

Framework for Managing Pandemic Working Arrangements

Applies from 5 January 2021

1. Introduction

This guidance sets out the framework for managing pandemic working arrangements during the current lockdown and applies to all staff, including Associate Lecturers (ALs). Staff in the devolved nations should also refer to the Government guidance for their nation.

The current national lockdown measures brought in by the four governments across the UK because of Coronavirus are there to protect the vulnerable and prevent the NHS from being overwhelmed. The University has a duty to safeguard University staff and the extended University community, and we are reliant on information from the UK Government and public health experts in relation to Coronavirus to inform our decision-making.

The OU remains open and operational. The vast majority of staff will continue to work from home, but where this is not reasonably practicable, staff can continue to work on site to meet operational requirements. Managers of staff working on site must ensure that a [risk assessment](#) is completed and reviewed in light of the new lockdown. Any staff classified as being clinically extremely vulnerable must not be on site during the current national lockdown. Managers should contact the People Hub if they have any queries or require further guidance.

2. Aim

Some staff may find it more difficult to work remotely or fulfil their contracted hours due to the effects of school closures and caring responsibilities, or there may be staff unable to work from home due to connectivity issues, or due to the role they normally perform where no reasonable alternative can be found i.e. porter, gardener etc.

While some staff have been designated as Critical Workers and will therefore be able to send their children into education, for other staff, contingency leave may be available to them during national lockdowns, circuit-breakers or where localised restrictions mean schools are ordered to close or to move to remote working. Line managers and Heads of Units should first consider alternative arrangements depending on the specific circumstances.

Prior to agreeing any contingency leave, the following leave options should be exhausted:

- Can the individual be offered flexible/agile working?
- Does the employee have more than 111 hours (15 days) pro-rata unbooked annual leave as at 5 January 2021?

Once these options have been exhausted, then contingency leave may be considered. Since ALs do not book leave in the same way as other staff, managers of ALs should

discuss flexibility and agile working in a similar way before the option of using cover to provide contingency leave is considered. Unpaid leave can also be requested by the employee.

The table below outlines the process that managers should follow when considering alternative working arrangements to support their staff during the pandemic. See Appendix 1 for worked scenario examples. The relevant guidance documents can be found on the People Services Intranet or via Ask People Services. For additional guidance, please contact the People Hub at people-hub@open.ac.uk or by raising a request via Ask People Services.

Type of leave	Criteria to be applied	Policies and Guidance on the People Services Intranet A-Z or via Ask PS
Step 1		
Flexible/agile working	Firstly, consider and mutually agree whether the staff member's existing working arrangements can be temporarily amended. For example, revised start or finish times to work around home schooling etc.	Pandemic Related Agile Working Procedure Agile Working Policy Agile Working Guidance
Step 2		
Annual leave	Where agile working is not possible, the University expects staff to utilise unbooked leave where their leave balance exceeds 111 hours (15 days) pro-rata as at 5 January 2021. Staff with an unbooked leave balance of 111 hours (15 days) pro-rata as at 5 January 2021 or fewer in the current leave year ending on 31 July 2021 will not be required to use annual leave prior to the consideration of any contingency leave.	Annual Leave Policy Annual Leave Guidance
Step 3		
Contingency leave	Managers must consider agile working and annual leave arrangements before approving contingency leave, which will be increased during the current lockdown provided that other options have been exhausted. Previous pandemic contingency leave/contingency leave taken during 2020 will not prevent requests for additional contingency leave being granted 2021. Leave may be taken in blocks, individual days, or half days as appropriate. Contingency leave can be granted for less than half a	Contingency Leave Policy Contingency Leave Guidance

	day, but there is no formal requirement to record this. The contingency leave year runs from 1 August to 31 July.	
Other Complementary Options		
Unpaid leave	Employees have the right to request unpaid leave in some circumstances – see appropriate policies and guidance documents in the next column.	Unpaid Leave Policy Unpaid Leave Procedures Unpaid Parental Leave Policy Unpaid Parental Leave Procedure Dependants and Carers Leave Policy Dependants and Carers Leave Procedure
Associate Lecturers (ALs)		
1. Flexible/agile working	Firstly, consider and mutually agree whether the staff member's existing working arrangements can be temporarily amended.	
2. Contingency Leave	Since ALs do not book leave in the same way as other staff, managers of ALs should discuss flexibility and agile working before the option of using cover to provide contingency leave is considered.	

3. Situations when contingency leave does not apply

If a staff member has been instructed to self-isolate because of Coronavirus and is *able* to work from home, contingency leave will not apply, as the staff member is working normally.

Where staff have been instructed to self-isolate due to Coronavirus and/or are symptomatic and *unable* to work, these individuals will need to take this time as sickness absence. Staff who have been off sick with symptoms of Coronavirus will not be penalised in terms of their Bradford Factor score.

4. Annual leave considerations

There have been limited opportunities to use annual leave in the usual way, and with half of the current leave year remaining, many staff have significant amounts of unbooked annual leave. The University considers it reasonable to ask staff with more than 15 days (111 hours) pro-rata of unbooked annual leave to book some of this leave before requesting contingency leave. Staff will not be required to use all of their annual leave before they can be considered for contingency leave, but any unbooked leave in excess of 15 days (111 hours) pro-rata (as at 5 January 2021) must be used first.

Staff are reminded that where annual leave has been booked, they are expected to take their annual leave as usual in accordance with the Annual Leave Policy. Even if staff can't go away on holiday, the purpose of leave is for a rest from work, which is important for health and wellbeing.

Unused leave of up to 10 days (74 hours) pro-rata will automatically be carried forward into the next leave year. In line with legislative requirements, annual leave accrued in

excess of 10 days (74 hours) pro-rata that could not be taken by an employee, for example due to long-term sickness or maternity leave, will be carried forward into the next leave year.

Exceptionally, where a member of staff is unable to take annual leave due to requests made of them by the University, the Head of Unit will sympathetically consider allowing more than 10 days (74 hours) pro-rata to be carried forward into the following leave year, subject to the reasonableness of the request and the impact on operational requirements. The current pandemic situation will not normally be regarded as a reason for an exception to be applied to the 10 days (74 hours) pro-rata annual leave carry over. While standard OU carry over policy does apply, managers are being asked to listen and act reasonably given the difficulties individuals are having.

5. Contingency Leave

Staff are expected to discuss and mutually agree any contingency leave with their manager prior to making any requests in the system. Agile working and annual leave options must be explored before contingency leave can be granted. Contingency leave and Pandemic Contingency Leave taken during 2020 will not affect requests made for contingency leave in 2021.

The number of days contingency leave that can be requested has been adjusted to reflect the impact of national lockdown and tiering restrictions. Employees will need to book contingency leave through Success Factors for their manager to approve. Staff may request up to 10 days (pro-rata) in the first instance, but further time may be booked as needed.

The contingency leave year runs from 1 August to 31 July and can be requested as half days, full days or in 5-day blocks (pro-rata) up to the maximum of 10 days (pro-rata) per year.

Where the 10 days (pro-rata) contingency leave maximum has already been booked, or a consecutive period of more than 5 days (pro-rata) is required, staff will need to create a ticket in Ask People Services (Service Incident Category: Leave; Incident Category: Contingency), attaching the approval email from their manager. The People Hub will then action the request.

Contingency leave of less than half a day (if appropriate) does not need to be recorded in Success Factors and can be approved locally by the line manager. The line manager should consider the impact on the wider team.

6. Useful references

- Contingency Leave Policy
- Contingency Leave Guidance
- Annual Leave Policy
- Annual Leave Guidance
- Unpaid Leave Policy
- Unpaid Leave Procedure
- Unpaid Parental Leave Policy
- Unpaid Parental Leave Procedure
- Dependants and Carers Leave Policy
- Dependants and Carers Leave Procedure

Appendix 1: Worked scenario examples

Example 1

A full-time employee working a standard 37 hour week has 185 hours (25 days) of unbooked annual leave and has requested contingency leave. They are unable to continue working on site. They are also unable to work from home, as the role they usually perform cannot be done from home.

The manager should first explore with the individual whether there are any other duties they can perform from home. If this is not practicable, the employee will need to use 74 hours (10 days) of their annual leave, before the manager would be able to grant contingency leave to cover the remainder of the period that the employee cannot work from home while the current lockdown continues. If contingency leave is approved, the employee should request this in Success Factors for their manager to approve (see section 5 above).

Example 2

A part-time employee working 30 hours per week over 4 days has 150 hours (25 days pro-rata) of unbooked annual leave and has requested contingency leave due to the school closures affecting their ability to continue working from home.

The manager should first discuss agile working options with the individual to see if flexible working could support the staff member in being able to work from home. If this is not practicable, the employee will need to use 60 hours (10 days pro-rata) of their annual leave before the manager would be able to grant contingency leave to cover the remainder of the period that the employee cannot work from home while the current lockdown continues.

Example 3

A part-time employee working 20 hours per week over 5 days has 40 hours (10 days pro-rata) of unbooked annual leave and has requested contingency leave due to the school closures affecting their ability to continue working from home.

The manager should first discuss agile working options with this individual to see if flexible working could support the staff member in being able to continue to work from home. If this is not practicable, as the employee has less than 60 hours (15 days pro-rata) annual leave remaining for the current leave year, the manager would be able to grant contingency leave to cover the period that the employee cannot work from home while the current lockdown continues.

Example 4

A full-time employee working a standard 37 hour week has 148 hours (20 days) of unbooked annual leave and has requested contingency leave due to the school closures affecting their ability to continue their full hours from home. They would like to work 6 hours per day, rather than their contracted 7.5/7 hours.

The manager should first discuss agile working options with the individual to see if flexible working could support the staff member, for example, a change to their start/finish time. If this is not practicable, the employee will need to use 37 hours (5 days) of their annual leave, before the manager would be able to grant contingency leave to cover the remainder of the period that the employee cannot work from home while the current lockdown continues. After an initial period of one hour, the employee will be able to book leave in increments of 15 minutes. When the employee has

utilised 37 hours annual leave, the line manager may consider granting contingency leave. As the contingency leave required is in blocks of less than half a day, this does not need to be recorded in Success Factors, but the line manager should consider the impact on the wider team.