

## Disturbance Policy and Procedure

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### Purpose ([Back to top](#))

It may be necessary at times, due to business need, for an employee to be relocated either temporarily or permanently from their existing place of work. The Council's Disturbance Policy and Procedure sets out the criteria and processes applicable to employees on Grade 9/\*equivalent or below, whose place of work has been changed through work circumstances beyond their control, and are now required to travel in excess of 6 additional miles each day.

### Scope ([Back to top](#))

This policy and procedure applies to, and is implemented for, employees of Leicestershire County Council employed under the conditions of service of the following bodies:

- National Joint Council for Local Government Services;
- Joint Negotiating Committee for Chief Officers;
- School Teachers' Pay and Conditions (centrally employed teachers).

*(NB This policy and procedure has not been sanctioned by the recognised trade unions for centrally employed teachers.)*

This policy is not applicable to:

- Casual employees
- Employees based in schools/colleges with delegated budgets.

## Principles ([Back to top](#))

The Council's commitment to equality of opportunity will be observed at all times during the operation of this procedure to ensure that employees are treated fairly and without discrimination when assessing eligibility of employees wishing to access the policy.

The aim of the policy is to ensure that, as a result of the relocation of their work base, employees bear no additional travel costs (subject to the defined criteria) beyond those that they previously incurred in travelling to and from home to work.

## Roles and Responsibilities ([Back to top](#))

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|--------------------------------|--|
| <b>Line manager</b>            | Authorises claims for disturbance allowance that meet the defined criteria. Verifies, certifies and submits employees' monthly expenses claims in line with the <a href="#">Travel, Subsistence and Related Allowances Guide including I-Expenses</a> . Informs the employee of the date on which the allowance will cease.              |
| <b>Employee</b>                | Requests authorisation to claim additional disturbance costs within the defined criteria. Submits monthly expenses claims with relevant invoices in line with the Council's <a href="#">Travel, Subsistence and Related Allowances Guide including I-Expenses</a> . Notifies the line manager of any subsequent change in circumstances. |
| <b>Employee Service Centre</b> | Is first point of contact for advice to managers and employees on the application of the policy and procedure.   |
| <b>HR Services</b>             | Provides advice and guidance on more complex queries about the application of the policy and procedure.  |

## Eligibility Criteria ([Back to top](#))

A disturbance allowance is payable to employees on Grade 9 or below (or equivalent) where, due to a change in work base required by management for business reasons, their daily commute to/from work exceeds their previous (return) journey by 6 miles per day. Mileage below 6 miles per return journey must not be rounded up. For calculation purposes the extra miles travelled should be based on the most direct route from home to work in accordance with [Bing Maps](#). It is the responsibility of the line manager to verify the mileage that employees declare.

### Example 1:

Former return journey = 14 miles

New return journey = 22 miles per day (i.e. 22 -14 = 8 miles)

Less the first 6 miles of the new return journey

Mileage claimable = 2 miles per day

**Example 2:**

Former return journey = 7 miles

New return journey = 9 miles per day (i.e.  $9 - 7 = 2$  miles)

New journey is less than 6 miles return per day

Mileage claimable = Nil

Claims for disturbance mileage are capped at 45 miles per day.

The policy is only applicable where the Council has instigated the relocation, not where the employee:

- moves of his/her own volition by applying for a different job;
- accepts redeployment as a result of a restructuring in the knowledge that the post is located at a different site;
- obtains a promotion in conjunction with an organisational change restructure and relocation;
- accepts redeployment for any other reason, e.g. disciplinary, ill health (unless specifically agreed as a reasonable adjustment for an employee with a disability).

This is explained in more detail in the following paragraphs.

**Organisational Change/redeployment**

Employees who are subject to an action plan under the [Organisational Change Policy](#) that directly affects their substantive job, team or section, which specifies a change of work location, and who obtain a post (on the same or a lower grade) within the revised structure for that team or section, and are required to move work location as a result, will be eligible for the disturbance allowance subject to the criteria outlined above. Employees who obtain a promotion as a result of a restructuring will not be eligible (even if their new substantive grade is below Grade 9/equivalent).

Employees who are subject to an action plan under the [Organisational Change Policy](#) who do not obtain a post within the revised structure for their substantive team or section, but who apply for and obtain an alternative post elsewhere in the Council outside the scope of the action plan will not be eligible for disturbance allowance, regardless of their grade. Such employees are applying for the alternative post in the full knowledge and acceptance of the terms and conditions pertaining to it, including the work location.

Employees who are placed on the Redeployment Register for ill health or other reasons defined within the Redeployment Policy and Procedure and who relocate as a result will not be eligible for disturbance allowance unless payment is specifically agreed as a reasonable adjustment for an employee with a disability. Such employees are applying for the alternative position in the full knowledge and acceptance of the terms and conditions pertaining to it, including the work location.

### **Employees on protected salary**

Employees whose substantive post following a restructuring under the [Organisational Change Policy](#) is Grade 9/equivalent but who are in receipt of protected salary above Grade 9/equivalent at the date of relocation, are not eligible to claim disturbance allowance until their actual rate of pay falls to the level of Grade 9/equivalent. At the point when pay protection ceases, the employee may apply for disturbance allowance for the remaining balance of the 4-year period calculated from the date of relocation, and subject to the provisions of this policy. On receipt of a request, the employee's line manager will be responsible for assessing eligibility and instigating the necessary administrative arrangements for the appropriate time period.

### **Timescale ([Back to top](#))**

Employees authorised to claim disturbance allowance may do so for a maximum of 4 years unless their circumstances change. If the employee:

- obtains another job, either at an alternative location or within the base to which they have been relocated, or a promotion within their existing team, the disturbance allowance will cease;
- changes their home address nearer to their place of work, the disturbance allowance will end or reduce accordingly;
- moves further away from their relocated work place, any additional mileage cannot be claimed.

The employee must advise the Employee Service Centre (ESC) of any change of home address and the line manager must recalculate any change in disturbance allowance payable.

The manager must note the date on which the allowance will cease and advise the employee in writing.

### **Authorisation to Claim Disturbance Allowance ([Back to top](#))**

Entitlement to claim the disturbance allowance is subject to line management authorisation.

Once the change in base has been agreed, employees must complete the [Disturbance Allowance Authorisation Form](#) and submit it to their manager for authorisation. The manager must then forward the form to the ESC, to be placed on the employee's personal file for record purposes.

**IMPORTANT NOTE** This form only authorises the level of additional mileage and/or care costs that the employee is eligible to claim. It is **not** a claim for disturbance allowance to be paid.

### **Claiming Disturbance Allowance ([Back to top](#))**

Once line management authorisation has been given, eligible employees should submit an expenses claim monthly in accordance with the Council's [Travel, Subsistence and Related Allowances Guide including I-Expenses](#). Any forms submitted which are more than 3 months old will not be paid.

**IMPORTANT NOTE** Employees can only claim the disturbance allowance for days when they are actually at work and when they commute to their normal work base. Therefore claims cannot be submitted when employees are absent due to sickness, annual leave or any other type of leave or when they work at another location. Disturbance allowance only applies to the first and last journey of the day between home and their normal work base.

Any employee found to have deliberately falsified a claim will be subject to disciplinary action. Any overpayment will be deducted from the employee's salary.

## Using Public Transport [\(Back to top\)](#)

Provided the new return journey exceeds the old journey to work by 6 miles return, the total cost of the new journey may be claimed as disturbance allowance as follows:

### Continuing to use public transport

For all journeys where employees use bus or train services to travel to work and continue to use this mode of travel, the complete difference in cost between the old journey and the new journey will be paid (based on the most direct route in line with [Bing Maps](#)).

### Switching from car to public transport

Where employees change their mode of transport from car to bus or train services, the complete difference in cost between the old journey (based on disturbance mileage cost) and the new journey (travel fare) will be paid (based on the most direct route in line with [Bing Maps](#)).

#### Example 3:

Old return journey = 4 miles per day

New return journey by public transport = 12 miles per day (i.e.  $12 - 4 = 8$  miles)

Cost difference claimable = 8 miles per day (i.e. no reduction by 6 miles)

## Existing Car Users [\(Back to top\)](#)

### Essential and casual car users

The [disturbance allowance mileage rate](#) is reviewed annually and is equal to the travelling allowance payable to staff completing over 8,500 miles per annum.

### Lease car holders

For lease car holders the usual lease car allowance applies.

### **All car users**

Claim forms must be accompanied by a valid VAT receipt for fuel. Disturbance allowance claimed is subject to income tax and National Insurance contributions. For lease car holders, there are additional tax implications and it is recommended that advice is sought from the ESC before a claim is submitted.

## **Claiming Additional Care Costs** ([Back to top](#))

**IMPORTANT NOTE** Additional care costs are payable only where the employee meets the [eligibility criteria](#) defined within this policy in terms of grade, organisational change/redeployment, salary protection and timescale.

Where an employee incurs additional costs for the care of a dependent child or adult and that care is given by a registered provider, a claim for these additional costs (which are subject to income tax and National Insurance contributions) may be made. This will be payable for a maximum period of 4 years and will cease earlier if the care arrangements change.

Employees can only claim additional care costs where the Council has instigated the relocation, not where the employee has moved at their own instigation e.g. applying for a different job (which includes redeployment as a result of a restructuring) or has been redeployed for other reasons e.g. disciplinary or ill health.

The employee can only claim the amount of care costs in force at the time when they became authorised to claim. There is no entitlement to claim an increased amount if the care provider increases their charges.

Invoices verifying the additional care costs must be submitted each month with an expenses claim form in accordance with the Council's [Travel, Subsistence and Related Allowances Guide including I-Expenses](#).

Employees are only eligible to claim additional care costs for the days they are actually at work. Therefore claims cannot be submitted for days when employees are absent due to ill health or on leave of any type.

## **Recruitment** ([Back to top](#))

New appointees (whether internal or external) who are aware on accepting and taking up their appointment that their work base will change, do so in full knowledge of that fact and will not be entitled to claim disturbance allowance when the move occurs. Recruiting managers should ensure that candidates are apprised of any impending moves.

Existing employees appointed to another post as a consequence of the application of the [Organisational Change Policy](#) will be entitled to claim disturbance allowance under this policy.

## **Travel Time** ([Back to top](#))

There is no entitlement to claim any additional travel time incurred as a result of a move of work base.