

# Coronavirus Emerging News and Changes 23 April 2020



# Today's Webinar Panel



- **Lorna Young**, Principal Consultant



- **Darren Newman**, specialist Employment Lawyer

# Today's discussion

1. Continuing with casework during the pandemic – WME Guidance issued
2. DBS – what is your LA doing with volunteers?
3. Over to you – open questions session

Please type your questions and we will get through as many as possible during the webinar

If you don't get chance to ask your question, we can respond by email in a follow up

# Casework when to continue

- TU requesting that LAs do not continue with casework
- Encountering refusal of TUs to represent members
- Majority of LAs considering on a case by case basis

## How to decide.....

WME have produced a set of principles to provide some regional consistency and to easily enable a documented rationale

- A**     **Severity of issue – i.e. gross misconduct or misconduct**
- B**     **Does the process involve a statutory office or Senior Officer?**
- C**     **Where is the case current and is near resolution**
- D**     **Impact on service provision**
- E**     **Wellbeing of, and impact on the individual involved**
- F**     **Wellbeing of colleagues – including Line Managers and others directly impacted**
- G**     **Ability to conduct a fair process remotely**
- H**     **Have all parties agreed to the adjustment to the process?**

# Examples explored

1. Disciplinary – gross misconduct/safeguarding/criminal offences
2. Capability – performance – difficulty in implementing support measures and monitoring
3. Capability – health – OH advice, can reasonable adjustments/support measures be implemented and monitored. Access to pension benefits?
4. Probationary periods – continue, pause or extend?
5. Grievance – impact on all concerned and service provision
6. Process adjustments – remote hearings/investigations can you ensure IT support and confidentiality. Methods of investigation/information gathering (e.g. fit notes)
7. Other fair process considerations – full opportunity for Union engagement, ability of individual to privately join a virtual meeting. Principles of natural justice apply

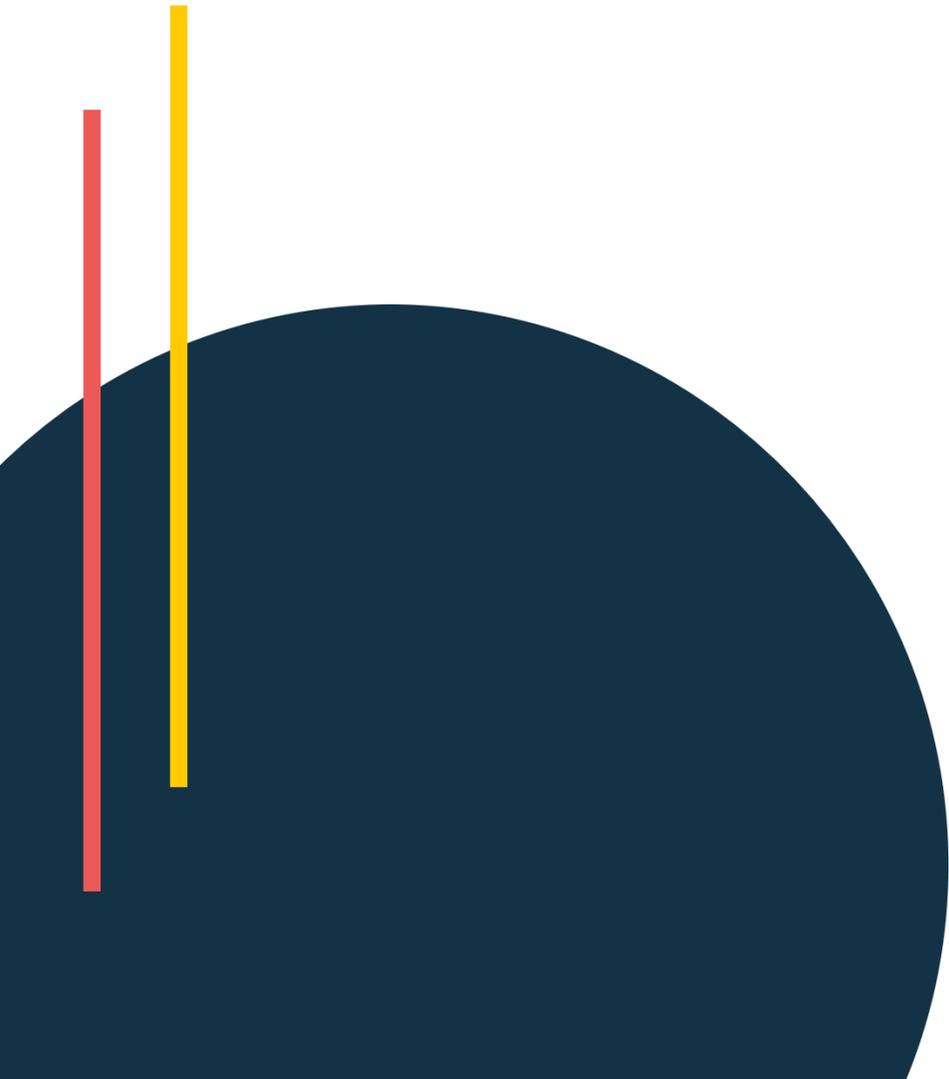
# WME Position – Reasonable to continue – including potential dismissals

- If assessment has indicated that it is a priority to continue with a case
- All procedures have been followed,
- All reasonable attempts have been made to make adjustments
- All reasonable attempts to engage with the employee and their representative
- All correspondence fully documented
- It is ultimately for the employee to arrange their representation – extension of time periods to re-arrange
- Not a reasonable expectation that the meeting is postponed until the end of the pandemic period when meetings can be convened in person.

# DBS - Queries

- <https://www.gov.uk/guidance/dbs-and-coronavirus-covid-19-frequently-asked-questions>
- DBS will be offering a temporary new service for certain roles such as nurses, midwives and social workers. When an application for an enhanced DBS check comes in and has been identified as an application for particular roles for COVID-19, we will do a check of both barred lists, within 24 hours.
- The Department for Health and Social Care have advised users that if there is no match against the barred lists, the applicant can be recruited in advance of receiving the full DBS certificate.
- <https://www.gov.uk/government/publications/safeguarding-factsheet-community-volunteers-during-covid-19-outbreak>
- No requirement to check but safeguarding measures in place, particularly if waiting for check of barred list. Most will already have a volunteer check process.
- Survey on LAs approach to this

Open employment questions – it's over to you.....



# Next Steps

WME will:

- Continue to review FAQs in line with changing guidance (including separate school guidance and FAQs)
- Run webinar as needed and weekly virtual meetings for Heads of HR
- Canvassing views on where Furlough is being exercised, DBS for volunteers
- Looking at how WME can support transition back to BAU – how will this look? Working groups on wellbeing and OD

# West Midlands Employers



A reminder of how to contact us:

Please call or email us for any advice or support needs:

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**Or**

[Info@wmemployers.org.uk](mailto:Info@wmemployers.org.uk)

**Use our website:** [www.wmemployers.org.uk/coronavirus](http://www.wmemployers.org.uk/coronavirus) - realtime updated FAQs



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