**Implementation of COSLA Guidance for COVID-19 Casual Worker Compensation**

**Background**

The COVID-19 pandemic has impacted the workforce across all sectors and contractual arrangements. Supply/Relief/Casual workers do not have a contract of employment with the Council and there is no mutuality of obligation in place, with workers being offered work as and when it is available, with no expectation that they have to accept the work offered.

Some casual workers who may have anticipated undertaking work for the Council during the lockdown period are now in a position of not being able to undertake work; COSLA has issued guidance to Local Authorities setting out compensation arrangements for those casual workers who have lost anticipated income due to the pandemic and the lockdown.

The COSLA guidance suggests that discussions take place at a local level between management and trade unions to agree how the compensation scheme will be implemented at local level. This document sets out the provisions of the scheme and an implementation proposal which will be discussed with the local SJC trade union representatives.

**Eligibility**

1. If a casual worker has not been offered work because of service disruption related to COVID-19 **consider for compensation**

*Example:*

*A casual Library Assistant would normally undertake a few shifts per month but is now unable to do so as the libraries are closed during the lockdown period. The compensation scheme* ***will*** *apply in these circumstances.*

1. If a casual worker has been offered and accepts work but has been offered less work than normal overall because of service disruption related to COVID-19 **consider for compensation**

*Example:*

*A casual Pupil Support Assistant regularly picks up 3 days work per week. Now that schools are only open for key workers, this has reduced to 1 day per week. The compensation scheme* ***will*** *apply in these circumstances.*

1. If a casual worker cannot accept work because of being symptomatic or ill because of COVID-19, or because they are self-isolating in line with medical guidelines **consider for compensation**

*Example:*

*A casual Catering Assistant has been offered and accepted shifts preparing meals for key workers children in a school but has developed symptoms requiring them to self isolate. The compensation scheme* ***will*** *apply in these circumstances.*

*A casual Library Assistant would normally undertake a number of shifts each month but has developed symptoms requiring them to self isolate. The compensation scheme* ***will*** *apply in these circumstances.*

1. If a casual worker cannot accept work because they are shielding **consider for compensation**

*Examples:*

*A casual Early Years Practitioner has been offered, and accepted, work providing childcare for the children of key workers but has been advised by NHS that they fall within a highly vulnerable category and should therefore be shielding. The compensation scheme* ***will*** *apply in these circumstances.*

*A casual Library Assistant would normally undertake a number of shifts each month but has been advised by NHS that they fall within a highly vulnerable category and should therefore be shielding. The compensation scheme* ***will*** *apply in these circumstances.*

1. If a casual worker has been offered and declines work, they will **not** normally be eligible for compensation. This includes offers of work of a type that they would not normally do but are capable of accepting.

*Example:*

*A casual Children’s Support Worker is offered work providing care for the children of key workers in a school but declines the offer. The compensation scheme* ***will not*** *apply in these circumstances.*

1. If a casual worker has been offered and accepted more work than they would normally undertake, they will **not** be eligible for compensation.

*Example:*

*A casual Early Years Practitioner regularly picks up 1 day per week. During the lockdown period they are offered, and accept, 2 days per week providing childcare for the children of key workers. The compensation scheme* ***will not*** *apply in these circumstances.*

**Calculation of Compensation**

The purpose of the payment is to ensure that a casual worker continues to receive approximately the same level of payment they might anticipate receiving in normal circumstances. Therefore, the compensation payment will be **the average of the payments received over the 3 pay periods January 2020 – March 2020.**

In some circumstances, such as those set out in example B above, this could result in a worker receiving both payment for hours worked plus a “top up” payment for the period the compensation scheme is in place. Where the casual worker is currently receiving a higher level of payment than the average earned January – March, no compensatory payment will be made.

**Implementation Process**

In cases where work has been offered, accepted, but not completed for any of the reasons set out in examples A-D above, the **manager should continue to complete and submit timesheets for payment during the period of lockdown or until advised otherwise.**

Casual workers who feel that they fall within one of the categories set out above can also submit an application to be considered for the compensation scheme by completing the form at appendix 1 and submitting this to [AskHR@aberdeencity.gov.uk](mailto:AskHR@aberdeencity.gov.uk) .

Where a casual worker is offered work during this period and is unable to accept due to a requirement to self isolate (category C above), the manager should continue to submit timesheets for the period of self isolation; therefore, the worker does not need to make a claim for compensation.

Where a casual worker is shielding, and unable to accept work on this basis, he/she should submit a copy of the first page of his/her shielding letter (with the CHI number redacted) along with the claim form.

By completing this application, the casual worker confirms that the information provided is accurate and complete, and guidance has been sought where appropriate.

Appendix 1

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| **APPLICATION FOR CASUAL WORKER COMPENSATION SCHEME** | | |
| **Name** | **Payroll No.** | **Term Time Yes/No** |
| **Eligibility Criteria Met** (select which is applicable)**:**  **A Service Disruption** (ie service closure)  **B Reduction in Work**  **C Symptomatic/Ill/Self Isolating**  **D Shielding** | | |
| **Hours Worked/Accepted December 2019– February 2020**  **W/C Hours Work Undertaken Line Manager**  **2/12/19** | | |
| **9/12/19** | | |
| **16/12/19** | | |
| **23/12/19** | | |
| **30/12/19** | | |
| **6/1/20** | | |
| **13/1/20** | | |
| **20/1/20** | | |
| **27/1/20** | | |
| **3/2/20** | | |
| **10/2/20** | | |
| **17/2/20** | | |
| **24/2/20** | | |
| **FOR P&O/PAYROLL USE**  ELIGIBLE/NOT ELIGIBLE  If not eligible, state reason: | | |
| AVERAGE HOURS JANUARY – MARCH 2020 | | |
| HOURS DUE APRIL – JUNE 2020 | | |