



**Policy for Management of the Workforce during
and after Major Incidents Including Pandemic**

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The provisions of this policy, which was developed by a partnership group on behalf of Grampian Area Partnership Forum, apply equally to all employees of NHS Grampian except where specific exclusions have been identified.

NHS Grampian

Policy for Management of the Workforce during and after Major Incidents Including Pandemic

This document is also available in large print and other formats and languages, upon request. Please call NHS Grampian Corporate Communications on Aberdeen (01224) 551116 or (01224) 552245.

This Policy has undergone Equality and Diversity Impact Assessment.

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NHS Grampian

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NHS Grampian

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1. Introduction

NHS Grampian is committed to managing services and workforce effectively in the event of a major incident. For the purpose of this policy a major incident covers any type of major incident including emergency, major infectious disease outbreak or pandemic.

This policy covers in detail the workforce and human resources issues that may arise in the event of a major incident and outlines NHS Grampian's workforce arrangements which may be invoked for the duration of a major incident. It is designed to provide a framework for local decisions on employment issues depending on the duration of the major incident. It will not set a precedent for any other time.

This document has been developed in line with the Pandemic Flu, Guidance on Health Workforce Issues for NHS Scotland Boards, published by the Scottish Government in 2009. This document should be read in conjunction with the NHS Grampian Major Incident Plan and NHS Grampian Major Infectious Diseases Plan which can be found on the intranet and the appropriate Sector/Directorate Business Continuity Plans which are available from the relevant Head of Department/Director.

2. Scope and purpose of the policy

The support provided under this policy applies equally to all staff employed by NHS Grampian.

The intention of this policy is to ensure that NHS Grampian is prepared and able to:

- Maintain delivery of essential healthcare services during a major incident and recovery period;
- Manage its workforce during a major incident;
- Support staff during and after a major incident.

3. Ethical framework

Given the potential level of additional demand, capacity limitations, staffing constraints and potential shortages of essential medical material during a pandemic or major incident, NHS Grampian is committed to ensure staff in decision making positions are supported to make the fairest use of resources and capacity, in proportion to the demands alongside other pressures that may be in place at the same time, in order to minimise the harm caused by the pandemic or major incident as a whole¹.

NHS Grampian will use The Ethical Framework which was developed by the Committee on Ethical Aspects of Pandemic Influenza revised by the Department of Health and Social Care in 2017². The Framework suggests eight principles that should be considered systematically by planners, strategic policy makers, clinicians and other health and social care professionals with ethical aspects of decisions they face before, during and after influenza pandemic. The principals are:

- Respect
- Minimising harm
- Fairness
- Working together
- Reciprocity (sharing resources)
- Keeping things in proportion
- Flexibility
- Good decision-making

These principals equally apply during a major incident.

4. General Principles

4.1 Activation of the policy

This policy will be invoked in the event of a major incident under the following arrangements:

1. Activation of the NHS Grampian Major Incident Plan or NHS Grampian Major Infectious Diseases Plan.

¹ UK Influenza Pandemic Preparedness Strategy 2011.

² <https://www.gov.uk/guidance/pandemic-flu>

OR

2. A major incident is declared that cannot be managed within the scope of business continuity planning in relation to staffing but the NHS Grampian Major Incident or Major Infectious Diseases plan is NOT activated: this policy brought into operation by the Hospital Medical Coordinator and signed off within 3 working days by the Chief Executive and Employee Director (or their deputies).

4.2 Pre-implementation

It is recognised that, prior to a major incident being declared, certain functions may already be required to work beyond their normal duties e.g. Public Health, Corporate Communications, Recruitment, etc. In these circumstances elements of business continuity planning at the service level should be applied.

4.3 Capacity

The impact of a major incident could result in an increased workload coupled with a reduction in staff available for work. On responding to a major incident the principal constraint is staffing capacity, and local areas of NHS Grampian need to have plans to bring in additional staff when required. The possibility of transport and communication disruption should be considered and a recognition that staff (or their families) may well be victims of a major incident. This highlights the potential impact on staff attendance and should be included in the planning process.

Staffing contingency plans, which form part of sector or directorial Business Continuity Plans, should also focus on:

- Identifying (and enhancing) the emergency care potential/skills of all staff, directing staff effort to key emergency roles, and sustaining activity levels well beyond the initial response phase.
- Identifying part-time staff who are willing to work additional hours including staff employed by other organisations, independent sector providers, qualified non-practising staff and those who have recently retired or recently left the organisation.
- Internal redeployment giving consideration to skills, location, and staff willingness to change working location
- Agreeing working plans with our partnership organisations to release staff to assist NHS Grampian as soon as possible.

- Ensuring that arrangements are in place with our nearest Health Boards to supply appropriate staff if required.
- Making arrangements with local medical and health-related educational institutions for releasing appropriately trained educational, research and academic staff.
- Developing training for staff who may be engaged for a short-term to help with a response to the major incident/pandemic.

4.4 Duty to comply

There is a presumption that employees wherever possible, will be expected to attend work as normal during a major incident; this includes during a pandemic.

Staff may be asked to undertake unfamiliar roles subject to their skills, knowledge and qualifications; this Policy does not ask employees to work out-with their competencies. However, staff will be expected to respond positively to requests to learn new skills that they will require, or to refresh existing skills.

Contracted hours, shift patterns and working days may require to be temporarily altered during an emergency. NHS Grampian reserves the right to redeploy and/or relocate staff as the need arises: managers will assess the need to redeploy and/or relocate staff in line with the circumstances of the major incident and to meet the needs of the service and patients. Excess expenses including accommodation and mileage would be reimbursed in line with current rates.

While they are at work, all employees are expected to continue to carry out reasonable instructions and observe departmental/NHS Grampian rules and regulations, including any local dress/uniform codes or policies.

5. Redeployment

During a major incident employees may, because of an extreme shortage of staff in a particular area, be asked to undertake work that uses their skills and competencies in an alternative way e.g. a secretary being asked to work in Medical Records. Similarly, employees from one location may be asked at short notice to carry out their substantial duties or perform the duties of their substantive role at another location within NHS Grampian.

Similarly, employees may be asked to redeploy to another NHS organisation, either locally or elsewhere in Scotland, which is experiencing staff shortages. This will only be in exceptional circumstances and will be with the consent of the individual in negotiation.

In addition to the redeployment of staff across the NHS, there may be circumstances where employees may be asked to work as part of a non NHS organisation, for example, assisting at a local authority evacuation rest centre. Under these circumstances, employees existing terms and conditions will continue to apply with regard to professional registration, Protecting Vulnerable Groups (PVG) checks etc. and their employment will not be affected, although they may be required to take direction from a manager employed by the other agency. Non-NHS organisations may require to risk assess employees coming to work for them, depending on their own organisational policies.

Employees who are skilled in areas other than that in which they are currently working e.g. trained nurses currently working in a non-nursing role may be asked to assist in other areas. Any employee who moves to a redeployed post must meet all the normal requirements for the post e.g. professional registration, PVG checks etc and must be competent to undertake the duties of the post. Staff will not be expected to undertake roles for which they are not competent but there is an expectation that staff will respond positively by learning new skills.

There will be no financial detriment suffered by employees who undertake redeployed duties during a major incident, including outbreak of pandemic influenza. Staff will continue to receive, as a minimum, their normal rate of pay, allowance and any additional travel costs at normal reimbursement levels. Adequate training and induction will be provided to equip staff for the role that they are assigned to.

In circumstances, where an individual is required to fulfil a role above their normal pay band or grade for a period longer than 4 weeks, consideration will be given to a temporary movement into a higher pay band in accordance with terms and conditions of employment.

It may also be appropriate, under certain circumstances, for employees absent on sick leave, for the reasons not related to pandemic, to return to work in order to undertake other duties than those for which they are employed. Any such arrangement can only be made once Occupational Health Service (OHS) have agreed that it is appropriate and must not deviate from the provisions of the Workplace Adjustment Policy.

Short term redeployment may be necessary to fulfil service requirements and deliver safe patient care and the willingness of staff to agree temporary re-assignment/relocation will permit this. Managers must therefore ensure that staff who are to be redeployed receive adequate explanations regarding the levels of support available to them and level of risk while emphasising the need for NHS Grampian to utilise all available staff resource.

6. Recruitment

During a major incident there may be a need to recruit (temporarily) additional staff to cover increased demand and these staff could be from a variety of sources e.g. bank, retirees, employees from other NHS organisations or partnership organisations, nursing, medical or other clinical students, volunteers etc.

In these situations, managers must continue to observe the essential recruitment requirements for each post, until such time when they are formally advised of any change to these requirements.

All temporary staff must possess appropriate skills and competencies to carry out the duties of the post they were engaged in. They will also be required to attend an induction, which will include Health and Safety and Manual Handling, ensuring that NHS Grampian complies with its legal obligations.

All temporary staff directly engaged with NHS Grampian will be paid the appropriate band for the post they are working and they will be issued with a bank contract of employment. NHS Grampian will pay for any reasonable costs associated with encouraging a return to employment, for example professional registration fees and required training.

Volunteers will be eligible to claim reasonable expenses incurred as a result of helping during a major incident. Volunteers will be required to be risk assessed in respect of PVG checks and Occupational Health Screening unless this is done by a volunteering agency.

6.1 Disclosure Scotland Checks

It is recognised that during a major incident, Disclosure Scotland may be unable to process new disclosure requests. Should this happen, NHS Grampian will follow Scottish Government guidance on an alternative procedure which involves a thorough risk assessment, which must incorporate the following elements:

- Potential risk to patients;
- Whether the post involves unsupervised patient contact;
- Whether the post involves the staff member working with others who have been disclosure checked;
- Whether adjustments can be made to the post to reduce risks;
- The most recent disclosure information available;

- Whether there are references which can be followed up.

Managers must however be aware that there will be no change to the law requiring staff working in child care positions to have a PVG check. The revised procedure based on the risk assessment would therefore not be appropriate for child care posts.

7. Occupational Health & Safety services

Occupational Health and Corporate Health & Safety services that meet clinical needs would be carried out by appropriately trained staff during a major incident. All non-essential Occupational Health & Safety services are likely to cease for the duration of the major incident.

8. Payment of salaries

The Human Resources (HR) Service Centre of NHS Grampian has a business continuity plan to ensure that payment of salaries will be given the highest priority. The business continuity plan outlines alternative arrangements for processing and resource utilisation. This includes only processing core aspects of payroll and/or SSTS, consideration of delaying pay day, relocating payroll/SSTS (Scottish Standard Time System) staff to an alternative site within NHS Scotland or deploying payroll/SSTS staff from another NHS Scotland Board.

Should the provision of payroll be at major risk, a contingency arrangement to process an average net pay may be invoked. Once services are restored to normal business, adjustments to net pay would be processed as soon as practically possible.

9. Working flexibly

A pandemic outbreak is most likely to result in an increased workload coupled with a potential reduction in available staff. It will be essential therefore that NHS Grampian increases the capacity of our workforce by asking staff to work additional hours and/or to work differently.

While it is hoped that normal working arrangements will resume as quickly as possible once the major incident is over, it should be noted that some incidents, including pandemic, may have extended recovery times. Some teams may take longer to return to normal working patterns; these decisions will be made by managers in discussion with staff.

9.1 Change to hours of work at employer's request

In a major incident, staff may be requested to work different and/or longer hours to those stated in their contract of employment in order to maintain essential services and to maintain an emergency response.

If staff are requested to alter work/working patterns, there will be no change to their contract of employment and any alteration in work pattern will be for the duration of the major incident only. Staff will be expected, where reasonable, to comply with these requests.

All employees requested to work additional hours in excess of normal hours for their post should be offered these by managers on the basis of time off in lieu in the first instance. Where this is not possible due to operational and service demands, staff will receive overtime or additional hours payments as per their terms and conditions of employment. The Agenda for Change (AfC) Terms & Conditions of Service do not allow for staff on AfC Band 8 and above to be paid overtime payments. Given the exceptional nature of a major incident, then it may be possible for staff on these bands to be paid the additional hours worked at plain time rate.

All employees will receive the appropriate contractual provisions for unsocial hours for weekend working and night hours.

More than normal staffing levels may be expected on any nominated Public Holiday and any employee required to work will receive payment at the relevant enhanced rate.

9.2 Alternative work arrangements as result of employee's personal circumstances

Depending on its duration, a major incident may affect an employee's availability to work during their normal hours. In such circumstances, managers are encouraged to give some consideration to agreeing a short term change in working arrangements.

An example of this might be someone who normally works 08:30 – 17:00 who has child care commitments as a result of school/nursery closure and their child is affected, who

could, perhaps, work mid afternoons and evenings, or undertake work on Saturdays or Sundays.

In these circumstances, the employee would receive payment for the hours worked at their normal rate of pay, including any appropriate enhancements.

A combination of working at home, annual leave and unpaid leave can be considered. Working at home, is where staff wish, with the approval of their manager, to work at home for part or all of the duration of the major incident, even though their contract of employment requires them to have their workplace based on the employer's premises. Working at home may not always be feasible depending on the role.

9.3 Disruption of travel

Where there is a high degree of disruption to staff journeys it may be feasible to allow staff to work at another more convenient location within NHS Grampian, including at home or with a different NHS Board.

10. Special leave

It is appreciated that many staff will have special responsibilities, which may be increased during a major incident. NHS Grampian's Policy on Special Leave sets out the timescales for such leave based on allowing employees time to make alternative domestic arrangements. However, in the event of a major incident, it may not be possible for employees to make alternative caring arrangements. Under these circumstances managers are encouraged to provide a compassionate response to such requests for time off. They must discuss the possibility of the employee undertaking alternative work arrangements (see section 9.2 above). They might also wish to discuss the possibility of the employee working a portion of their contracted hours and getting some special leave to cover problem times.

At all times the needs of the service will have to be balanced with the needs of the individual.

11. Childcare facilities

It may not be possible to open any of the NHS Grampian Nurseries in the event of a major incident, or pandemic. Where this is the case, parents will be advised as quickly as possible. NHS Grampian Nurseries are regulated by the Care Inspectorate and therefore must adhere to maximum occupancy levels and staff to children ratios. The Nursery, taking into account Care Inspectorate regulations, will seek to accommodate the child/children of a member of staff who has been contacted by NHS Grampian to work and is willing to do so but requires alternative child care arrangements.

12. Annual leave and other leave

It may be difficult during a major incident for managers to agree to requests for taking leave e.g. annual leave, parental leave, study leave etc. Given these circumstances, however, it is expected that employees will understand a manager's reasons for not agreeing to such requests and should be assured that their leave will be honoured at a later date when it is practicable to do so. Managers should not impose a blanket ban on leave and would be expected to consider a reasonable request for leave, unless there is a valid, objective and justifiable operational reason for refusing it; i.e. if granting it would cause service/operational difficulties.

NHS Grampian believes that all leave should be honoured where it is reasonable and practicable to allow staff sufficient rest. However, it is recognised that in order to continue to provide essential operational services during the major incident, there may be situations where pre-booked annual leave will need to be postponed or cancelled.

Authority to cancel leave will rest with the Head of Service. Any cancellations or refusals of annual leave requests must be monitored at the sector/directorate level and reported to the Director of Workforce.

In the event that leave is cancelled during an exceptional event, cancellation of pre-booked arrangements may incur costs for staff members. Reasonable costs will be reimbursed provided that claims are for incurred costs and evidenced by appropriate documentation e.g. receipts, and where costs are not covered by existing insurance policies held by staff.

In the circumstances of a major incident or pandemic, if leave is refused or staff are requested to consider postponing pre-booked leave, unused annual leave will, when it

cannot be taken in the current leave year, be allowed to be carried over into the following leave year.

13. Sickness absence

During a major incident, and particularly in a pandemic, managers will be required to provide staff attendance and staff sickness absence reports on their service or function. This information will be used to support incident management throughout the organisation and will be used to report to Scottish Government.

In a pandemic event, self-certification arrangements may be extended beyond the usual 7 day period without the requirement for a GP medical certificate to be provided however any variation will be communicated to staff at the time.

It is mandatory for staff to follow the normal absence reporting procedure as laid out in the Attendance Management Policy and managers must continue to record sickness absence. Unauthorised absence will be continue to be treated as a potential conduct issue and managed accordingly.

14. Working Time Regulations (WTR)

Legislation allows the limit of 48 hours per week to be averaged over a 17 week period. It is anticipated that in exceptional circumstances, such as during a pandemic, while the WTR will remain in force there may be elements of the WTR that may be amended; derogations (temporary amendments) are beyond the control of NHS Grampian.

Where there are existing agreements that apply to the WTR, in the event of a major incident or pandemic, NHS Grampian and Grampian Area Partnership Forum will review these agreements and seek agreement to allow more flexibility for the duration of the incident, including waivers or amendments to the agreement. Any changes will only be for the duration of the major incident or pandemic.

Excessive work hours will be detrimental to individual staff members and therefore to the organisation's ability to respond effectively and efficiently to an emergency. NHS Grampian will endeavour to ensure that staff receive sufficient rest periods during a major incident/pandemic in order to protect staff health and well-being and to safeguard patient safety. All managers should therefore ensure that continuity arrangements are in place in order to avoid staff working excessive hours.

15. Discipline and grievance

A major incident will likely impact on time-scales in matters relating to disciplinary and grievance procedures. Normal disciplinary and grievance procedures will likely not continue during a major incident for example:

- A non-urgent grievance matter may be postponed until after the major incident.
- In some instances, proceedings already under way may need to be suspended until the major incident is over.

During a major incident, it is acknowledged employees under formal employee relations processes will potentially be under additional stress. Managers must take due account of these circumstances and should be aware of the arrangements (eg. counselling and bereavement services) available to support staff. It must be emphasised that patient safety and the maintenance of professional standards must remain paramount during this time.

Managers must, more than ever, during a major incident, consider all the available alternatives before suspending an employee pending investigation. Suspension should only, therefore, take place where it is considered that the individual's continued presence at work would be likely to put patients or the organisation at risk. Existing suspensions should be reviewed and risk assessed to establish if the suspended employee can return to work during the major incident.

16. Indemnity

People undertaking different roles during a major incident will be considered to be working under the direction of NHS Grampian and will be covered under existing indemnity insurance providing that:

- any actions are undertaken on instruction through established management;
- major incident response structures are followed;
- staff demonstrate an appropriate duty of care and reasonableness in their actions;
- staff work within their scope of competence.

17. Education and training

Existing training will be risk assessed and some training, in discussion with line-manager, may be cancelled in the event of a major incident declaration. Other training may be given a higher priority depending on the circumstances and need arising from the major incident.

18. Health and Safety issues

In a major incident NHS Grampian will adhere to the principles contained within the Health and Safety at Work etc Act 1974, in particular, the general duties of care for both employer and employee.

19. Working at the scene of a major incident

In exceptional circumstances, staff may be asked to work at the site of a major incident. This may expose staff to personal danger, unusual hazards or particularly harrowing circumstances. NHS Grampian will ensure that subsequent monitoring, screening or follow-up of affected personnel is arranged through the Occupational Health Service. With this in mind, the following should be adhered to:

- Details of staff attendance at a major incident site should always be recorded.
- Staff should be instructed to report, on arrival, to the Medical Incident Officer (MIO) who will co-ordinate all administration of health staff at the scene. If no MIO is at the scene, staff should report to the Ambulance Incident Officer.
- Staff must not place themselves at risk and must comply with cordons, safety protocols and scene management instruction from Police Scotland and Scottish Fire and Rescue commanders.
- Staff must wear personal protective equipment (PPE) provided and appropriate to the incident.

NHS Grampian will regard staff required to attend major incident sites as working on normal duties and thus subject to the provisions of the Injury Allowance and Injury Benefit Scheme. In the event of a major incident outside of a staff member's normal working hours, they should not come to work unless called in as part of the departmental contingency plan.

20. In a Pandemic

All staff will be provided with regular updates and guidance on the risks of infection and the steps to take to avoid contracting the illness.

Staff who display pandemic symptoms will be sent home. They will be advised a timeframe to return to work based on anti-viral medications, contagious period, and the staff member's wellbeing.

In the event of a pandemic, managers must be vigilant regarding the health of employees within their team/department and identify any staff who are at high risk for complications (e.g. pregnant women, immuno-compromised workers and staff with some other chronic conditions) and, if appropriate, these staff will be redeployed.

20.1 Vaccinations & anti-viral medications

Arrangements for vaccinations for staff will be administered and coordinated by the Occupational Health Service. No member of staff will be compelled to take up a course of medication or vaccination without their consent, however staff are encouraged to take up the vaccination when it becomes available to protect themselves, patients, and their family.

Anti-viral medications will be made available, as appropriate, via mechanisms established at the time (e.g. via GP, community pharmacies, etc.).

21. Personal Protective Equipment (PPE)

NHS Grampian will adhere to national guidance regarding personal protective equipment (PPE) and will be responsible for the issue of appropriate PPE to staff and for any fit testing that may be required.

22. Staff who refuse to work

Where staff are nervous about attending work, every attempt should be made to try and encourage them to attend. In case of a major infectious disease or pandemic all

available information should be shared regarding the risk to infection. All staff who are fit and well are expected to attend work as normal.

Where staff refuse to come into work with no reasonable grounds and refuse to undertake their normal work at an alternative location, this will be treated as unpaid unauthorised absence. The matter will then be investigated under the Employee Conduct Policy when the major incident is over.

23. Employee welfare support

The impact on the organisation of a major incident may be significant and could extend well beyond the incident response and recovery phases. During these phases, managers have a responsibility to ensure that staff members are well briefed, well led and offered effective social and peer support. In order to protect the welfare of NHS Grampian staff that are affected by a major incident, the following measures of support and assistance are available to staff who may need it or request it:

- Line managers will be advised to be aware of the welfare needs of their staff and be issued with information from Occupational Health Services regarding the signs and symptoms that might indicate the need for specific support and assistance.
- Post incident debriefing, which is best practice, will immediately occur following a major incident (not psychological debriefing).
- NHS Grampian policies are available to provide additional support if required, including the Policy on Special Leave.
- Staff can self refer or request a management referral to Occupational Health Services. A referral may be appropriate if health related issues remain for the employee which might affect their ability to work in the medium to long term.
- Staff may also be sign posted to a variety of additional support documents, websites and resources as outlined in the NHS Grampian Mental Health and Wellbeing Policy.
- Provision of Psychological First Aid via TRiM practitioners is available.
- Access to advice and support as necessary through existing universal services (community, primary care/General Practitioner and specialist services).
- Access to Chaplaincy Services.
- Access to Health Point.
- Additional support is also available through NHS Grampian Employee Counselling Service which is accessed via the Occupational Health Service. General Practitioners, Voluntary sectors and Trade Unions/Professional Bodies are also sources of support.

24. Connection with other documents

Further information is available:

- NHS Grampian's Major Incident Plan
- NHS Grampian's Major Infectious Diseases Plan
- Sector/Directorate Business Continuity Plans which are available from the relevant General Manager, Director or HR Team.
- Aberdeen Royal Infirmary & Dr. Gray's Hospital Major Incident Plans
- NHS Grampian Mental Health and Wellbeing Policy.
- Healthcare Associated Infection (HAI): Human Resources Policy for Staff Screening During Incidents and Outbreaks.

25. De-Activation of this policy

This document is no longer in effect following a decision by the Chief Executive in consultation with the Director of Workforce and Employee Director. Timelines would vary based on the cause of the major incident i.e. pandemic may be a longer and protracted period vs. a mass casualty event and take into consideration the post major incident recovery period.