

## **Wiltshire Council Human Resources**

### **Temporary Closure of Leisure Facilities**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

This policy gives details on handling employee issues as the result of leisure facilities being temporarily closed for maintenance or are being rebuilt/redeveloped because of the campus projects.

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#### **Who does it apply to?**

This is a temporary policy which applies to employees working in Wiltshire council sports centres and leisure facilities who are affected by the temporary closure of these services.

This is a harmonised policy and applies to both Wiltshire Council and TUPE employees.

#### **When does it apply?**

When Wiltshire council sports or leisure facilities are temporarily closed for refurbishment, maintenance, rebuilds or campus development projects.

### **When does it not apply?**

When the sports and leisure facilities are operating normally and there is no disruption to service.

If at the outset it is envisaged that the period of closure will be for 6 months or more this policy will not apply and dismissal on the grounds of redundancy will be considered.

### **What are the main points?**

1. The priority will be to continue to employ you during the period of disruption/closure of a sports or leisure facility. To be able to do this a number of options will be considered. These will be dependent on the scale of the disruption and will obviously take into account the health and safety of employees and service users. These include:
  - Where services can continue to be provided at your usual place of work you work as normal.
  - You work in another capacity at your usual place of work where the duties are considered suitable.
  - You continue to work partially at your normal place of work and also work some duties at another leisure site.
  - You are temporarily redeployed to another leisure site in your current role.
  - You are temporarily redeployed to another site undertaking different duties which are considered suitable by your manager.
  - You are temporarily redeployed to another service or department undertaking duties that are considered suitable.
  - Where services can continue to be provided either at your place of work or at an alternative venue the hours that you work may vary from week to week and it is possible they may be more.
  - If you are asked to work additional hours they will be paid at your normal hourly rate or at overtime rates if this is appropriate and in accordance with the overtime allowances policy.

### **Process where work is not available:**

2. In the event that it is not possible for you to be employed during the closure/disruption period, or part of the closure period, you will continue to receive full pay up to a maximum period of 26 weeks from the start of the closure/disruption. The start date for this 26 week set period will be the most obvious point when the closure/disruption commences.
3. During this period of 26 weeks if you can be employed for all or some of your contracted hours as detailed in the main points and options above you will be expected to work.
4. If you are able to do some work during this period but are not working your full contractual hours, you will still receive your normal salary.
5. You will be asked to take a reasonable amount of your annual leave during the closure period.
6. Should you be unavailable to work or unreasonably refuse to work during this 26 week period your entitlement to continue to receive pay will be reviewed and may result in your pay being stopped. Disciplinary action may also be considered.
7. If there are periods when no work is available you will be expected to be contactable in case a suitable position becomes available.
8. The situation is fluid and will be kept under constant review.
9. Consideration will be given to extending the full pay period if the closure period is likely to exceed 26 weeks. However, if long delays to the completion of the work are identified it may be necessary to consider different options such as dismissal on the grounds of redundancy.

### **Casual workers and variable hours workers**

10. If you are a casual worker, which means you do not work regular hours, you will not be entitled to work or pay during the closure period.
11. As a casual worker should you believe that you do have a regular work pattern you will need to raise and discuss this with your manager.
12. If you are a variable hours worker and there is a regular pattern to your work such as working specific times during the year you may be eligible to receive pay providing you meet the criteria of this policy.
13. As a variable hours worker if your pattern of work does not fall within the closure period you will not be entitled to receive pay.

14. Similarly as a variable hours worker if your pattern of work falls partially within the closure period you will receive payment only for the time that you would have been scheduled to work.

### **Travel**

15. During the closure period you will be expected to be flexible and make every effort to arrange travel to other places where work is available. This could include car share arrangements, arranging lifts and using public transport where possible. Issues with travel to other sites need to be discussed with your manager.
16. If you have been asked to relocate temporarily to another site to ensure service delivery needs are met you will be able to claim business mileage in line with the [travel and mileage allowances policy](#). Please note that if the journey means you will pass your normal place of work (or within 1 mile of it) you will need to deduct your normal commute from the claim.

### **Annual Leave**

17. You will continue to accrue annual leave during the 26 week full pay period.
18. You will be expected to take a reasonable amount of your annual leave entitlement during the closure period. This will be approximately the pro rata entitlement that you accrue over the closure period.
19. Annual leave requests need to be made in accordance with normal practices and the [annual leave and bank holiday entitlement policy](#). Approved annual leave will be paid at your full rate of pay.

### **Sickness Absence**

20. You should continue to report any sickness absence in accordance with the [sickness absence management policy and procedure](#). You will still be expected to complete self sickness certificates and obtain fit notes as detailed in the policy. Failure to do so will mean any entitlement you have to sickness pay and benefits will be affected. Sick pay will be paid in accordance with the [sickness absence management policy and procedure](#).

### **Pensions**

21. If you are a member of the Local Government Pension Scheme you will continue to accrue pensionable service at your normal rate.
22. You will continue to make payments to the pension scheme.

### **Maternity**

23. For maternity pay the calculations for the qualifying period will be based on the average salary of an individual's full pay.

### **Training courses**

24. You will be expected to continue attending any training course you have commenced which has been recommended by your manager and is being funded by Wiltshire Council and runs into the closure period. Failure to do so will mean that the council will claim reimbursement of course fees and associated travelling expenses unless non-attendance is covered by a GPs medical certificate/fit note.
25. Your manager may also take advantage of the closure period to require you to attend regular compulsory training, such as lifeguard and safeguarding training.
26. Your manager may also request that you attend other relevant training during the closure period.
27. You will be expected to attend this training unless sickness, supported by a GPs medical certificate/fit note prevents you from doing so.
28. You will receive pay for attending these courses in accordance with normal practices.

### **Other Employment**

29. Whilst receiving full pay from Wiltshire Council you are still an employee of the council and must abide by the [code of conduct policy](#) particularly in regards to outside commitments and working elsewhere.
30. You should discuss the situation with your manager prior to undertaking work elsewhere.
30. You will need to be available for work with Wiltshire Council if suitable work is available and when the leisure/sports facility reopens.
31. Should you wish to leave the employment of Wiltshire Council you need to submit a written resignation letter to your manager in accordance with the terms of your contract or statement of particulars.
32. If you fail to return to work at the end of the closure period, and have not formally resigned during this period, the unauthorised absence procedure will be followed.

### **Roles and responsibilities**

### Employee responsibilities

33. You will be expected to cooperate with management during these closure periods and be prepared to take on different duties or work elsewhere where considered reasonable.
34. Timesheets still need to be completed and you must liaise with your manager on a monthly basis on completing these so that they are submitted in good time to meet the payroll deadlines.
35. You will be expected to be contactable if not working during the closure period in case work becomes available.
36. Inform your manager of any sickness absence you have during the closure period on day one of your sickness in accordance with the sickness absence and management policy
37. Annual leave requests during the closure period should be made to your manager as per normal procedures.
38. Abide by the code of conduct policy in regards to outside commitments and working elsewhere.

### Line manager responsibilities

39. Keep your employees informed and updated about any potential closure both before it occurs and during the actual closure period.
40. Discuss with employees any changes the closure may have to their duties or place of work.
41. Deal with any issues your employees may have in a reasonable manner taking into account the business needs of the service and their individual needs and circumstances.
42. You must submit the payroll spreadsheet on time each month. The spreadsheet needs to detail the regular working hours for each employee and the additional payments that they are entitled to such as unsocial hours plussage, market plussage and sessional rates.

### HR responsibilities

43. Support managers in dealing with individual employment concerns or issues that may occur because of temporary closures.

### Frequently asked questions

**44. What do you mean by weekly pay?**

Weekly pay for permanent employees on regular contracts will be calculated in accordance with the terms and conditions detailed in their employment contracts. Weekly pay for employees on variable contracts will be based on their average pay over the previous 12 weeks which will include any overtime pay, unsocial hours plusage, market plusage and sessional rates earned during this period. If there is a period during the 12 week period when an employee hasn't worked the 12 week period will be extended backwards until 12 weeks is reached or to a time that is considered reasonable.

**Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

***If appropriate:***

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

**Legislation**

***Note any specific pieces of legislation relied on***

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

**Advice and guidance**

If you require help in accessing or understanding this policy [[or completing any of the associated forms](#)] you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

**Further information**

There are a number of related policies and procedures that you should be aware of including:

For further information please speak to your supervisor, manager, service director or contact your HR advisor.

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|---------------------|----------------------------------|
| Policy author       | HR Policy and Reward Team – (MR) |
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