself. Try to get into a routine, and that routine should include connecting with your peers and taking regular breaks like you would in the office.

Think about lighting and noise, and choose somewhere conducive to your own way of working - don't forget about power sockets and Wi-Fi.

If you have limited space to create separation from work and home life, it will be important to tidy away your work at the end of the day to maintain your work/life balance.

9. Connecting to SCOTS from out of the office

Read the [guidance on how to ensure you can connect your laptop to SCOTS](#) when away from the office.

10. Coronavirus guidance for colleagues

Read our [coronavirus guidance for colleagues](#), including how our existing HR policies apply.

11. Staying connected and keeping up-to-date

Your wellbeing, and staying well, remains an absolute priority. It's important to stay connected with colleagues when working remotely and continuing good team meetings and monthly conversation practices are even more important.

There are several tools available on SCOTS which can help you to keep in touch and collaborate wherever you are:

- [eRDM Connect](#) is a secure, private workspace where you can share information outside of our organisation
- [Skype for Business](#) can be used for one-to-one or group conversations with Scottish Government colleagues and some external organisations
- [Yammer](#) is our internal social networking tool - use it to collaborate with colleagues, share information and ideas and get feedback. Search for people or groups, topics or files and join in the conversation

Find out about other [audio and video conferencing options](#), including [Vscene](#) which can accommodate larger groups of stakeholders on different devices.

It is important to look after yourself and each other. Try to get into a routine, and that routine should include connecting with your peers, work colleagues and friends. Take regular breaks like you would in the office. There are a range of resources you can access to look after your wellbeing, including our [Employee Assistance Service](#) which is open 24/7, 365 days a year and connecting with others in similar situations through our staff networks.

It's important to keep up to date on what's happening across the organisation and the [Saltire](#) home page should be your first port of call to check the latest news and advice, as well as guidance and access to our corporate tools.

12. Working from home - guidance for managers

This is a particularly anxious time for you, and your colleagues. It is important to look after yourself and each other.

Managers are expected to facilitate working from home wherever possible. As a manager, you remain responsible at all times for managing any colleagues working from home.

This includes making sure that they:

- are aware of the need to take appropriate breaks
- don't exceed maximum working hours
- can access the ICT systems they need to do their work and where that is not possible consider if there are other pieces of work or systems that colleagues can use
- have agreed objectives /tasks that reflect the time spent working at home and business critical priorities

You should also make sure that team meetings and monthly conversations continue virtually when people are working from home.

13. Travel & Subsistence Claim process

The Travel, Subsistence and Relocation Teams will not have full staffing in the office during the ongoing situation. Therefore to avoid any undue delays in payments the following guidance should be followed:

- i-expenses

Expenses should continue to be claimed via the normal i-expenses route on Saltire. For those claims selected for checking (this is notified to the claimant - text appears at top of claim - when the claim is submitted) if possible the receipts should be scanned or photographed and emailed to Abby.Gray@gov.scot copied to Margo.Gordon@gov.scot.

- Paper based T&S claims

For those submitting paper based claims, where possible these should also be scanned or photographed and submitted by the countersigning officers email account. This should include scanned or photographed copies of receipts and emailed to Tommy.Gallagher@gov.scot copied to Margo.Gordon@gov.scot.

- TSM7s (blue form)

Please follow the guidance for paper based T&S claims and email claims to Ali.Sturgeon@gov.scot.

Claims from overseas based staff will remain the same as current practice.

For further information contact Alan.Forman@gov.scot.

14. Impact on excess fares

As a result of the coronavirus outbreak, some people will reduce or stop all of their travel to work. If those people receive excess fares allowance (EFA) the current EFA in payment will not be reduced at this time. However, we will continue to monitor the situation.

In line with current practice if you receive EFA and are absent from your workplace as a result of ill health you or your line manager should notify relocation services when it is known that the absence will be for more than three weeks. We will then stop the EFA at the start of the fourth week of absence from the normal workplace. When you return, you should notify relocation services and we will reinstate the EFA. The end date will be amended to reflect the period where you have not been in receipt of the EFA.

For further guidance, contact Ali Sturgeon@gov.scot.