

OUR PEOPLE PRACTICES/ BREXIT SHORT TERM TRAVEL AND PAY POLICY

1. Introduction

The advent of a so called “hard” or “no deal” Brexit has particular and serious implications for the transport infrastructure in Kent and the ease with which staff will be able to attend for work – particularly where they rely on road travel. This policy recognises the unique nature of a “no deal” Brexit event and the potentially long term travel challenges this may present both for some employees in their normal commute and also for the University in seeking to remain operationally viable.

2. Scope

The policy applies to all employees on UK contracts of employment who have a county of Kent work address. It is a deliberately short term policy to take account of the unprecedented nature of a “no deal” Brexit event and will be in place for two weeks, from 1 January 2021, after which time it will be reviewed in the light of operational experience.

3. Responsibilities

3.1 Managers

Managers have a responsibility to plan for a “no deal” Brexit and to identify in advance which staff are able, by which means and route, to continue to travel into work (be that at their normal work location or an alternative) during serious travel disruption and which staff are able to work effectively from home. Their operational plans should take account of the contribution that can reasonably be expected by both groups and staff must be informed of the expectations upon them during a period of serious travel disruption due to Brexit and whether they are expected to work from home, attend an alternative location (in which case managers should ensure that work facilities are available to them), or attend their normal work location. Managers should take care in their planning to identify and take account of any mitigating circumstances which may apply to individual members of staff e.g. staff mobility.

Some groups of staff are deemed “essential” for the purposes of maintaining basic operational viability, health, safety and security during a “no deal” travel event and are expected to attend for work. Managers are responsible for identifying such essential staff and, where appropriate, making arrangements for overnight accommodation to ensure a campus presence. Staff defined as “essential” will be agreed by Directors in advance and their classification approved by the short term Brexit Working Group established to oversee emergency planning related to Brexit. Managers will ensure that staff are aware of their “essential” status, and the arrangements that have been made for them, where appropriate.

Managers have a duty to review staff claims for reimbursement and to seek relevant evidence of serious travel disruption (e.g. downloads of relevant traffic status website pages) where they deem it necessary (e.g. if other staff living in the same location have successfully made the journey into work).

3.2 Staff

Individual members of staff are expected to use all reasonable endeavours to identify practical travel routes during a period of travel disruption unless it has been explicitly agreed that they can continue to work effectively at home. Staff are expected to attend work in the normal way and to co-operate with the reasonable requests and instructions of managers relating to special operational arrangements that may be necessary during the period of significant travel disruption.

Staff who are essential to keeping the University running as defined by the relevant Directors would be asked to attend work as normal.

Individuals staff members who consider that they have mitigating circumstances which mean that they are able to attend for work, where otherwise required, must notify these to their manager without delay.

Where staff are unable to attend for work due to travel disruption they should retain relevant evidence of travel disruption where possible (e.g. download of website pages) in the event the University has reason to question the reasonableness of non-attendance.

4. Reimbursement of Additional Travel (Rail) Costs

- 4.1 Staff who normally commute by road and who instead have to travel by public transport (normally rail) will be able to claim reasonable expenses to cover the difference between the public transport cost (on production of receipts) and the marginal HMRC mileage rate of 25p per mile between their home address and campus.
- 4.2 The additional cost of bus travel and/or parking will only be reimbursed (subject to individuals incurring an additional net cost on the cost of their commute) where bus/road travel is the only viable means of reaching an appropriate railway station.
- 4.3 Staff who normally commute by road, and whom it has been agreed are to work from home during the period of travel disruption may claim any additional telephone charges incurred on University business, and may claim travel expenses for essential meeting attendance as above at the discretion of their line manager.
- 4.4 Staff who would normally travel to work by rail or do not normally travel by road will be expected to attend as normal with no entitlement to claim expenses
- 4.5 Payments will not be made for journeys made by bicycle.
- 4.6 There may be circumstances where a member or staff's ability to travel or attend work is not affected by the transport disruption itself but because of a need to provide emergency care for family or other dependent due to, for example, school or nursery closures, in which case the Leave for Dependents Policy will apply.
- 4.7 All payments would be subject to agreement by line managers and must be deemed reasonable in all the relevant circumstances.

5. Staff Unable to Travel to Work Who Cannot Work from Home

- 5.1 Staff (including timesheet paid staff) who are not able to attend for work due to the travel disruption and are unable to work from home (and this has been agreed in advance with the relevant line manager) will have their normal pay maintained for the first day of travel disruption. Thereafter, they will be expected to either take annual leave or TOIL (see also below).
- 5.2 Exceptionally during this period, non-timesheet staff only¹ may accumulate a deficit of TOIL of up to a maximum of 28 hours. Deficits of TOIL should be cleared by 30 April 2021 unless otherwise explicitly agreed by the relevant line manager.
- 5.3 Where operationally viable, schools and departments will recognise the negative financial impact on timesheet paid staff by endeavouring to offer additional hours equivalent to those they have lost due to travel disruption, although no guarantee can be given and the offer of additional hours may be in relation to work not typically undertaken. If refused, offers of additional work will not be re-offered.

6. Accommodation of “Essential” Staff

“Essential” staff who are asked to stay overnight in University-provided accommodation will be paid the approved HMRC £5 per night overnight allowance. The Employee Personal Expenditure Policy will continue to apply in respect of out of pocket expenses related to an overnight stay eg meals.

7. Disputes

In the event of any dispute around the application of this short term policy the matter shall be referred to the relevant Director or Head of School who shall consult HR before reaching a decision. That decision shall be final.

End

22 September 2020

¹ Some groups of essential staff are unable to accumulate or use TOIL for operational reasons and these staff will be notified by their managers where this is the case. The University will give consideration to how best to recognise the commitment of these staff once the Brexit related period of travel disruption is at an end.