

**Committee:** Personnel Committee

**Date:** Wednesday 11 March 2015

**Time:** 7.15 pm, or on the rising of the Council and Employee Joint Committee, whichever is later.

**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

<b>Councillor Lynn Pratt (Chairman)</b>	<b>Councillor Lynda Thirzie Smart (Vice-Chairman)</b>
<b>Councillor Ken Atack</b>	<b>Councillor Norman Bolster</b>
<b>Councillor Ann Bonner</b>	<b>Councillor Mark Cherry</b>
<b>Councillor Surinder Dhesi</b>	<b>Councillor Timothy Hallchurch MBE</b>
<b>Councillor Simon Holland</b>	<b>Councillor Melanie Magee</b>
<b>Councillor G A Reynolds</b>	<b>Councillor Barry Wood</b>

## AGENDA

### 1. Apologies for Absence and Notification of Substitute Members

### 2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

### 3. Petitions and Requests to Address the Meeting

The Chairman to report on any requests to submit petitions or to address the meeting.

### 4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 4)

To confirm as a correct record the Minutes of the meeting of the Committee held on 4 December 2014.

6. **Chairman's Announcements**

To receive communications from the Chairman.

7. **Draft Drugs and Alcohol Policy** (Pages 5 - 24)

Report of Head of Transformation

**Purpose of Report**

To seek Member approval of a revised Drugs and Alcohol Policy, that can be used across both Cherwell District Council and South Northamptonshire Council.

**Recommendations**

The meeting is recommended to:

1. Approve the revised shared Drugs and Alcohol Policy.

8. **Draft Shared Capability Policy** (Pages 25 - 38)

Report of Head of Transformation

**Purpose of Report**

To seek Member approval for a revised Capability Policy that can be used for South Northamptonshire Council and Cherwell District Council.

**Recommendations**

The meeting is recommended to:

1. Approve the draft two-way shared Capability Policy.

9. **Draft Sickness Absence Policy & Procedure** (Pages 39 - 58)

Report of Head of Transformation

**Purpose of Report**

To seek member approval to implement a shared and revised Sickness Absence Policy for Cherwell District Council and South Northamptonshire Council.

## **Recommendations**

The meeting is recommended to:

1. Approve the draft Sickness Absence Policy and Procedure.

### **10. Family Friendly Policy (Pages 59 - 120)**

Report of Head of Transformation

#### **Purpose of Report**

To seek Member approval for a revised Family Friendly Policy that has been brought together in one guidance document, from a number of policies across both Councils that relate to maternity, paternity, adoption leave, time off for dependants and parental leave.

#### **Recommendations**

The meeting is recommended to:

1. Approve the revised policy guidance documents appended to this report.

### **11. Draft Flexi-time Policy (Pages 121 - 128)**

Report of Head of Transformation.

#### **Purpose of Report**

To seek member approval to implement a shared Flexi-time Policy for Cherwell District Council and South Northamptonshire Council.

#### **Recommendations**

The meeting is recommended to:

1. Approve the revised two-way Flexi-time Policy.

### **12. Employment Statistics Quarter 3: 01 October 2014 to 31 December 2014 (Pages 129 - 136)**

Report of Head of Transformation

#### **Purpose of Report**

The purpose of this report is to detail employment statistics for information and monitoring purposes.

## **Recommendations**

The meeting is recommended to:

1. Note the contents of the report.

### **13. Exclusion of the Public and Press**

The following reports contain exempt information as defined in the following paragraphs of Part 1, Schedule 12A of Local Government Act 1972.

- 1 - Information relating to any individual.

Members are reminded that whilst the following item(s) have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.

Should Members decide not to make a decision in public, they are recommended to pass the following recommendation:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Schedule 12A of that Act.”

### **14. Exempt Appendices of Employment Statistics Quarter 3: 01 October 2014 to 31 December 2014 (Pages 137 - 142)**

Exempt appendices of report of Head of Transformation.

## **Pay Grades April 2014 - March 2015 - For Information**

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Meeting**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 221591 prior to the start of the meeting.

## **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

## **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

## **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

## **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

## **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

## **Queries Regarding this Agenda**

Please contact Lesley Farrell, Democratic and Elections  
lesley.farrell@cherwellandsouthnorthants.gov.uk, 01295 221591

**Sue Smith**  
**Chief Executive**

Published on Tuesday 3 March 2015

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# Agenda Item 5

## Cherwell District Council

### Personnel Committee

Minutes of a meeting of the Personnel Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 4 December 2014 at 7.15 pm

- Present: Councillor Barry Wood (Chairman for the meeting)
- Councillor Ken Atack  
Councillor Norman Bolster  
Councillor Mark Cherry  
Councillor Surinder Dhesi  
Councillor G A Reynolds
- Substitute Members: Councillor Nicholas Turner (In place of Councillor Timothy Hallchurch MBE)
- Apologies for absence: Councillor Lynn Pratt  
Councillor Lynda Thirzie Smart  
Councillor Ann Bonner  
Councillor Timothy Hallchurch MBE  
Councillor Simon Holland  
Councillor Melanie Magee
- Officers: Jo Pitman, Head of Transformation  
Balvinder Heran, Joint Head of ICT Business Services  
Claire Cox, HR Business Partner for Community Services  
Mandy Targett, HR Business Partner for Resources  
Belinda Green, Benefits Manager  
Natasha Clark, Team Leader, Democratic and Elections  
Lesley Farrell, Assistant Democratic and Elections Officer

#### 23 **Appointment of Chairman for the Meeting**

##### **Resolved**

- (1) That in the absence of the Chairman and the Vice-Chairman, Councillor Barry Wood be appointed Chairman for the duration of this meeting.

#### 24 **Declarations of Interest**

There were no declarations of interests.

25 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

26 **Urgent Business**

There were no matters of urgent business.

27 **Minutes**

The minutes of the meeting held on 10 September 2014 were agreed as a correct record and signed by the Chairman.

28 **Chairman's Announcements**

There were no Chairman's Announcements.

29 **Probation policy**

The Head of Transformation submitted a report which sought approval of a 3-way Probation Policy for Cherwell District Council, South Northamptonshire Council and Stratford-on-Avon District Council.

In introducing the report, the Human Recourses Business Partner for Recourses explained that each of the three partner Councils currently had their own specific probation policy. With the continued increase of shared teams it was essential to have a single probation policy which was applied consistently regardless of which Council was the employer. The policy would only apply to new employees.

The Committee was advised that the policy had already been approved at South Northamptonshire Council and Stratford-on-Avon District Councils.

**Resolved**

- (1) That the 3-way probation policy be approved.

30 **Draft Partnership Organisational Development Strategy**

The Head of Transformation submitted a report on the development of a draft Partnership Organisational Development Strategy to provide a framework to support the partnership work of Cherwell District Council, South Northamptonshire Council and Stratford-on-Avon District Council

In introducing the report, the Human Recourses Business Partner for Development and Bicester Directorates explained that Strategy had been developed to provide a mechanism for setting out the Councils commitment to



supporting change and to identify how the support should be delivered. The Strategy would be underpinned by an action plan.

The Committee was advised that feedback from Senior Managers had not yet been incorporated and the draft Partnership Organisational Development Strategy would be reviewed when all feedback had been received.

**Resolved**

- (1) That the Draft Partnership Organisational Development Strategy be approved.

31 **Employment Statistics Quarter 2: 01 July 2014 to 30 September 2014**

The Head of Transformation submitted a report which detailed employment statistics for information and monitoring purposes and compared the South Northamptonshire Council position against the wider employment market.

The Committee requested that future reports include more information about why people leave the organisation and commented that the use of Agency Workers should be minimised due to the extra cost involved.

**Resolved**

- (1) That the contents of the report be noted.

32 **Exclusion of the Public and Press**

**Resolved**

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the ground that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part 1, Paragraphs 1, 2, 3 and 4 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

33 **Employment statistics - exempt appendices**

The Committee considered the exempt appendices to the report of the Head of Transformation which detailed employment statistics for the first quarter of the financial year (1 July 2014 to 30 September 2014).

**Resolved**

- (1) That the exempt appendices be noted.

34 **Joint Fraud Investigation Team Business Case**

The Head of Finance and Procurement submitted an exempt report which provided an update on the Single Fraud Investigation Service and sought approval to create a Joint Fraud Investigation team initially for South Northamptonshire Council and Cherwell District Council (phase 1) and incorporating Stratford-On-Avon District Council at a later date (phase 2).

The committee congratulated the Benefits Manager on the report and the securing of £147,000 funding towards the project.

**Resolved**

- (1) That the contents of the report be noted.
- (2) That the creation of a new Joint Fraud team and recruitment to the posts within the team on a permanent basis be approved.

35 **Joint ICT Business Service - Staffing Structure**

The Head of Joint ICT Business Service presented an exempt report which sought endorsement from the committee on the staffing re-structure within the Joint ICT Business Service.

**Resolved**

- (1) That the consultation log be noted.
- (2) That the revised staffing structure proposed for the Joint ICT Business Service be approved and Officers be instructed to complete the necessary assimilation and recruitments as soon as possible.
- (3) That authority be delegated to the Director of Resources for Cherwell District Council and South Northamptonshire Council in consultation with the Chairman to make any minor alterations to the proposed structure.

The meeting ended at 8.10 pm

Chairman:

Date:

## Cherwell District Council

### Personnel Committee

11 March 2015

<b>Draft Drugs and Alcohol Policy</b>
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### Report of Head of Transformation

This report is public

#### **Purpose of report**

To seek Member approval of a revised Drugs and Alcohol Policy, that can be used across both Cherwell District Council and South Northamptonshire Council.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve the revised shared Drugs and Alcohol Policy.

#### **2.0 Introduction**

- 2.1 Although alcohol is not illegal outside of the workplace, and neither are some drugs, the use and misuse of alcohol and drugs at work is illegal and is a serious issue that needs to be dealt with appropriately by any employer. This is even more serious where the employee occupies a safety critical role, which could lead to a serious breach of health and safety and/or reputational damage for the Council. The policy will enable a positive management approach to be used when any issue in relation to misuse of drugs and alcohol is identified or suspected within the workplace, to ensure such risks are mitigated effectively.
- 2.2 Both Cherwell District Council and South Northamptonshire Council have their own Drugs and Alcohol policies in place at present, and although not hugely different, their application does create some inconsistencies which also need to be addressed.
- 2.3 One of the main concerns with the use of alcohol and/or drugs by employees will be when this has a detrimental effect on work performance, or is, or may be, prejudicial to the safety of the individual, other employees or members of the public. Thus creating a serious risk to health and safety for all involved.

- 2.4 As from 1st March 2015, the new changes in law will make it an offence to drive while over specified limits for a total of 16 drugs. Eight of the drugs could be used for medicinal purposes although the specified limit allows for the normal recommended doses that most patients would be prescribed. If a driver is stopped by the police at the roadside and tests positive for drugs and/or alcohol, the driver's licence may be revoked for a certain period. This may mean that if the employee's role is to drive on Council business, they may not be able to continue in that role.
- 2.5 The new shared policy will provide a framework to enable protection to both Councils in relation to health and safety standards and to ensure that a prompt and consistent approach is taken to mitigate any future risk.

### **3.0 Report Details**

- 3.1 The draft policy seeks to bring together areas of good practice from both Council policies and from the Health and Safety Executive and DVLA. Successful tackling of drug and alcohol misuse can benefit the Councils by:
- reducing short term absences and associated costs
  - reducing the risk of accidents and ensuring safety to employees and public
  - enhance the public's perception of the Councils
  - contributing to society's efforts to combat drug misuse in the workplace
- 3.2 Both Councils will operate a zero tolerance stance to the misuse of illegal drugs and alcohol consumption (if above the legal limit) by employees. This will protect the Councils against any reputational damage as well as legal action against Health and Safety claims as a result of drugs and alcohol misuse by employees. Each Council has a duty of care to protect its employees and the same must be said of the employees, who have a duty of care to declare any reason why they are unfit to undertake their duties, therefore employees must not come to work or undertake any work in an unfit state through drugs misuse or alcohol.
- 3.3 The draft Drugs and Alcohol Policy is attached at Appendix 1, and in summary the following has been amended:-
- 3.3.1 Further clarity on reasonable suspicion and being able to then test employees suspected of being under the influence of drugs and/or alcohol.
- 3.3.2 More information is provided on how long alcohol and certain drugs stay in the system after consumption. Drugs and alcohol misuse can alter the way a person thinks, perceives and feels, and this can lead to either impaired judgement, concentration and a delayed response when driving.
- 3.3.4 Strict guidelines are outlined for what action should be taken when the Supervisor or Manager has or receives reasonable suspicion of alcohol or drugs misuse within the work place. This action includes testing and will be instigated using our contracted company Synergy who test within a strict chain of custody procedure. The results of which are likely to be upheld in any tribunal case brought against the Council, should this be required as evidence.

- 3.3.5 When an employee voluntarily comes forward and admits to a drug or alcohol problem (prior to any reasonable suspicion being received) the current disciplinary proceedings may be suspended and the Councils will offer rehabilitation for a certain period.
- 3.3.6 Following reasonable suspicion and a positive test result, the Councils' Disciplinary and Dismissal Policy will be invoked immediately alongside Occupational Health support being offered.
- 3.3.7 If colleagues have reasonable suspicion over one of their colleagues they will be protected under the Council's Whistle Blowing Policy.
- 3.3.8 If the Council has cause for concern then random testing can be invoked but there must be reasonable suspicion first that there is a real issue.
- 3.3.9 The Councils should take steps to ensure that any policy is not used in a discriminatory manner against any employee and that no individual is unfairly targeted. The Councils will take steps to ensure that employees' dignity is respected at all times. This is in order to ensure compliance with the Equality Act.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The draft Drugs and Alcohol Policy will ensure that the Councils are complying with best practice and legislation but will also mitigate the Councils against any claim that might be made as a result of an issue involving drugs and alcohol misuse. This is a complicated and sensitive area of employee welfare and needs handling carefully, however this new policy will ensure consistent and appropriate management.

## **5.0 Consultation**

CDC/SNC Joint Management Team	Support the proposals
Cherwell District Council Trade Union	Support the proposals
Cherwell District Council staff Consultation Group	Support the proposals
South Northamptonshire Trade Union	Support the proposals

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current individual policies of each council, which would not provide a clear, consistent process across the two partner Councils which may laterally lead to challenge by employees and external parties.

## **7.0 Implications**

### **7.1 Financial and Resource Implications**

7.1.1 There are approximately 300 employees across both Councils who perform safety critical roles. The cost of testing is outlined below:

- £160 call out fee for half a day
- £40 per test.

7.1.2 Testing is carried out with a Manager and HR representative present to ensure that the process is undertaken respectfully and fairly and in adherence with the policy.

7.1.3 Staff could either be suspended or placed on alternative duties during a period of testing or welfare considerations, which can require a need to backfill staff. This is however necessary to protect both the employee and the organisation during this period.

Comments checked by:

Paul Sutton, Head of Finance and Procurement  
0300 0030106, paul.sutton@cherwellandsouthnorthants.gov.uk

### **7.2 Legal Implications**

7.2.1 The Misuse of Drugs Act 1971 makes the production, supply and possession of certain controlled drugs unlawful except in certain very specific circumstances (for example when they have been prescribed by a Doctor).

7.2.2 Driving whilst over the legal limit of alcohol is illegal.

7.2.3 By virtue of the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 as amended and in accordance with the Council's Safety Policy, employees have a statutory duty to report to their employer any work situation which is reasonably considered to represent serious and imminent danger to health and safety.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107  
kevin.lane@cherwellandsouthnorthants.gov.uk

## **8.0 Decision Information**

### **Wards Affected**

N/A

## Links to Corporate Plan and Policy Framework

N/A

## Lead Councillor

None

## Document Information

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Draft Shared Drugs and Alcohol Policy
Appendix 2	Staff Consultation Feedback
<b>Background Papers</b>	
None	
<b>Report Author</b>	Janine Dean, HR Business Partner
<b>Contact Information</b>	<a href="mailto:janine.dean@cherwellandsouthnorthants.gov.uk">janine.dean@cherwellandsouthnorthants.gov.uk</a> 01295 221733

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# DRUGS AND ALCOHOL POLICY

## DOCUMENT CONTROL

<b>Organisation(s)</b>	Cherwell District Council (CDC) South Northamptonshire Council (SNC)
<b>Policy title</b>	Drugs and Alcohol Policy
<b>Owner</b>	Human Resources
<b>Version</b>	1.0
<b>Date of implementation</b>	10/03/15

## DOCUMENT APPROVALS

This document requires the following committee approvals:

<b>Committee</b>	<b>Date of approval</b>
<b>CDC</b>	
Council and Employee Joint Committee	11 March 2015 (6.30pm)
Personnel Committee	11 March 2015 (7.15pm)
<b>SNC</b>	
Council and Employee Local Joint Committee	10 March 2015 (4pm)
Appointments and Personnel Committee	10 March 2015 (5pm)

## DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District and South Northamptonshire Council.

## REVISION HISTORY

<b>Version</b>	<b>Revision date</b>	<b>Summary of revision</b>
1	Dec 2014	Aligning both SNC and CDC Drugs and Alcohol Policies together.

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## 1 Policy Statement

- 1.1 Cherwell District and South Northamptonshire Council recognise that alcohol and drug related problems are an area of health and social concern. It also recognises that an employee with such problems needs the help and support from his / her employer.
- 1.2 This policy covers both legal and illegal drugs and applies to all employees including volunteers, contractors and agency staff.
- 1.3 This policy sets out rules regarding the use of intoxicating / illegal substances so that employees are made aware of the likely consequences in relation to their employment if they misuse them. New and current employees will have access to this policy.
- 1.4 The Councils' main concern with the use of alcohol and/or drugs by any of its employees will be when this has a detrimental effect on work performance, or is, or may be, prejudicial to the safety of the individual, other employees or members of the public while the employee is conducting Council business.
- 1.5 Both Councils have a responsibility to its employees and customers to ensure that any risk is minimised. Both Councils operate a zero tolerance stance to the misuse of illegal drugs and alcohol consumption (which is above the legal limit) therefore, employees must not come to work or undertake any work in an unfit state through drugs misuse or alcohol. This is particularly important if those employees who occupy a safety critical role (as defined below).
- 1.6 A **safety critical role** is one in which the post-holder is required to perform duties which are directly related to:
- the safe operation of a piece of equipment or a vehicle or security of premises, handling of chemicals
  - supervision of children or vulnerable adults
  - drives / works on the highway, at height or in confined spaces
  - dealing face to face with members of public / partner agencies
- If any of the above are not performed properly, it may result in a serious safety risk or environmental hazard to employees, premises or to the general public.
- 1.7 The above definition includes any employee who drives or may be expected to drive a Council vehicle or their own vehicle while undertaking their Council duties.
- 1.8 An employee who is responsible for supervising employees, who perform safety critical duties, shall also be considered as occupying a safety critical position. All customer facing posts will be deemed to be safety critical due to the responsibility an employee has for a customer when on or off Council premises.

- 1.9 Employees with drinking and/or drug problems should comply with the Law and are encouraged to seek help voluntarily before their job performance is affected.
- 1.10 Confidentiality will be maintained at all times subject to the requirements of the procedures and within the framework of current legislation.

**2 Introduction**

- 2.1 The Head of Transformation is responsible for the overall administration and implementation of this Policy.
- 2.2 Inappropriate drinking and/or drug misuse can have a detrimental effect on the following at the workplace:-
  - impaired job performance
  - a deterioration in relationships with colleagues, managers and customers
  - serious breach of Health and Safety rules at the workplace
  - absenteeism and poor time keeping
  - bad behaviour, poor discipline and sudden mood changes
  - adverse effect upon Council reputation and customer relations
  - decision making

**3 Drugs**

- 3.1 Drugs misuse at work is illegal and a serious issue which requires a positive management approach when identified and suspected within the workplace. It is difficult to determine how long a particular drug will stay in a system simply because everyone is different. There are numerous variables that determine drug duration including, metabolism, hydration, body mass, and amount and frequency of use. (see chart below), for example detectable times for common drugs are listed below:-

Cannabis (see chart below) 2 days -11weeks  
 Cocaine 2 days – 30 days

**Cannabis Detection Time Chart**

1 time only	5-8 days
2-4 times per month	11-18 days
2-4 times a week	23-35 days
5-6 times per week	33-48 days
Daily Usage	49-90 days

- 3.2 Drugs can affect the brain and the body in a number of ways. They can alter the way a person thinks, perceives and feels, and this can lead to either impaired judgement, concentration and a delayed response when driving. Drug misuse can also bring about the neglect of general health and well-being. This may adversely influence performance at work, even when the misuse takes place outside the workplace.
- 3.3 Signs of drug misuse which you might look for include:
- sudden mood changes
  - unusual irritability or aggression
  - a tendency to become confused
  - abnormal fluctuations in concentration and energy
  - impaired job performance
  - poor time-keeping
  - deterioration in appearance and cleanliness
  - increased short-term sickness absence
  - a deterioration in relationships with colleagues, customers or management
  - dishonesty and theft (arising from the need to maintain an expensive habit)
- 3.4 All the signs shown above are not exhaustive and may be caused by other factors, such as stress and therefore should be regarded only as indications that an employee may be misusing drugs.
- 3.5 Both Councils have a general duty under the Health and Safety at Work Act 1974 (HSW Act) to ensure, as far as is reasonably practicable, the health, safety and welfare at work of its employees. If the Council knowingly allows an employee under the influence of drug misuse to continue working and his or her behaviour places the employee or others at risk, the employing Council could be prosecuted. Employees are responsible to take reasonable care of themselves and others who could be affected by what they do at work.
- 3.6 The Road Traffic Act 1988 states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence following testing at the roadside. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.
- 3.7 The Misuse of Drugs Act 1971 makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor). The penalties for offences involving controlled drugs depend on the classification of the drug.
- 3.8 The employee has a legal duty to inform the DVLA about any drug use, drug dependency or medical condition they may have that could potentially affect safe driving. If the DVLA decides to revoke an employee's licence this will mean the employee, if occupying a role where the requirement is to drive on Council business, may not be able to carry out their role fully. If this occurs the Council will look to

manage this employee through its (dependent upon circumstances) Capability, Sickness or Disciplinary Policy in a fair and consistent manner.

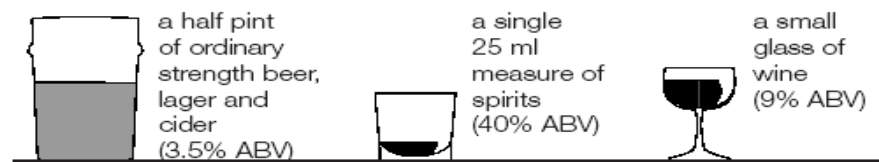
## 4 Alcohol

4.1 Many people drink alcohol on occasions and enjoy doing so. However, alcohol, if misused can also inflict a great deal of damage, and its association at the workplace. Drinking moderate amounts of alcohol doesn't often cause any serious problems. However, drinking too much can be harmful. You may not realise if the amount you drink is more than the recommended daily limit, so it's important that you keep an eye on how much you're drinking.

4.2 The guides below show how long certain measures stay in your blood stream.

### Box 1 What happens when you drink alcohol

- Alcohol is absorbed into your bloodstream within a few minutes of being drunk and carried to all parts of your body including the brain.
- The concentration of alcohol in the body, known as the 'blood alcohol concentration', depends on many factors, but principally, how much you have drunk, how long you have been drinking, whether you have eaten, and your size and weight. It is difficult to know exactly how much alcohol is in your bloodstream or what effect it may have.
- It takes a healthy liver about 1 hour to break down and remove 1 unit of alcohol. A unit is equivalent to 8 gm or 10 ml (1 cl) of pure alcohol. The following all contain one unit of alcohol:



- If someone drinks 2 pints of ordinary strength beer at lunchtime or half a bottle of wine (ie 4 units), they will still have alcohol in their bloodstream 3 hours later. Similarly, if someone drinks heavily in the evening they may still be over the legal drink drive limit the following morning.
- Black coffee, cold showers and fresh air won't sober someone up. Only time can remove alcohol from the bloodstream.

### Box 2 Daily benchmarks

The following benchmarks are a guide to how much adult men and women can drink in a day without putting their health at risk. They apply whether you drink every day, once or twice a week, or occasionally. The benchmarks are not targets to drink up to. There are times and circumstances when it makes sense not to drink at all.

#### Men

- If you drink between 3 and 4 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 4 or more units a day, there is an increasing risk to your health.

#### Women

- If you drink between 2 and 3 units a day or less, there are no significant risks to your health BUT...
- If you consistently drink 3 or more units a day, there is an increasing risk to your health.

*Note:* the benchmarks don't apply to young people who have not reached physical maturity.

- 4.3 If an employee appears to be under the influence of alcohol and enters the workplace, testing will be arranged immediately if the employee occupies a safety critical role. Following a breath test and if the results are positive, the employee will be sent home and the Council will look to manage this employee through its (dependent upon circumstances) Capability, Sickness or Disciplinary Policy in a fair and consistent manner.
- 4.4 If an employee whom occupies a non-safety critical role appears to be under the influence of alcohol and enters the workplace, the employee will be sent home and the Council will look to manage this employee through its (dependent upon circumstances) Capability, Sickness or Disciplinary Policy in a fair and consistent manner.
- 4.4 Employees are responsible to ensure that they pose no risk and do not drive being over the legal limit.

## **5 Role of Management**

- 5.1 For the purposes of this policy, management is defined as Directors, Heads of Service and Line Managers.
- 5.2 It is the responsibility of all managers (outlined 5.1) to communicate the Drugs and Alcohol Policy and to ensure that all employees for whom they are responsible have knowledge and understanding of the policy.
- 5.3 Managers should not wait until complaints, job performance or unsafe working practices are brought to their attention if they are aware of an employee's behaviour, which is, or may be, related to the misuse of drugs or alcohol.
- 5.4 The signs outlined previously (see 3.3) maybe caused by other factors, such as stress and should be regarded only as indications that an employee may be showing signs of alcohol dependency or drug misuse.
- 5.5 Managers should seek advice from Human Resources immediately if they suspect any employee to be under the influence of drugs or alcohol.

## **6 Role of Employees**

- 6.1 Employees have a role to play in helping to create a climate at work, which is conducive to good working practice.
- 6.2 Employees are not allowed to consume alcohol during working hours including when on standby and on call duties.
- 6.3 No employee may use/deal/possess illegal drugs during work times. Any breach will immediately be reported to the police and the Disciplinary Policy will be invoked.



- 6.4 Employees on prescribed medication which might affect a safety critical role must advise the Occupational Health Adviser to ascertain whether it is safe to work / drive within a safety critical role.
- 6.5 By virtue of the Health and Safety at Work etc. Act 1974, the Management of Health and Safety at Work Regulations, and in accordance with the Councils' Safety Policy, employees have a statutory duty to report to their employer any work situation which is reasonably considered to represent serious and imminent danger to Health and Safety.
- 6.6 Employees who have reasonable cause to suspect that a colleague is under the influence of alcohol or drugs (whether or not there is a perceived risk to their own health and safety and that of others exposed to their activities), must report this to their line manager as quickly as possible.
- 6.7 The Council will ensure that anyone who acts in good faith to disclose a concern or wrong doing will be protected under the terms of the Council's Whistle Blowing Policy.

## **7 General Procedures**

- 7.1 Where an employee is found to be displaying the signs of drug or alcohol misuse (see section 3.3 above), the subject should be broached immediately with the employee by their line manager or supervisor. The conversation should be private and confidential and the employee should be treated sympathetically. Advice should always be sought from Human Resources.
- 7.2 Any employee who has a dependency problem will be referred to the Councils' Occupational Health Adviser and the employee's own General Practitioner. In order to assist an employee with a dependency problem, they will be expected to co-operate by agreeing to permit the Councils' Occupational Health Adviser to have access to their GP, and appropriate medical records.
- 7.3 Testing will only be carried out if, following reasonable suspicion received, the employee is in a safety critical role (see 1.6). Following a positive result, the Council will look to temporarily redeploy into a non-safety critical role (if appropriate) or suspend pending the outcome of a full disciplinary investigation. The Councils' Disciplinary Policy will be invoked regardless of the fact that an employee is following a recovery programme unless the employee came forward originally before reasonable suspicion.
- 7.4 A positive test result for drugs or/and alcohol is a serious breach of Health and Safety rules and falls under gross misconduct. This could mean dismissal from the Council if proven.
- 7.5 If the employee is not in a safety critical role then following Occupational Health Advice, the individual will be managed, dependent upon the circumstances, through

the Councils' Capability, Sickness or Disciplinary Policy in a fair and consistent manner.

- 7.6 Where an employee is taking prescribed drugs which may have an impact on their ability to undertake their regular duties safely, they should ask their General Practitioner or Pharmacist if the medication may affect them at work. If the member of staff is concerned then further advice can be sought from the Council's Occupational Health Advisor.

## 8 Testing

- 8.1 This policy applies to testing of breath and/or bodily fluids for the purposes of determining whether an employee has alcohol and/or drugs in their body whilst at work.

- 8.2 This procedure is intended to ensure the safety of the individual employee, their work colleagues and members of the public.

- 8.3 Testing will be carried out where a manager / supervisor has **reasonable suspicion** that an employee, who is employed in a **safety critical role**, is or may be under the influence of alcohol or drugs.

- 8.4 Testing will be carried out to ascertain the levels of drugs and/or alcohol levels in the blood in circumstances which are set out below. The circumstances in which the Council can request an employee to agree to testing falls into any of the following:

- 8.4.1 **Reasonable Cause of Suspicion:** In cases where there is reasonable cause of suspicion of alcohol/drug misuse, the Council reserves the right to ask and obtain the consent of an employee to arrange for testing. In these circumstances, any judgment must be based on evidence such as, but not limited to:

- Abnormal speech
- Smell of alcohol on the breath
- Behaviour that may be due to the effects of alcohol/drugs
- Allegation made by another person which there is no cause to disbelieve
- Allegations made by another person under the Whistle Blowing Policy
- Reasonable grounds to suspect that the employee's act or omissions contributed to any accident or incident whilst at work. This requirement can take place either prior to commencing or during work.
- Any signs as outlined in point 3.3
- Following a Police caution or charge and resulting points being added to a licence or disqualification

- 8.4.2 **Accident / Incident:** Following an accident or incident, testing may be carried out if there is evidence to suggest those involved might have consumed/abused/used alcohol and/or drugs in contravention of this policy.

“Involved” in an accident or incident may require testing not only those who are injured, but also any employees who potentially contributed to the accident or incident event in any way.

- 8.4.3 **Random testing:** If the Council has cause for concern of drugs misuse within certain safety critical roles, random testing will be initiated. Agreement will be sought first by the Councils’ Joint Management Team and in consultation with Unison.
- 8.4.4 **Rehabilitation:** As part of the rehabilitation and aftercare process with Human Resources, employees may be required to undergo random periodic screening/testing.
- 8.5 Subject to meeting any of the above conditions the employee should immediately be withdrawn from work and a breath or urine test requested to determine specific levels. The testing will be carried out by a UK accredited collection agency. The testing procedure and results undergo a strict chain of custody procedure. The employee will be stood down from his safety critical role during this period, until the result of the test has been confirmed. Suspension maybe considered dependent upon the situation/incident and in discussion with the Head of Transformation.
- 8.6 During testing procedures, the employee may wish to have a trade union representative or a work colleague present, however consideration must be given to the practicalities and timing if required and the process will not be delayed or halted. Due to the sensitive nature of the testing process, the Council will endeavour to ensure that strict confidentiality is observed by all involved in this process. A Human Resources Representative will arrange the test and be present during any testing to ensure the tests are carried out in a confidential, sensitive and fair manner. All test results will be kept confidential and in accordance with the Data Protection Act 1998.
- 8.7 If an employee passes the drug and / or alcohol tests undertaken then further investigation and discussion will be required with the individual to determine the cause for their impaired performance. They will not be allowed to undertake a safety critical role until has it has been determined that they will be able to undertake the duties safely. Further advice may be required from Human Resources, the council’s Health and Safety Officer, the council’s Occupational Health Adviser and the employees GP.

## **9 Refusal to take a test**

- 9.1 If an employee refuses to take a test without good reason, then management will have no alternative but to consider this to be an indication of guilt and therefore the Disciplinary Policy will be invoked.

## **10 External Contractors and Agency Workers**

- 10.1 Whilst undertaking any work for the Council all contractors and agencies will ensure that their workers are fit to perform the task to which have been assigned, and that they are not under the influence of drugs or alcohol.
- 10.2 If any such contractor / agency worker is considered by Council management to be under such an influence and behaving in a way that puts the health and safety of themselves or others at risk, they will be removed from the site/premises and the contractor / agency informed of the situation.
- 10.3 All Contract Monitoring Officers will be responsible for providing a copy of this corporate arrangement document to all external contractors prior to work commencing.

## **11 Employee Assistance**

- 11.1 The Head of Transformation will, where possible, make available an independent counselling service for all employees on a confidential basis.
- 11.2 When an employee voluntarily comes forward and admits to a drug or alcohol problem prior to any reasonable suspicion being received and dependent upon circumstance, the current disciplinary policy may be suspended and the organisation will offer rehabilitation for a certain period. However where there is a relapse coupled with a positive test result, the Head of Transformation will make the decision as to whether to permit another period of rehabilitation or invoke the disciplinary procedure.
- 11.3 Following an initial assessment, should there be a need for specialist referral to an appropriate agency, this will be arranged through Occupational Health

## Appendix 2

<b>Policy Comments for:</b>
<b>Alcohol and Drugs Policy</b>
<ol style="list-style-type: none"><li>1. A zero ban on alcohol consumption is not sensible and it should be at manager's discretion. The CEx Christmas nibbles have wine and this would be a clear contradiction of this policy.</li><li>2. The policy doesn't seem to say what a positive test for alcohol would be. Is it above the drink drive limit or any detection of alcohol at all. If it's the latter, I consider this unreasonable e.g. a shandy, or pint, at lunch or a glass of wine at CEx xmas nibbles would contravene this policy.</li><li>3. What do Managers / HR do about people in non-safety critical roles if they appear drunk or under the influence of drugs? Can they at least ask them to go home? Guidance / instruction needs to be given in the policy.</li><li>4. What about employee leaving dos? Does this mean we cannot go out and have a glass of wine / pint? I appreciate we should not drink excessively. Is it zero tolerance for all regardless of safety critical status?</li><li>5. The definition of safety critical roles in section 1.6 undermines the specific nature of genuine safety critical roles. The last two bullet points (managing cash and public facing) seem like a catch all for everyone! Reputation critical or safety critical?</li><li>6. Policy seems to assume that any unusual behaviour is due to alcohol or drugs and goes straight in to the council's right to test if it has reasonable suspicion. Why not check the obvious first and then check if there is an underlying problem? Overly stressed or sleep deprived employees could find themselves unnecessarily subject to intrusive drug and alcohol tests.</li><li>7. Also what will happen if people are tested unnecessarily as a result of incorrect accusations and grudges?</li><li>8. Section 3.8 says that if the DVLA removes an employee's licence they will be 'unable to carry out their role fully.' Not necessarily. This would only apply to jobs where it is essential to drive.</li><li>9. Don't jump to conclusions. Unusual behaviour could be the result of prescription drugs and not alcohol or illegal drug use. .</li><li>10. Zero ban on alcohol? Surely 'within the legal limits' should be allowed for non-safety critical posts.</li><li>11. Section 2.2: Bullet point 5 is superfluous as it is covered in the other bullet points.</li></ol>

12. Section 4.3: Is 'sent home' the same as suspension? What is the position regarding pay and is there a mechanism for ending the suspension ASAP if deemed appropriate? Is there a comparable measure in say the disciplinary policy that could be used?
13. Can / should managers detain people before HR arrives / getting their input?
14. Section 6.3: Why notify the police unless they are breaking the law e.g. driving or using threatening behaviour. Other than that why would it be a police matter?
15. Section 6.4: Side effects and warnings about driving and using machinery are usually printed on the packets of prescribed drugs and / or stated by the doctor or pharmacist. Would it be better to say 'when in doubt' advise Occupational Health?
16. Random testing has advised by our Occupational Health Provider so this is why it is now in the policy as an option.

## Cherwell District Council

### Personnel Committee

11 March 2015

<b>Draft Shared Capability Policy</b>
---------------------------------------

### Report of Head of Transformation

This report is public

#### **Purpose of report**

To seek Member approval for a revised Capability Policy that can be used for Cherwell District Council and South Northamptonshire Council.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve the draft two-way shared Capability Policy.

#### **2.0 Introduction**

- 2.1 The Capability Policy provides a mechanism to manage employees who are failing to reach the required standards of performance due to a lack of ability rather than due to misconduct which would be dealt with through the Councils' Disciplinary and Dismissal Policy.
- 2.2 The policy provides employees with the opportunity to improve performance through a series of informal and formal stages, and to ensure there are appropriate and agreed targets that can be used to determine improvement in capability. Where required employees will also be provided with support through mentoring and training. Where there is not an improvement in capability that meets the expected standards required to undertake the duties of the role, then consideration will be given to redeployment and finally to dismissal.
- 2.3 The policy allows the manager to take appropriate action promptly and ensures a consistent approach is followed that will mitigate against any potential challenge should dismissal have to take place. Delaying - or worse doing nothing - may cause the performance problem to escalate. The result of this could be that the manager subsequently has to face a resource intensive problem, and loss to service provision, caused by underperformance rather than dealing with the problem while it is still in its infancy.

### 3.0 Report Details

- 3.1 The draft policy streamlines the existing CDC Capability Policy and the SNC Attendance and Performance Policy and attempts to take best practice from both, but also to ensure a robust and consistent approach is used across both Councils.
- 3.2 The formal process included in Section 7 of the draft policy, has been revised to include a more defined set of stages where warnings are issued, ultimately leading to potential dismissal, if none of the formal stages are completed successfully in improving employee performance.
- 3.3 In the event that an employee is underperforming the manager should be prepared to examine the circumstances and give support to the employee to help him or her to improve to the required standard of competence. If necessary, consideration should be given to carrying out a referral to Occupational Health in parallel to the monitoring period.
- 3.4 A lack of capability exists when, no matter how hard an employee tries, he or she is simply unable to perform the job to the standard required by the employer. It is the agreed standard that is relevant, and not the manager's personal opinion of the employee.
- 3.5 If an employee fails to come up to the required standard as a result of his or her own carelessness, negligence or idleness, this will not constitute incapability, but could be regarded as misconduct. Note: whilst an employee is in the probation period i.e. six months, any performance will be dealt with in accordance with the Probation Policy.
- 3.6 As a useful guide a flowchart has been included in the new draft policy along with an action plan template to ensure consistency and the use of SMART targets for improvement.
- 3.7 There has been a reduction in the Stage One monitoring period from twelve weeks to six weeks before the employee moves on to Stage Two. Six weeks is an adequate time period for the employee to show some improvement in conjunction with support and monitoring by the line manager. In some cases a slightly longer period of time might be needed but each case needs to be judged on its own merits.
- 3.8 The period of time that unspent formal warnings (below) will stay on an employee's personal file has also been outlined as below, so that the employee is fully aware that if there is any further underperformance within the agreed period stated then further action will be instigated.

First Stage Capability Action	One year
Second Stage Capability Action	Two years



## 4.0 Conclusion and Reasons for Recommendations

- 4.1 Incapability needs to be dealt with should it occur, and by having an appropriate policy in place this will ensure that both Councils can manage under-performance caused by incapability effectively and consistently. Managers will be able to ensure employees are performing effectively for the roles they are in and if not then action can be taken.
- 4.2 The revised draft policy will also improve the clarity and consistency of the process for employees too, particularly for those working in shared teams, where different policies are currently in place.
- 4.3 The draft policy will also ensure that there is appropriate mitigation against any claims made by employees who are dismissed as a result of incapability.

## 5.0 Consultation

CDC/SNC Joint Management Team	Support the Proposals
South Northamptonshire Trade Union	Support the Proposals
Cherwell District Council Trade Union	Support the Proposals
Cherwell District Council Staff Consultation Group	Support the Proposals

## 6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current individual policies of each Council which would not provide a clear, consistent process across the Councils.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report.

Comments checked by: Paul Sutton, Head of Finance and Procurement

[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk) 01295 221634

### Legal Implications

- 7.2 The Employment Rights Act 1996 sets out the requirements that employers must adhere to when managing performance at work, especially where it may lead to dismissal. Employers must also use a fair process and follow it to dismiss employees.

- 7.3 Employees have a right not to be unfairly dismissed and an employer must use one of the five fair reasons for dismissal. Lack of capability or qualifications is a fair reason for dismissal.
- 7.4 The ACAS Code of Practice is a document used by employment tribunals to assess the fairness of dismissals. The Code is designed to help employers, employees and their representatives deal with disciplinary and grievance situations. It also covers poor performance / capability.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107  
[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

N/A

### Links to Corporate Plan and Policy Framework

N/A

### Lead Councillor

None

### Document Information

Appendix No	Title
Appendix 1	Draft Shared Capability Policy
Appendix 2	Capability Flow Charg
Appendix 3	Capability Action Plan
Appendix 4	Capability Staff Consultation
Background Papers	
None	
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## Appendix 1

### CAPABILITY POLICY

#### 1. INTRODUCTION

- 1.1 The Councils' Capability Policy aims to positively assist those employees who do not currently possess the necessary skills or attributes to adequately perform their duties at work and/or to reach an acceptable standard of performance.
- 1.2 The Capability Policy provides a framework for dealing with cases where employees fail to achieve the performance standards expected of them due to lack of ability and where there is no evidence of deliberate misconduct by the employee.
- 1.3 It provides employees with the opportunity to improve through a series of informal and formal stages. Failure to improve in a required timeframe could result in dismissal.

#### 2. EXCLUSIONS

- 2.1 This policy applies to all employees of Cherwell District and South Northamptonshire Councils.
- 2.2 Exclusions of this policy are those whom are covered by a separate policy and include:
  - Chief Executive of Cherwell and South Northamptonshire Council
  - Monitoring Officers
  - Section 151 Officers
- 2.3 The Capability Policy does not apply in the following circumstances:
  - Cases of gross negligence will be dealt with in accordance with the Disciplinary Policy.
  - Staff within their probation period will be subject to the Probationary Policy.
  - Cases of ill health should be dealt with in accordance with the Absence Management Policy.
  - Cases where the lack of capability may be due to disability or pregnancy, in which case advice should be sought from Human Resources.
- 2.4 Consideration should be made by managers as to whether an employee's performance might be health and/or disability related and whether reasonable adjustments should be made in accordance to the Equality Act.

#### 3. PRINCIPLES

- 3.1 All employees have a contractual duty to be competent and to perform their role in an acceptable way. Where this is not happening, employers are entitled to intervene with a view to:
  - improve the performance of the employee informally first.

- invoke the formal process if no satisfactory improvement is made or where the matter is deemed very serious.
- 3.2 If an employee fails to reach the required performance standards as a result of carelessness, negligence or idleness this will not constitute a capability issue but will be managed through the Councils' Disciplinary and Dismissal Policy.
- 3.3 The timescales adopted for the various stages of this policy will vary in accordance with the seriousness of the problem, and the nature of the work carried out by the post holder.
- 3.4 If following formal capability action the employee's performance improves to a satisfactory standard they will no longer be monitored in accordance with the Capability Policy. However, if further unsatisfactory performance occurs whilst the warning is still live this Policy will be re-invoked at the next stage.
- 3.5 Employees will have the right to be accompanied at all formal meetings by a union representative or colleague.
- 3.6 Employees will be made aware of their right of appeal against any formal action taken in this procedure.

## **4. RESPONSIBILITIES**

### **4.1 Managers are responsible for:**

- ensuring that performance issues are addressed promptly, fairly and consistently.
- explaining clearly the shortfall between the employee's performance and the required standards.
- providing regular feedback on work performance.
- establishing the cause of the poor performance and any action which can be taken to help improve the situation.
- making reasonable adjustments in cases where the employee is not performing their duties satisfactorily due to health reasons.
- identifying any support services which might be required (e.g. the identification of a mentor, training or coaching, referral to Occupational Health or Counselling).
- ensuring that reasonable time limits and clear and measurable targets are agreed with employees to achieve the required standard of performance. During these time periods, performance must be closely monitored and recorded and employees advised of any shortcomings and the degree to which performance must be improved. This may include reviewing the amount of supervision needed.
- maintaining clear records of difficulties encountered, assistance given and any actions taken.

- setting a date for a review meeting.

#### **4.2 Employees are responsible for:**

- ensuring that they are aware of their responsibilities in their role.
- performing their duties to the required standard.
- engaging in any training and development that will enable them to reach the required standard.
- responding to corrective measures that are identified.
- familiarising themselves with the Councils' policies and procedures.
- informing their manager of any issues which could be affecting their work.

### **5. DAY TO DAY MANAGEMENT**

- 5.1 Employees have a contractual responsibility to perform to a satisfactory level and should be given every help and encouragement to do so as part of day to day management. Supervision should include opportunities for the manager to provide training, support and feedback to the employee about their performance against the job role and targets.
- 5.2 Where under performance is identified the manager should seek to provide appropriate training and support to assist the employee to rectify this.

### **6. INFORMAL ACTION**

- 6.1 Wherever possible, managers should seek to address any individual or minor performance problems as they occur on an informal basis. Only in serious cases should the informal action stage be omitted.
- 6.2 The manager should record their own notes of informal meetings held with the employee to ensure that there is evidence of discussions taken place and actions agreed as a result of the meeting.
- 6.3 Where performance continues to be unsatisfactory after day to day management, then the manager should seek to agree an informal action plan of performance improvements. This may be incorporated in the employee's appraisal or can be in a separate document. If following a review of the action plan the manager feels that the employee's performance is still below standard it will be appropriate to proceed with the formal stages of this policy. The manager should seek advice from Human Resources.

## **FORMAL PROCESS**

### **7. STAGE ONE**

#### **7.1 First stage formal capability meeting**

- 7.1.1 If following informal assistance the employee's performance hasn't satisfactorily improved, or where the matter is serious, they will be asked to attend a first stage formal meeting, where a HR representative will also be present. The employee will be offered the right to be accompanied and should be given five working days' notice of the meeting and its purpose in writing. The letter must include full details of the areas of under-performance identified by the line manager so that the employee can prepare for the meeting.
- 7.1.2 During the meeting the performance against any previous informal action plan will be discussed. Any additional capability issues must also be fully discussed and considered. The manager and employee should agree an action plan based on SMART objectives (Specific, Measurable, Achievable, Realistic, Time bound).
- 7.1.3 The line manager should also explore whether there are any reasons for the poor performance. If necessary, consideration should be given to carrying out a referral to Occupational Health in parallel to the monitoring period. Only in exceptional circumstances will the process be halted pending the results of an Occupational Health referral.
- 7.1.4 Following the meeting, the line manager must write to the employee within five working days, notifying them of the outcome. The employee must also be given a date for a (six week) review meeting so that they are aware how and when their performance will be reviewed.
- 7.1.5 The line manager will monitor and assess the employee's performance for an appropriate period of time normally six weeks (or long enough to overcome any barriers previously identified). The line manager will arrange regular feedback / 1-2-1 sessions, in private, and not wait until the end of the review period.

#### **7.2 First stage formal capability review meeting**

- 7.2.1 At the end of the first stage monitoring period, the manager and a HR representative will meet with the employee to review progress. The manager will give a clear indication of the outcomes of the monitoring process, and identify any progress made and any further improvements needed. The employee should be allowed to respond to the outcomes of the monitoring process and have the opportunity to ask questions.
- 7.2.2 The manager must decide based on the discussions and progress what action is appropriate. Available options include:
- No further formal monitoring under the Capability Policy as the employee's performance has improved sufficiently. In this situation a record of the first stage capability action will be held on the employee file for a period of one year and if performance becomes unacceptable during this time then the second stage of the policy will be invoked.

- Progression to the second stage of the Capability Policy if no significant improvement is evident.

7.2.3 The line manager must write to the employee informing them of the decision. If the second stage of the policy is to be invoked the letter should provide details of the further improvements in performance required and also set a date for the second stage review meeting. The letter should also warn the employee that if the required improvement in their performance is not achieved then following a stage two review they may progress to a formal hearing where one outcome could be dismissal.

7.2.4 The employee has the right of appeal against this decision; however, the second stage will commence immediately, and will only be halted in circumstances where an appeal is received.

## **8.0 STAGE TWO**

### **8.1 Second stage capability review meeting**

8.1.1 At the end of the second stage monitoring period, no longer than six weeks, the service manager and a HR representative will meet with the employee to review progress. The meeting should be held as with the first stage review meeting. The service manager (line manager's manager) not involved in the first stage should chair the meeting.

8.1.2 The service manager must decide based on the discussions and progress what actions are appropriate. Available options are:

- no further formal monitoring under the Capability Policy but a record of the Second Stage Capability Action will be held on the employee file for a two year period and if performance becomes unacceptable during this time then the Third Stage will be invoked.
- to extend the monitoring period, only in exceptional cases, where good improvement is evident, but the employee has just fallen short of the required performance standards.
- progress to the Third Stage of the Capability Policy if no significant improvement is evident.

## **9.0 STAGE THREE**

### **9.1 Formal Hearing**

9.1.1 Where an employee has failed to reach the required standards of performance or conduct required for their position after previous stages of the Capability Policy, they should be invited to a formal hearing in order to reach a decision about their employment status.

9.1.2 The employee should be invited in writing to attend the meeting, allowing five working days' notice. The letter should state the reasons why they have fallen short of the required standards and should advise them that a possible outcome of the meeting could be dismissal. Any documents which will be considered during the hearing must be provided to

the designated hearing officer and the employee at least five working days prior to the hearing.

9.1.3 The employee will have a right to be accompanied at the meeting by a work colleague or trade union representative.

9.1.4 The hearing will be chaired by an independent designated Head of Service who will be assisted by an independent HR representative. Neither should have been involved in previous stages of the process.

## **10.0 HEARING ORDER OF PROCEEDINGS**

### Opening

The designated officer should begin by explaining how the hearing will be carried out.

### The complaint

At the hearing the line manager will explain the capability issues and the outcomes of the monitoring process.

### Right to reply

The employee will be allowed to explain their continued failure to achieve and maintain the required level of performance. The employee should also be given a reasonable opportunity to ask questions and seek clarification.

### Summing up

After questioning is completed the designated officer will summarise the main points of the discussion and will ask the employee to sum up and add anything further they wish to say.

### Adjournment

The designated officer will then adjourn the hearing before a decision is taken about whether a sanction is appropriate. This allows time for reflection and proper consideration.

### More matters come to light

If new matters come to light in the course of a hearing, not being matters which could have been previously raised by the employee, the hearing shall be adjourned if requested by either the management or the employee side to investigate the new facts and the hearing will be reconvened when this has been done.

### Penalty/sanction

If it is decided that, on the balance of probability, the employee's performance is unlikely to reach an acceptable standard, the appropriate penalty will be considered. At the end of the hearing the designated officer should inform the employee of the outcome of the meeting. The outcome of the meeting should then be confirmed in writing to the employee.

The outcome could include:

- dismissal with pay in lieu of notice.
- demotion or redeployment to another post (note, it is not possible to create new posts for this purpose nor allow pay protection).



## **11.0 TIME LIMITS ON WARNINGS**

11.1 Copies of formal capability action will be held on an employee's personal file and will be marked as 'spent' after the following periods:

- First Stage Capability Action                      One year
- Second Stage Capability Action                      Two years

## **12.0 APPEALS**

### **12.1 Appeals against the first and second stages**

12.1.1 Employees will be advised in writing about their right to appeal against the outcome of the first or second stage of the process. The letter will detail who the appeal should be addressed to. The employee's notice of appeal shall include a statement in writing of the grounds on which they wish to challenge the decision and must be made within five working days of receipt of the outcome.

12.1.2 Appeals against warnings shall be considered by an independent Head of Service.

12.1.3 Appeal hearings for warnings will normally take place within fifteen working days of receipt of the employee's written notice of appeal.

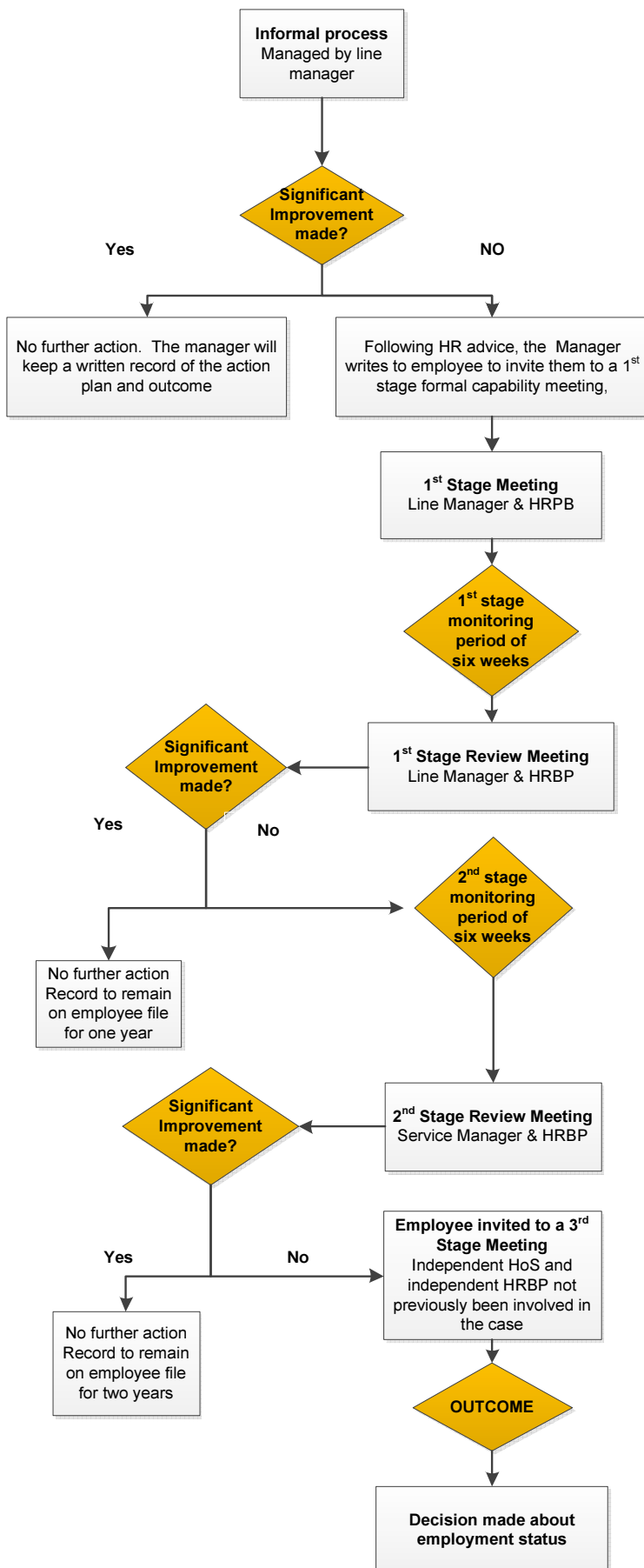
12.1.4 If the outcome of the Second Stage is that the manager recommends a formal hearing takes place the situation will be independently reviewed during the hearing process and therefore employees will not be able to appeal in respect of this outcome. However, the employee will be able to appeal against any decision or sanction made at the hearing.

### **12.2 Appeals against the third stage formal hearing**

12.2.1 Appeals against dismissal shall be considered by elected members (in accordance with the Councils' Disciplinary Policy).

12.2.2 Appeals against any other outcome of the third stage will be heard in accordance with the procedures for Stages One and Two.

## Appendix 2 Capability process flow chart



### REMINDERS FOR EACH STAGE

#### The letter to include:

- Right to be accompanied
- Five working days' notice prior to the meeting taking place
- Full details of the areas of under performance

#### The Meeting:

- Under performance discussed
- Action plan agreed using SMART targets
- Line Manager should write to employee within five working days confirming the outcome and the monitoring period(6 weeks)

#### Monitoring Periods:

- 6 week monitoring period
- Employee should be supported and monitored throughout the monitoring periods

#### Appeals

- If the employee appeals proceeding to next stage of the process then the review period is halted until the appeal outcome is known

#### Stage Two Review Meeting Outcomes:

- No further monitoring but record held on employee file for two years
- Progress to 3<sup>rd</sup> Stage, the employee needs to be warned that the outcome could mean dismissal

- The employee will be giving 5 working days' notice when proceeding to the 3<sup>rd</sup> Stage Meeting

#### STAGE THREE OUTCOME OPTIONS:

- Dismissal with pay in lieu of notice.
- Demotion or redeployment (note, it is not possible to create new posts for this purpose).

**Appendix 3 Action Plan**

<b>Development area</b>	<b>Specific requirement</b>	<b>Measure of success</b>	<b>Timeframe</b>	<b>Progress/comments</b>

**Employee signature:**

**Date:**

**Manager signature:**

**Date:**

## Appendix 4

### Capability Policy- Staff Consultation

1. 7.2.1 Need to add in the employee's right to be accompanied. Also in 8.1.1 and in Appendix A.
2. Section 2.3: Why only 'gross' negligence? See section 1.2 'deliberate misconduct.' Need consistency in terminology. See also 3.2.
3. Section 3.5: Need to add in a section about help to over-come barriers in equal opportunities terms.
4. Section 4.1 refers to 'difficulties encountered.' Is that difficulties in relation to the employee, the hearing or procedure?
5. What is the rationale for changing the 'live' period of the warning to 2 years? What is it on the current SNC policy?
6. Section 8.11 specifies a review period of 'no longer than 6 weeks.' However 3.3 says the timescales adopted for the various stages of this policy will vary in accordance with the seriousness of the problem and the nature of the work carried out by the post holder.
7. Section 9.1.2: Who is the designated hearing officer?' Has this been defined / made clear so far in the policy? Ensure consistency with other policies where there may be a formal hearing.
8. Section 9.1.14: Suggest the following wording taken from the SNC policy ' No-one chairing an appeal hearing should have been directly involved in the case previously. Ideally no-one advising the person who is chairing the appeal should have been directly involved in the case either. However, it is accepted that if a member of the HR team is acting as an adviser, it is possible that he/she may have had some earlier involvement in the case.'
9. Section 10: Order of proceedings. Dislike the wording 'explain their continual failure.' It feels loaded. Suggest 'Employee is invited to respond to the management presentation and ask questions etc.
10. Section 12.2.2: Wording not clear 'appeals against any other outcome of the third stage will be heard in accordance with the procedures for Stages one and two.' Re-word this sentence.

## Cherwell District Council

### Personnel Committee

11 March 2015

#### Draft Sickness Absence Policy & Procedure

#### Report of Head of Transformation

This report is public

#### Purpose of report

To seek member approval to implement a shared and revised Sickness Absence Policy for Cherwell District Council and South Northamptonshire Council.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the draft Sickness Absence Policy and Procedure.

#### 2.0 Introduction

- 2.1 Whilst recognising that employees may be prevented from attending work due to ill health, the Councils have a duty to maintain service delivery and minimise disruption. The purpose of the policy is to support all employees to achieve and maintain an optimum level of attendance at work and to ensure that attendance is managed effectively and consistently.
- 2.2 It is important to ensure that the sickness policy enables managers to manage sickness absence effectively and consistently, with early intervention through the use of Occupational Health as and when needed. The policy needs to support employees with genuine reasons for sickness absence both quickly and sympathetically, however where a policy is abused this will be dealt with through disciplinary routes.

#### 3.0 Report Details

- 3.1 The revised policy aims to bring together areas of good practice from both Councils, but to ensure best practice and consistency in application with the main aim of ensuring sickness levels are kept to a minimum but managed effectively.

The revised policy is attached at Appendix 1. In summary the main changes are:-

- 3.1.1 Useful guidance has been incorporated in Section 14 to help managers investigate unacceptable absence levels.

3.1.2 One of the current triggers for further action has been reduced from 11 to 8 days absence per employee per annum. This is to bring the performance indicators at CDC and SNC in line with the trigger point. Note: at present neither Council has higher end of year figures than the 8 days per employee per year target, but the aim is to keep this figure as low as is as practicably possible. (see 3.2 below)

3.1.3 Section 5.4 asks the employee to provide more detailed information to their manager when they report sickness absence.

3.1.4 Section 7 is new and this covers activities considered to be inconsistent with genuine sickness or injury which would contravene the policy.

3.1.5 Section 11 has been added regarding managing stress related illness.

3.2 Current sickness absence levels at both CDC and SNC are presently lower than the proposed trigger point of 8 days and it is predicted they will remain lower at the end of the financial year 14/15. Quarter three figures for 2014/2015 report 4.56 days lost per person for CDC and 5 days per person for SNC. The CIPD annual survey published in October 2014 states that the average level of absence in the public sector is 8.2 days per employee.

3.3 The main aim for the new policy will be maintaining the current low levels of sickness absence, but encouraging managers to deal with sickness much earlier by referrals to HR and Occupational Health. The policy will ensure that employees who are hitting triggers are dealt with using formal procedures, which will also mitigate against any potential complaint. The policy also reflects the new Occupational Health provider contract processes which is in place for both Councils (this started in July 2014) and will ensure early intervention can be fully utilised.

## **4.0 Conclusion and Reasons for Recommendations**

4.1 Both Councils can ensure that there is a clear, consistent and robust sickness management process to enable line managers to feel confident in managing staff sickness absence and to challenge unacceptable levels of sickness absence.

## **5.0 Consultation**

CDC/SNC Joint Management Team	Support the Proposals
South Northamptonshire Trade Union	Support the Proposals
Cherwell District Council Trade Union	Support the Proposals
Cherwell District Council Staff Consultation Group	Support the Proposals

Feedback from the consultees has been taken into consideration and is included in Appendix 2.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current individual policies of each Council which would not provide a clear, consistent process across the Councils.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no direct financial implications arising from this report; however increases in sickness absence create an indirect financial cost in covering employees who are on long terms sickness absence, plus the loss of productivity of employees being required to provide cover.

Comments checked by:

Paul Sutton, Head of Finance and Procurement

0300 0030106, paul.sutton@cherwellandsouthnorthants.gov.uk

### **Legal Implications**

- 7.2 The Employment Rights Act requires employers to adopt fair procedures before dismissing employees on the grounds of sickness absence.

The Equality Act 2010 requires employers to consider making reasonable adjustments at work for disabled employees to ensure that they are treated no less favourably than other employees,

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107

kevin.lane@cherwellandsouthnorthants.gov.uk

## **8.0 Decision Information**

### **Wards Affected**

N/A

### **Links to Corporate Plan and Policy Framework**

N/A

### **Lead Councillor**

N/A

## Document Information

Appendix No	Title
Appendix 1	Draft Shared Sickness Absence Policy
Appendix 2	Consultation Feedback
Background Papers	
None	
Report Author	Lana Holman Interim HR Business Partner
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## Appendix 1

### DRAFT SICKNESS ABSENCE POLICY AND PROCEDURE (CDC AND SNC)

1 April 2015 onwards

#### 1 INTRODUCTION

- 1.1 The Councils value the contribution of its employees in delivering quality services to its customers. Whilst recognising that employees may be prevented from attending work due to ill health the Councils also have a duty to maintain service delivery and minimise disruption. The overriding objective of the Sickness Absence Policy and Procedure is to manage sickness absence levels whilst maintaining a positive, fair and consistent approach to staff.
- 1.2 The Councils recognise and accept their responsibility to employees to ensure the working environment is safe and that the conditions of employment are conducive to good health and wellbeing. A satisfactory level of employee attendance at work is crucial and non-satisfactory levels reduce our available resources and can have a negative impact on how we deliver our services. It also places colleagues under undue pressure.
- 1.3 The purpose of this policy is to support all employees to achieve and maintain an optimum level of attendance at work, to ensure that attendance is managed effectively and that the sickness scheme is not abused, whilst ensuring that employees with a genuine illness are treated sensitively.
- 1.4 When an employee is absent due to sickness they must satisfy the requirements of the Councils absence procedure in order that their respective entitlements to statutory and occupational sickness pay are made.

#### 2 POLICY STATEMENT

- 2.1 It is the policy of the Councils:
  - to objectively assess any periods of absence and decide on appropriate action;
  - to review reasons for sickness absence in order to help prevent the absence recurring, address any welfare problems, and ensure appropriate medical assistance is being provided;
  - to identify work-related ill health and address the cause;
  - to promote occupational health and welfare to ensure the workforce is effective and efficient;
  - to achieve an average corporate absence rate in line with the national upper quartile BVPI position.
- 2.2 The policy and procedures will be implemented in a non-discriminatory manner taking into account individual circumstances and respecting confidentiality.

#### 3 DEFINITIONS

- **Absence** - not attending for work when contractually required to do so.

- **Authorised Absence** - absence authorised by line management prior to or after its occurrence and can be paid or unpaid.
- **Unauthorised Absence** - absence not authorised by line management prior to or after its occurrence and is **always unpaid**.
- **Self-certificated Sickness** – employees are required to complete a Self – Certification Form for the first seven days' of any sickness absence. This form is sent to HR via the employee's line manager. (Saturdays and Sundays are included if both the Friday and Monday are recorded as sickness absence).
- **Medically Certificated Sickness** - sickness absence of more than 7 consecutive days and must be supported by a doctor's medical certificate.
- **Frequent Short-Term Absence** - absences that are normally sporadic and attributable to minor ailments. Often the employee will only be absent for a maximum of a week, but more often for single days.
- **Long Term Absence** - *where an employee has been, or is expected to be, continuously absent for four weeks or more.*

#### 4 CONFIDENTIALTY

- 4.1 Medical information is confidential. This does not mean that employees have the right to withhold information about their medical condition. However it does mean that the Councils recognise that some employees may be reluctant to divulge sensitive or personal information and therefore the absence procedures allow employees some discretion over who, within management, they may speak to about ill health problems. Whoever receives such information must respect confidentiality.
- 4.2 Any breach of confidentiality will be regarded as serious and could lead to disciplinary action.

#### 5. NOTIFICATION OF ABSENCE - *Day one*

- 5.1 Employees must contact their line manager on the first day of absence ideally by the time they would normally start work, and in any case within one hour of their normal start time, giving the nature of their illness or symptoms, its likely duration and what arrangements are being made, if any, to seek medical advice. This is to ensure that the work can be covered and there is a minimum of disruption to service delivery.
- 5.2 Personal contact should be made by the employee by telephone. If an employee is unable to reasonably access a telephone they should make arrangements for an appropriate person to notify their Manager personally on their behalf. Sending a text message via a mobile phone or an e-mail is not an acceptable method of notifying a period of absence. An exception to this rule is in circumstances when an employee is due to start an early shift and it would be unreasonable to contact the manager other than by text. However in this circumstance the employee must follow up any message with personal contact no later than 9.00am.
- 5.3 In the event of not being able to contact their line manager, employees must leave a message, including the information in 5.1, with another colleague in their team. The member of staff receiving this information will ensure that the line manager, or another appropriate manager, is informed of the absence verbally as soon as possible

- 5.4 The line manager should obtain and record the following information from the employee when they notify them of their absence:
- Date and time of call
  - Reason for absence/nature of illness
  - Likely duration of absence
  - If the employee does not call in themselves the name and relationship of the individual reporting the absence.
- 5.5 The line manager and employee may agree arrangements to contact each other during the period of absence in addition to those required in this policy, in the interests of both the welfare of the member of staff and the maintenance of service delivery levels.
- 5.6 Except where a doctor's certificate (Fit Note) covering the period has already been supplied to the Council, through the employee's line manager, employees should contact their Line Manager on each subsequent working day of absence unless otherwise instructed by their Line Manager, until their return to work.

***More than seven days' absence***

- 5.7 After seven calendar days' continuous absence the employee must inform their line manager of progress and obtain a doctor's medical certificate (Fit Note). This form must be sent by the employee to HR via the line manager as soon as possible.

***Continuing absence***

- 5.8 A doctor's medical certificate is required for all subsequent absence both to authorise that absence and to ensure payment of appropriate sickness pay.
- 5.9 An employee can provide a medical certificate that has been issued by a hospital instead of a doctor's certificate if there has been a period of hospitalisation.
- 5.10 For absences of fourteen days or more the employee may be required to see the Council's Occupational Health Advisor to confirm that they are fit to return to work.

**6. NON-COMPLIANCE WITH THIS PROCEDURE**

- 6.1 Sick pay may be withheld for any periods of sickness absence not covered by a self-certificate or a medical certificate. Continuation of medically certificated absence must be provided no later than 7 days after the expiry of the previous medical certificate. If this is not provided without good reason pay may be suspended until a certificate is produced to cover the period of absence.
- 6.2 Where periods of absence are not correctly reported in line with this procedure, this may be treated as unauthorised absence and the appropriate pay deducted. Formal procedures will be invoked where repeated non-compliance with this procedure occurs.

**7. CONDUCT DURING ABSENCE**

7.1 The purpose of paid and unpaid sickness absence is to facilitate an employee's recovery from an illness or injury. Therefore activities which would normally be considered inconsistent with genuine sickness or injury, or contravene this policy include:-

- Participation in any sport, hobby, social or other activity which could aggravate the illness or injury, or which could delay recovery.
- Undertaking any other employment during sickness absence whether paid or unpaid, which is in any way inconsistent with the nature of the illness or injury.
- Taking sickness where annual leave has not been granted (in the event of this happening, a doctors' note will be requested as part of the investigation).
- Altering or causing to have altered any of the details on the statement of fitness to work.
- Providing inaccurate or misleading information about the absence.

Formal disciplinary measures may be taken against any individual who is believed to have contravened the policy and if employees are found to be using the scheme for purposes other than recovery from illness or injury.

During any period of sickness absence an employee should be willing to participate in regular contact with their Line Manager. This could also include HR and Occupational Health as and when this is deemed appropriate.

## **8. CONTACT DURING LONG TERM ABSENCE**

The line manager or other designated officer should take positive steps to keep in touch so that the employee knows that the employer is interested in their health in instances of long-term absence. Line managers should write to the employee indicating a desire to maintain contact and asking the employee whether they would prefer telephone contact, occasional visits at home (perhaps by a colleague), email communication or a combination of these. The letter will make it clear that the line manager's interest and concern is about the employee's welfare and progress and offer any support that is reasonable and practicable. The line manager will not put pressure on the employee, and the employee's wishes as regards contact arrangements. HR should be kept informed of progress, and can offer advice and support as and when required.

## **9. OCCUPATIONAL HEALTH**

During the course of your employment, the Council may request that you undergo medical examinations or health interviews by our Occupational Health Advisors. They are able to provide an invaluable service for instance, in assisting employees to return to work after prolonged periods of absence and can advise us on how best to manage and support you. In such circumstances, to ensure that our occupational services can provide us with the advice we need you will be asked to agree to the medical advisor disclosing the results of the examination to the organisation in accordance with the Access to Medical Reports Act 1988 and shall provide the organisation with such formal consents as may be necessary for this purpose. The Council reserves the right to test for alcohol and drug intoxication as detailed in the Alcohol and Drugs policy.

## **10. ANNUAL LEAVE AND SICKNESS ABSENCE**

10.1 Where an employee falls sick or is injured while on holiday, the Council will allow the employee to transfer to sick leave and take replacement annual leave at a later time. This is subject to the following strict conditions:

- The employee must contact their Line Manager (by telephone) as soon as they know that there will be a period of incapacity during a holiday.
- The total period of incapacity must be fully certificated by a qualified medical practitioner.
- Where the employee is overseas when he/she falls ill or is injured, evidence must still be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.

10.2 Where the employee fulfils all of the above conditions, the Council will grant the employee the same number of days' replacement annual leave as the number of annual leave days lost due to sickness or injury. An employee must request to take any replacement annual leave in accordance with the Council's normal annual leave policy, and should endeavour to take the replacement annual leave in the same leave year in which it was accrued. During sickness absence an employee will continue to accrue annual leave entitlement.

If the employment is terminated before an employee returns from sick leave, they will receive a payment in lieu of any accrued but untaken annual leave.

## **11 MANAGING STRESS RELATED ILLNESS**

11.1 Any employee who is suffering from a stress related absence e.g. depression, anxiety etc. must be referred immediately to our Occupational Health providers who will make an assessment and give the manager appropriate advice.

11.2 In these circumstances managers are advised to contact HR at the earliest opportunity for help and advice.

## **12 LONG TERM SICKNESS ABSENCE AND ILL HEALTH DISMISSAL**

12.1 Consecutive medical certificates are needed to cover the full period of long term absence and the employee must contact their line manager each time a new medical certificate is obtained.

12.2 The underlying principle in the management of long term absence is to balance the service needs against the circumstances of the employee concerned. Each case will be assessed individually. HR will work in close partnership with the employee's line manager.

12.3 HR may, as appropriate, arrange a mutually convenient time to visit the employee at home to discuss their well-being and the circumstances relating to their sickness

absence. The visit may include gaining written consent to obtain medical information.

- 12.4 The line manager or nominee will also maintain regular contact with the employee, ideally at least every two weeks to prevent the employee feeling isolated, ensure their welfare needs are being met and to keep them updated with any developments at work which may affect them. Contact may be by telephone, letter or home visits.
- 12.5 A meeting either at home or at work, must be arranged with the employee at a time to suit them. They can have friends, family, colleagues or their Trade Union representative present and will be advised of this when making any arrangements.
- 12.6 An Occupational Health referral is needed in the majority of cases of long-term absence. This should occur at the earliest practical opportunity in order to gain a speedy and useful response.
- 12.7 The Occupational Health Advisor may seek further medical advice on the nature of the employee's illness, whether and when the employee is likely to be able to return, whether they are likely to be able to return full-time or part-time for a while, or whether they will need alternative work.
- 12.8 When the employee returns to work a Return to Work Meeting must be held and a Self-Certification/Return to Work form completed.
- 12.9 An employee recovering from long-term sick leave must be properly monitored and managed by the line manager. Where a temporary reduction in working hours is arranged the difference in hours between the actual hours to be worked and the contractual hours will be recorded as sick leave. Other arrangements may include temporary revision of workloads and/or refresher training.
- 12.10 If, following review, permanent adjustments need to be made, all reasonable steps will be taken to accommodate the changes. The aim is, as far as is practical, to facilitate continued employment.
- 12.11 When medical advice indicates that the employee may have become incapable of undertaking their duties, the Council's Ill Health Dismissal Procedure will be discussed with the employee. If the employee is a member of the local government pension scheme, the Ill health retirement process will be discussed.

### **13 TERMINAL ILLNESS**

- 13.1 When the Council becomes aware that an employee has a terminal illness the following needs to be taken into account:
  - The employee may not be aware that the illness is terminal if the medical practitioner has decided that it is not in the person's best interest to be informed of their condition.
  - The financial entitlement available to relatives on the death of the employee may be substantially more if the employee remains employed by the Council until the time of death.

- People are affected differently by the knowledge that they are terminally ill. Some may wish to continue working for as long as they are able while others may find it impossible to remain at work.
- The Council is sympathetic to the employee's situation and will manage the employee's situation on an individual basis, giving careful consideration to the employee's interests.
- The Council will be mindful of the pension benefits that can accrue and the length of service qualifications that apply to those benefits. Where possible, decisions about retirement will aim to provide the employee with the most financially beneficial result.

## **14 RETURNING TO WORK**

- 14.1 Return to Work Interviews will be conducted for all sickness absence regardless of length of time off.
- 14.2 A Return to Work Interview should be done on the day of return, preferably within the first four hours of starting either their rota or normal working day. It is at this point that any failure to comply with this policy will also be recorded. In some circumstances there may be an acceptable explanation, and this can be acknowledged. If there is no acceptable explanation, the disciplinary process may apply. HR should be contacted for advice if this is being considered.
- 14.3 Return to Work Interviews should be conducted in a sympathetic manner and appropriate arrangements for privacy should be made. The Return to Work Interview should facilitate a resumption of work and progression to full responsibilities within an agreed timescale.
- 14.4 It is the Line Managers responsibility to ensure that the correct documentation is received to cover the period of absence, whether it is a Self-Certification Form/RTW Form or a medical certificate (Fit Note), these must be passed to HR to be kept on the employee's record and to ensure payroll are able to pay the correct entitlement.
- 14.5 The line manager should also be alert to any patterns of absence, for example the persistent Monday or Friday absentee. If a pattern is identified, the line manager should put their observations to the employee directly so that the employee has the opportunity to provide an explanation. The line manager should, however, remain open minded and not jump to any hasty conclusions about the employee's absences.
- 14.6 The line manager will approve the Self Certification Form/Return to Work Form, provided that they are satisfied that the claim is genuine and the reason for the absence is suitable. If the reasons are not deemed acceptable this then may constitute unauthorised absence, and may also instigate disciplinary action.
- 14.7 The purpose of this return to work interview is to:
- Establish the reason for absence.
  - Confirm the line manager's responsibility in monitoring and reviewing of absence.
  - Consideration of any support required to the employee.
  - Discuss any related concerns regarding the absence.
  - Establish if there are any underlying problems that account for the level of absence.

- Agree next steps if applicable.

14.8 Where an employee returns to work after a long period of sickness absence, the return to work interview will take account of any particular difficulties in relation to any agreed return to work programme. The Council will discuss reasonable adjustments, on an individual basis, with all employees who have been on long-term sick leave. Long term changes to roles will be considered but not guaranteed.

## **15 MONITORING SICKNESS ABSENCE**

### **15.1 Informal Actions**

The line manager should try to establish, through investigation and discussion with the employee, the underlying reasons for frequent absences. Until the underlying cause is identified, an appropriate and effective remedy will be impossible to identify. Check whether or not absences are in part because of personal or family problems. Check whether the employee's absences are in any way work related, for example as a result of workplace stress. If the problem is work related, the line manager should take prompt steps to remove or reduce the factor that is causing the employee's problem. Seek medical advice through Occupational Health, if appropriate, to determine whether there is any underlying medical cause for the employee's frequent absences, speak to the HR department to refer to Occupational Health.

15.2 Set reasonable targets and time-limits for improvement in attendance and ensure that the employee is committed to achieving them. Warn the employee of the consequences of continuing unsatisfactory attendance, i.e. that further action will be taken which may eventually lead to dismissal. Schedule a follow-up meeting at an agreed time to monitor the on-going situation.

15.3 Before taking any formal action in respect of an employee who has had frequent absences from work, the line manager should check the employee's absence record to gain an accurate assessment of the number of days' absence that they have had and the number of separate occasions that they have been absent.

15.4 If there is no improvement and absence levels are unsustainable, the formal stages of this policy will be invoked.

## **16. STAGE ONE - First Formal Discussion**

16.1 This discussion will be conducted where:

- There have been three periods of absence in 5 or less consecutive calendar months or
- Average sickness absence levels are running at 8 working days or more in a rolling year (pro-rata for part time staff).
- There is an unacceptable pattern of absence, such as, regular Fridays or Mondays
- Absence regularly occurs on a particular day of the week
- Absence regularly occurs at peak workload periods
- Any period of absence gives concern
- There is continued failure to follow the notification process without good reason



- No satisfactory reason for being absent from work has been provided
  - There is a continuing pattern of unauthorised absences
  - There has been a failure to provide medical certificates when required
  - There is reason to believe that the employee has taken part in activities that are inconsistent with the cause of absence or prejudicial to recovery
- 16.2 The line manager should inform the employee of the date, time and place of the meeting, giving a minimum of 5 working days' notice, as well as a brief explanation of why the meeting is to be held, by using the Formal Discussion letter (appendix D). The employee is entitled to be represented by a trade union representative or colleague of their choice, which they are responsible for arranging.
- 16.3 If the employee's representative is unavailable to attend at the appointed time, the employee may request postponement and suggest an alternative time and date. If this is reasonable and within 5 working days of the original date, the meeting will be postponed.
- 16.4 The First Formal Discussion gives the line manager and the employee the opportunity to discuss the employee's absence record and the reasons for the absence, and any non-compliance with the Sickness Policy. A course of action will be set out over a specified period of time to provide the employee with an opportunity to improve. During the discussion the line manager will:
- Review the employee's attendance record during the relevant period
  - Review any non-compliance issues
  - Give the employee the opportunity to discuss any problems or raise any concerns
  - Decide whether any further action is required such as a referral to the Council's Occupational Health Advisor (see Section 7)
  - Agree a target for improvement in sickness levels over an agreed monitoring period, usually 3 months
  - Inform the employee that if attendance and/or compliance does not improve within the time period being monitored, a Second Formal Discussion will be held
- 16.5 During the discussion a Formal Discussion Form must be completed by the employee and line manager stating the improvement required. Following the meeting a copy will be sent to the employee and to Human Resources.
- 16.6 The employee must be advised of his/her right of appeal.
- 16.7 In setting targets for improvement, the manager will take into account the individual circumstances of the case; any advice received from the Occupational Health Advisor; the impact of any underlying medical condition or disability; and any reasonable work place adjustments that need to be put in place to enable the employee to improve their attendance.
- 16.8 Following the First Formal Discussion, attendance and/or compliance will be monitored monthly.
- 16.9 A target of reduced absence during the formal monitoring period (normally 3 months) will be set, following which a formal review will be held.

- 16.10 If the target set for improvement has not been met and the agreed action from Stage 1 is not having satisfactory results, the line manager may move to Stage 2 at which a HR representative will also be present.
- 16.11 If the target set for improvement has been met there will be no need for further formal review meetings, however, attendance will continue to be monitored for a further three months. Provided that attendance and/or compliance do not deteriorate during this period there will be no further need for formal monitoring and the employee will be removed from the formal stages of this policy. If attendance and/or compliance deteriorate during this period, however, the line manager may move to Stage 2.

## 17. STAGE TWO - Second Formal Discussion

- 17.1 Failure to meet the targets set out in Stage 1 may result in progression to Stage 2, or if an employee has two Stage 1 discussions within the previous 2 year period.
- 17.2 The employee will be notified of the date, time and place of the meeting at least 5 working days in advance using the Formal Discussion letter, and advised of the right to be represented. If the employee's representative is unavailable to attend at the appointed time, the employee may request postponement and suggest an alternative time and date. If this is reasonable and within 5 working days of the original date, the meeting will be postponed.
- 17.3 The purpose of this discussion is to ensure that the employee is given a further opportunity to discuss their absence formally and explain why their absence level is not improving. During the Second Formal Discussion the line manager will:-
- Review the employee's attendance record during the monitoring period
  - Review any areas of non-compliance with the policy and procedures
  - Review the steps that have been taken to support him/her in achieving the required level of attendance
  - Give the employee the opportunity to discuss any problems or raise any concerns
  - Discuss any Occupational Health advice that has been received
  - Review the impact of any support or work adjustments recommended by the Occupational Health Advisor, for example counselling
  - Decide whether any new information requires further referral to the Council's Occupational Health Advisor
  - Agree a target for improvement in sickness levels over a further monitoring period, usually three months
  - Agree any further help and support that can be provided to enable the employee to improve their attendance
  - Consider any changes in working arrangements which would allow the employee to continue working in their current job e.g. change of hours, period of unpaid leave, job design – whilst maintaining appropriate levels of service
  - Inform the employee that in the event of a medical report advising that they are permanently unfit to undertake their duties, their continued employment will be in question.
  - Consider the possibility of redeployment on medical grounds
  - Issue a **Formal Warning** to the member of staff that his/her employment may be terminated if their attendance levels do not improve within the specified time period.

- 17.4 A Formal Absence Discussion Form must be completed. This will provide a record of the meeting and the outcome. A copy will be given to the employee and to Human Resources.
- 17.5 The employee must be advised of his/her right of appeal.
- 17.6 A target of reduced absence during a formal monitoring period (normally 3 months) will be set, and attendance and compliance will be monitored monthly during that period, following which a Formal Review will be held.
- 17.7 If the target set for improvement has not been met and the agreed action from Stage 2 is not having results, the line manager may move to Stage 3.
- 17.8 If the target set for improvement has been met there will be no need for further formal review meetings, however, attendance will continue to be monitored for a further three months. Provided that attendance and/or compliance do not deteriorate during this period there will be no further need for formal monitoring, the employee will be removed from the formal stages of this policy and the Formal Warning will be removed from their record. If attendance and/or compliance deteriorate during this period, however, the line manager may move to Stage 3.

**18. STAGE THREE - Final Formal Discussion: Dismissal**

- 18.1 A Final Formal Discussion may be held if the improvement target(s) have not been met or sustained. This meeting will be with the line manager, Head of Service (or his/her nominated deputy) and a representative from the HR team.
- 18.2 The employee should be notified of the meeting at least 5 working days in advance and advised of the right to be represented. If the employee's representative is unavailable to attend at the appointed time, the employee may request postponement and suggest an alternative time and date. If this is reasonable and within 5 working days of the original date, the meeting will be postponed.
- 18.3 The purpose of the meeting is to consider whether the employee should be dismissed on the grounds of capability. Dismissal on grounds of ill health capability means that the employee's health is such that they cannot satisfactorily do the work they are employed to do. Ultimately, the Councils do not have to retain the services of any employee who cannot for whatever reason attend work on a regular basis and by definition fulfil their contractual obligations to their employer. Each case will be dealt with on its own individual merits and particular circumstances in the light of the following information:-
- The employee's attendance record
  - The steps that have been taken to support them in achieving the required level of attendance
  - Any mitigating circumstances the employee may wish to be taken into account
  - Any occupational health advice that has been received
  - Other information that may have been collected during previous Formal Absence Discussions.
- 18.4 Following the meeting a decision will be taken by the Head of Service whether to dismiss the employee on the grounds of capability.

- 18.5 The **Formal Warning** may be extended to allow time for improvement in sickness absence levels. The option of allowing further time for improvement will only be considered if there is evidence that this is likely to lead to the required improvement in attendance.
- 18.6 The Head of Service will confirm the decision in writing as soon as reasonably practicable and give details of the appeal process. In the case of dismissal the employee will be provided with the reasons for it and the date on which employment will terminate.
- 18.7 In the event that a **Formal Warning** is extended, the individual's sickness absence pattern will be monitored over an appropriate, specified period and regular reviews will be undertaken by the Manager during the monitoring period.

**19. APPEALS**

- 19.1 An employee has rights of appeal against decisions taken. Appeals against action short of dismissal are heard by a member of JMT who has not previously been involved in the case. Appeals against dismissal are heard by the Appeals Committee. (Sub Committee of Appointments and Personnel Committee at SNC and Sub Committee of Personnel Committee at CDC).
- 19.2 If an employee wishes to appeal s/he must do so in writing within ten working days of the receipt of written notification of the decision.
- 19.3 The outcome of the appeal will be notified either immediately after the hearing and confirmed in writing, or in any event by written notification within ten working days of the appeal hearing.

**20. SICKNESS PAY**

- 20.1 An employee absent from work due to illness is entitled to receive sick pay, depending on their continuous service in Local Government, as follows :-

<b>Service</b>	<b>Full Pay</b>	<b>Half Pay</b>
Less than 4 months	1 month	None
After 4 months but less than 1 year	1 month	+ 2 months
After 1 year but less than 2 years	2 months	+ 2 months
After 2 years but less than 3 years	4 months	+ 4 months
After 3 years but less than 5 years	5 months	+ 5 months
After 5 years	6 months	+ 6 months

- 20.2 The Council has the discretion to extend the application of the above scale in exceptional circumstances.
- 20.3 The Payroll Team will notify the employee at the earliest opportunity of any reduction in sick pay entitlement.
- 20.4 Sickness absence during the twelve months immediately preceding the first day of current absence will be included in the calculation for sick pay entitlement.

20.5 Further details of entitlement to sick pay is available from the Payroll Team.

**21. WHEN THE DISCIPLINARY POLICY APPLIES**

21.1 Most issues relating to absence and non-compliance are managed within the formal stages of this policy.

21.2 The Disciplinary Policy will be used for offences that may be regarded as gross misconduct such as:-

- Making a false claim of incapacity for work due to ill health
- Deliberate falsification of self or medical certificates
- Abuse of the sickness scheme, for example, by undertaking paid or unpaid work elsewhere whilst on sick leave without permission

Further detailed advice and guidance on the use of the Sickness Absence Policy and Procedures is available from Human Resources.

## Appendix 2

### Staff Consultation Feedback

<b>Sickness Policy</b>
1. Section 5.2. if an employee is incapacitated it might be very difficult to get to the phone e.g. bad back, sickness bug etc.
2. Section 5.6 seems a bit overkill. As long as you can say what's wrong with you and give an estimated date of return, why do you have to ring in every day? It's virtually impossible to get a certified medical certificate until you have been off for a week.
3. Check that section 16.11 correlates with section 17.1
4. Occupational Health can override a GPs fit note. Need to make this more explicit.
5. Unhappy with the proposal to reduce the rolling average sickness threshold down from 11 days to just 8! This is a reduction to an unreasonable level! Suggest 10!
6. Section 2, bullet point 5. Should a target be in a policy? It should sit alongside it.
7. Section 16.4: Would like more flexible wording rather than repetition of targets.
8. No mention of what would happen if the employee refuses to visit Occupational Health. Is it refusing a reasonable management instruction and therefore a disciplinary issue?
9. Same point as above but what if the employee feels forced to come back to work too early and as a consequence puts their progress back considerably?
10. Section 11. Annual leave and sickness. Where has this come from? Being on holiday and sick abroad can make things much more difficult. You can't necessarily just get a fit note. Need a more sympathetic approach and look at each case on its own merits.
11. Sections 12.3, 12.4 and 12.5: make accompaniment by a work colleague or union rep more explicit.
12. Section 12.9. Is this current practice? We don't think so. During a phased return to work is time not worked recorded as sick leave? Surely coming back on reduced hours should be seen as a commitment but inability to return full-time. This must really mess up sickness records and doesn't reflect true time off sick.
13. Section 16.1 seems rigid and needs some flexibility in the case of recognised medical conditions. Discretion needs to be used.
14. Why can't we reinstate the Bradford Factor as a trigger point? It feels much fairer than 8 days which could be down to one serious illness and doesn't reflect frequent sickness absence.
15. Add some wording that managers need to use their discretion and not automatically go straight to a stage one hearing if the 8 days absence is for a genuine reason e.g. a broken leg! Concerns that some managers will adhere rigidly to the policy to punish

people.
16. Section 2.1: Can we lose the last bullet point regarding the upper quartile BVPI position? Not plain English and BVPIs don't exist anymore!
<p>17. Section 4.1: Re employees withholding medical information – it seems dubious that employees should not have the right to withhold medical information. Whatever the legality and ethics etc. 99% could be completely irrelevant to the employer.</p> <p>18. Could add something in such as ‘employees are at liberty to cooperate with a request to obtain a medical report although if they do, management will have no alternative but to make decisions based on the information available.’</p>
19. Section 9: there is nothing about what would happen if a person refuses to be assessed by Occupational Health. Perhaps the assumption is that it would be seen as ‘refusing a reasonable instruction’ and therefore a disciplinary issue. This could be a dangerous assumption (for management) in the context of medical issues and equally employees need to be aware of the possible consequences of no cooperating.
20. Section 20: Sick pay. Why does this appear in the procedure? What has it to do with managing sickness absence?

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## Cherwell District Council

### Personnel Committee

11 March 2015

<b>Draft Family Friendly Policy</b>
-------------------------------------

### Report of Head of Transformation

This report is public

#### **Purpose of report**

To seek Member approval for a revised Family Friendly Policy that has been brought together in one guidance document, from a number of policies across both Councils that relate to maternity, paternity, adoption leave, time off for dependants and parental leave.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve the revised policy guidance documents appended to this report.

#### **2.0 Introduction**

- 2.1 The Councils are fully committed to helping working parents balance the needs of work and family life and appreciate the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life.
- 2.2 The revised policy brings together all family policies including maternity, paternity, adoption, parental leave and time off for dependants leave.
- 2.3 It also introduces shared parental leave which will apply to children born or adopted on or after 5<sup>th</sup> April 2015. This leave will give parents a greater choice as to how they share the care of their child during the first year of birth or adoption.

#### **3.0 Report Details**

- 3.1 The revised policy seek to bring together all family related policies as named in section 2.2 and incorporate the new statutory shared parental leave provisions.
- 3.2 We have moved some responsibilities from the HR team to line managers where it is in the best interests of the employee such as conducting maternity risk assessments, and the line manager has more regular contact with the employee

throughout their pregnancy and can determine if things need to be amended on a more regular basis.

- 3.3 A section has been added at the end of the policy giving useful support from other organisations and their contact numbers.
- 3.4 The individual policies have been reviewed and streamlined and any legislation updates have been incorporated including the following changes:-
  - 3.4.1 Section 5. Changes to statutory parental leave. This is a statutory right whereby eligible employees can take up to 18 weeks unpaid leave to care for their child before their 5<sup>th</sup> birthday or 5<sup>th</sup> anniversary after adoption.
  - 3.4.2 With effect from April 2015 this leave can be taken by eligible parents up to the child's 18<sup>th</sup> birthday. The leave is unpaid and can be taken in blocks of up to 4 weeks per year.
  - 3.4.3 Section 3. Changes to paternity leave. This enables fathers and partners to take up to 2 weeks leave to help assist in the care of a child following birth or adoption.
  - 3.4.4 The revised policy streamlines paternity pay across both Councils. All employees who meet the eligibility criteria are entitled to one week's ordinary paternity pay (OPP) which is paid at the employee's normal weekly rate. Employees who have completed 26 week's continuous service by the 15<sup>th</sup> week before the baby is expected are entitled to 2 week's consecutive paternity leave and pay, payable at the employee's usual rate.
- 3.5 Section 4 outlines the new Shared Parental Leave Regulations that will apply to children born on or after the 5<sup>th</sup> April 2015. The main elements of this new legislation are:-
  - 3.5.1 The mother can curtail her maternity leave and pay and share up to 50 weeks leave and 39 weeks maternity pay.
  - 3.5.2 The leave can be taken in one continuous block or in several discontinuous blocks. It can be taken by both parents at the same time or individually.
  - 3.5.3 Shared parental leave can be taken by mothers; fathers; partners; parents in surrogacy arrangements; civil partners and adopters.
  - 3.5.4 Shared paternity pay mirrors current maternity pay i.e. 9/10ths of average weekly earnings for the first 6 weeks and then the flat rate of statutory maternity pay (SMP) currently £138.18 for the remaining 33 weeks
  - 3.5.5 Each parent will need to sign a declaration confirming that they are eligible for shared parental leave.
- 3.6 Although management of family friendly arrangements is not a common occurrence when it does occur a manager and employee need to be able to find clear guidance on what they can either expect in terms of entitlement or how the process will be managed and who is responsible for what. There are a wide variety of policies at both Councils at present so it is hoped that by bringing all of the policies together into one and by having the same for both Councils this will ensure equity, clarity and consistency.

## 4.0 Conclusion and Reasons for Recommendations

- 4.1 At present each Council has a number of policies that relate to family friendly considerations, some of which were out of date due to changes in legislation and some that required a review to rationalise and to ensure the approach is the same at both Councils. This will reduce the risk of any potential challenge in terms of fair treatment and will ensure compliance with legislation, in an area that can be complicated to understand if not referred to on a regular basis.

## 5.0 Consultation

CDC/SNC Joint Management Team	Support the Proposals
South Northamptonshire Trade Union	Support the Proposals
Cherwell District Council Trade Union	Support the Proposals
Cherwell District council staff Consultation Group	Support the Proposals

Feedback from the consultees has been taken into consideration and is included in the draft policy.

## 6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current individual policies of each Council which would not provide a clear, consistent approach across both Councils, and would not meet the requirements of legislation.

## 7.0 Implications

### Financial and Resource Implications

- 7.1 The recommended increase in paternity pay to 2 weeks full pay will have a financial implication of an additional week's pay for each applicant. It is expected that this can be met from existing salary budgets.

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300 0030106  
[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk).

## Legal Implications

7.2 The policies to a large extent reflect the statutory position and in this respect the Council therefore must adhere to them.

Comments checked by:

Kevin Lane, Head of Law and Governance, 0300 0030107  
kevin.lane@cherwellandsouthnorthants.gov.uk

## 8.0 Decision Information

### Wards Affected

N/A

### Links to Corporate Plan and Policy Framework

N/A

### Lead Councillor

None

## Document Information

Appendix No	Title
Appendix 1	Draft Family Friendly Policy
Appendix 2	Consultation Log
Background Papers	
None	
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# Family Friendly Policies, Support & Guidance

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## **INTRODUCTION**

The Councils are fully committed to helping working parents balance the needs of work and family life, and appreciate the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life.

This booklet is designed to help answer any questions you may have working at one of the Councils, and outlines what you are entitled to as an employee.

Each section of the booklet will tell you the essential information you will need on notification, leave and pay plus a section of frequently asked questions. If you need further information please contact your HR Business Partner or another member of the HR team.

At the end of the booklet you will find a full suite of the relevant forms in addition to detailed flow charts.

The following areas are covered in this guide:-

### **Maternity Leave**

Maternity Leave is a statutory requirement that all pregnant employees are entitled to. It enables them to take time off to care for their child.

### **Paternity Leave**

Paternity Leave enables a father or partner to take up to 2 weeks leave to help care for the new born baby or newly adopted child.

### **Parental Leave**

Parental Leave enables employees to take time off work to look after a child's welfare. The leave can be taken up to the child's 18<sup>th</sup> birthday and in blocks of a week, up to four weeks a year. The leave is unpaid and up to 18 weeks in total.

### **Shared Parental Leave**

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption.

Its purpose is to give parents more flexibility in considering how to best care for and bond with the child.

### **Time off for Dependants Leave**

This enables eligible employees to take a minimum amount of unpaid time off to deal with an emergency relating to a dependant e.g. spouse; child; parent etc.





=  
**SECTION 1 – Maternity**

**1.1 INTRODUCTION – General Guidelines**

**Who the scheme applies to**

The Maternity Scheme applies to employees as confirmed by their MAT B1.

You will find a helpful flow chart detailing important events and dates to remember for Maternity Leave (*Appendix 1*)

**Maternity Rights**

All pregnant employees are entitled to:-

- *special consideration with regard to health and safety*
- *paid time off for antenatal care*
- *protection against unfair treatment or dismissal*
- *26 weeks' ordinary maternity leave*
- *26 weeks' additional maternity leave*

Qualifying employees are also entitled to:-

- *maternity benefit (Statutory Maternity Pay or Maternity Allowance)*
- *occupational maternity pay*

**Health and Safety**

Whilst you are not obliged to notify your manager of your pregnancy until the qualifying week, the Council's Health and Safety Policy requires you to inform your manager if you are unable to carry out any working activity in a safe manner or without risk to your health and safety.

Therefore, you are strongly advised to inform your manager of your pregnancy at the very earliest opportunity to enable your manager or the Health Safety Manager to complete a risk assessment (*Appendix 2*) relating to your working activities and environment. This will establish what, if any, action is required to safeguard your health and well-being and/or that of your unborn child.

Where an unacceptable risk is identified, the Council will take protective or preventative measures to eliminate it. Where this will not avoid the risk, you may find that one of the following steps is taken:-

- *if it is reasonable to do so, your working conditions or hours of work will be altered*
- *if it is not reasonable to make such alterations, or if the risk cannot be avoided in this*

*way, you will be offered suitable alternative work*

- *if no suitable alternative work is available, you will be suspended from work - that is given paid leave - for as long as necessary to protect your safety or health*

If you are offered suitable alternative work but you are not prepared to do it, you will lose the right to be paid during suspension.

The need to undertake risk assessments and alter working practices etc. apply if you are pregnant, have given birth within the previous 6 months or if you are breastfeeding. It is particularly important to conduct regular assessments in the lead up to the maternity leave, as the potential risks may change throughout the different stages of pregnancy. Therefore, where appropriate, another risk assessment will be undertaken upon your return to work and if, for health and safety reasons, you are still considered to be at risk, alternative arrangements may be put in place.

If you have any further concerns or queries about the effects of your work on your own or your unborn baby's health, you should consult your manager or our Health and Safety Manager immediately.

### **Time off for antenatal care**

You are entitled to take paid time off, at your normal rate of pay, during your normal working hours to receive antenatal care appointments made on the advice of your doctor, midwife or health visitor.

You should advise your manager that you will be absent as far in advance of your appointment as possible. With the exception of your first appointment, you must provide evidence of your appointments if requested to do so by your manager. When possible you should try to make the appointment outside of work hours.

From 1 October 2014 fathers to be, partners or nominated carers are entitled to unpaid time off to attend two antenatal appointments (See Paternity Leave section).

### **Sickness during pregnancy**

If you become ill while you are pregnant you will receive your normal entitlement to sick pay, whether or not your illness is pregnancy related. You must not remain at work if you have been certified medically unfit to do so.

If you are absent from work because of a pregnancy related illness and your illness continues or starts after the beginning of the 4<sup>th</sup> week before the week in which your baby is due, you will normally transfer at that point to the maternity scheme. Non pregnancy related illness during this 4 week period will be treated as normal sickness absence.

Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness leave.

## **1.2 PROTECTION AGAINST DETRIMENT OR DISMISSAL ON GROUNDS OF PREGNANCY OR CHILDBIRTH**

Regardless of your length of service, you have significant protection to ensure that you do not suffer detriment or dismissal for a reason connected to your pregnancy or recent childbirth.

### **Detrimental treatment**

Your right not to suffer detrimental treatment at work begins as soon as you have told your manager that you are pregnant and lasts up to the end of your ordinary or additional maternity leave. Detrimental treatment in this context does not include dismissal or unfair selection for redundancy on grounds of pregnancy or maternity, as this is a separate right.

You must not be subjected to unfair treatment at work because you:

- ***are pregnant***
- ***have given birth***
- ***have taken, or sought to take, ordinary or additional maternity leave***
- ***have taken, or sought to take, any of the benefits of ordinary maternity leave***
- ***have been suspended from work for health & safety reasons connected to your maternity***

You may seek redress through an employment tribunal if you believe that you have been unfairly treated at work for these reasons.

### **Protection from unfair dismissal during pregnancy or maternity leave**

It is unlawful for an employer to dismiss you, or select you for redundancy in preference to other comparable employees, for reasons connected with:

- ***your pregnancy***
- ***childbirth***
- ***maternity suspension on health & safety grounds***
- ***taking, or seeking to take, ordinary or additional maternity leave***
- ***taking, or seeking to take, any of the benefits of ordinary maternity leave***

You are entitled to make a complaint of unfair dismissal to an employment tribunal if you are dismissed or selected for redundancy in these circumstances. You may also be able to claim unlawful discrimination on grounds of sex or marriage.

If you are dismissed you are entitled to your normal notice or pay in lieu of notice.

An employee dismissed on the grounds of redundancy may also be entitled to a redundancy payment. In addition, a woman absent on ordinary or additional maternity leave has the right, in the event of redundancy, to be offered a suitable alternative vacancy where one is available.

### **Written statement of reasons for dismissal**

If you are dismissed at any time during pregnancy or ordinary or additional maternity leave, you are entitled to receive an accurate written statement of the reasons for your dismissal.

- ***You do not have to request the statement***
- ***This right applies regardless of your length of service***

You may make a complaint to an employment tribunal if you are not provided with a statement, or you receive a statement that you consider to be inadequate or untrue.

## 1.3 MATERNITY LEAVE

### Timing of maternity leave

You can choose to start your maternity leave at any time after the start of the 11<sup>th</sup> week before the week in which your baby is due (EWC) and your maternity leave will start on the day that you have notified.

However, in the last 4 weeks prior to the EWC your maternity leave will begin on the day after you are absent from work wholly or partly due to pregnancy related illness or suspension from work for pregnancy related health and safety reasons.

### Early birth

Your leave will start on the day your baby is born if this is earlier than your notified leave date.

If your baby is born before a maternity certificate has been issued, one should be completed by your general practitioner or registered midwife showing the date your baby was born as well as the date the baby was expected. You must, if reasonably practicable, provide your manager with this certificate within 28 days.

### Death of your baby or still-birth

If your baby dies or is stillborn after 24 weeks of pregnancy this scheme applies. Where this occurs before 24 weeks (miscarriage) the Council will give sympathetic consideration to the circumstances and will, where necessary, grant special leave or sick leave, as appropriate to your individual circumstances. This decision will be based upon medical advice and your own individual needs. Where either scenario has sadly taken place it is recommended especially when it is likely you may be returning to work sooner than expected you seek support / ask to be seen by the Council's Occupational Health Advisor via your HR Team. When an early return has taken place, especially after the death of a baby (where appropriate) HR will meet with the you to ensure you have settled back into work.

### Entitlement to ordinary maternity leave

All pregnant employees are entitled to a period of 26 weeks' **ordinary maternity leave**. To take advantage of this maternity leave, you must give your manager proper notification (*Appendix 3*).

At the discretion of the Council, you may be allowed leave without pay after the ordinary maternity leave period.

### Entitlement to additional maternity leave

All pregnant employees are entitled to a period of 26 weeks' **additional maternity leave**. This runs from the day after the last day of the ordinary maternity leave period and continues for a further 26 weeks. To take advantage of this maternity leave, you must give your manager proper notification.

### Compulsory maternity leave

You must take 2 weeks' **compulsory maternity leave** beginning on the day that your child is born.

### Notification requirements

You will be required to notify your manager in writing of your intention to take maternity

leave by the qualifying week unless this is not reasonably practicable. You will need to tell your manager:

- *that you are pregnant*
- *the date your baby is expected to be born (attach MAT B1 if available)*
- *when you want your maternity leave to commence*

If you wish to change the date of commencement of your maternity leave you will need to tell your manager at least 28 days in advance of the new commencement date (unless this is not reasonably practicable).

**Note:** Medical evidence usually in the form of a maternity certificate (known as a MAT B1) will be required for SMP purposes. The earliest this can be obtained from your general practitioner or registered midwife is the 20<sup>th</sup> week of pregnancy (an example of a MAT B1 can be found at *Appendix 4*). You can give your manager your notification on any day of the week and your leave can start on any day of the week.

### **The contract of employment during maternity leave**

The contract of employment continues throughout ordinary and additional maternity leave unless you or the Council expressly end it or it expires (for example, temporary contracts).

### **Contact with work during maternity leave**

You and your employer are entitled to have reasonable contact with each other to ensure that you are kept up to date with departmental changes, vacancies and any other matters relevant to the employees. The mode of contact is to be confirmed and agreed prior to the commencement of maternity leave. Contact during maternity leave does not bring that period to an end. Reasonable contact does not constitute 'work', and would not therefore count towards the 10 days.

### **Working during maternity leave - Keeping In Touch Days (KIT)**

For the purposes of this provision, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. You may agree with your Line Manager to come to work for up to 10 days during the maternity leave period without bringing that period to an end as a result of carrying out the work. Working for part of a day will count as one day. NB. You cannot work during the compulsory maternity leave period i.e. the first 2 weeks' of childbirth. There is no statutory entitlement to these work days. Your manager cannot insist that you carry out any work and you have the right to refuse to work. Equally, you cannot insist on being given any work to do. The maternity leave will not be extended due to the fact that you have carried out some work in this period.

You will not lose your right to SMP as a result of working up to 10 days and you will be entitled to receive your salary pro-rated for the days worked. The payment will be in addition to your SMP entitlement. To claim for hours worked you will need to submit a Payment Claim Form directly to payroll for processing. (*Appendix 5*).

## **1.4 STATUTORY MATERNITY PAY (SMP)**

Entitlement to maternity pay is determined by various factors, including length of service and earnings, and therefore Human Resources (in conjunction with Payroll) will assess your eligibility and entitlements on an individual basis.

SMP is paid to you by the Council on behalf of the HMRC.

## **The right to SMP**

If you are pregnant or have just given birth, you are entitled to a maximum of 39 weeks' SMP providing that you:-

- *have been continuously employed by the Council for at least 26 weeks continuing into the qualifying week (the 15<sup>th</sup> week before your expected week of childbirth);*
- *have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions which applies at the end of the qualifying week;*
- *still be pregnant at the 11<sup>th</sup> week before the baby is due or have had your baby by that time;*
- *have provided medical evidence of the date your baby is due/born within 3 weeks of the start of the maternity pay period. In exceptional cases, this can be extended to 13 weeks if your reason for not providing it earlier is acceptable;*
- *have stopped working for the Council wholly or partly because of pregnancy or confinement;*
- *have notified your manager of the date of commencement of your maternity leave.*

If you satisfy all of these conditions, you qualify for SMP whether or not you intend to return to work after your baby is born, or even if you leave the Council's employment before you want your SMP to start.

## **Non entitlement to SMP**

If you are not entitled to SMP or if your circumstances change and you stop getting SMP, Payroll will provide you with form SMP1 which states the reasons why the Council cannot pay you SMP. You will also be given back any maternity certificate you have provided.

You may be entitled to receive Maternity Allowance (MA) if you do not qualify for SMP. You will need form SMP1 and your maternity certificate to claim MA. This benefit is paid to you directly by the Department for Work and Pensions (for more information contact your local Social Security office or Job Centre Plus office).

If you are not paid SMP for any reason and you do not agree with the Council's decision about your SMP entitlement, you should ask for a written statement about your Statutory Maternity Pay position. You can then ask the Adjudication Officer for a formal decision. Please contact the Department for Work and Pensions for further information.

You must claim MA if you are entitled to receive occupational maternity pay but are not eligible to receive SMP. You should inform your manager immediately if you receive MA as this allowance will be offset against any occupational maternity payments made to you.

## **Changes in circumstances**

You cannot continue to receive SMP if, during the maternity pay period:

- *you start work or return to work after your baby is born, for an employer who did not employ you in the qualifying week, or;*
- *you are taken into legal custody (this means that you have been detained, usually arrested or in prison), or;*
- *you die.*

You (or a person acting for you, if applicable) are responsible for informing your manager if your circumstances change in any of the ways described above.

SMP will not cease if you return to work for the Council after the maternity pay period has started, either before or after the birth, but you will not be paid SMP for any week or part week in which you work. The maternity pay period is not extended to make up for any such weeks but any SMP lost in this way is always at the lower rate first.

### **The rate of SMP**

SMP is payable for a maximum of 39 weeks. This is called the maternity pay period and it:

- *may start at any time from the start of the 11<sup>th</sup> week before the expected week of confinement and,*
- *can continue for up to 39 weeks.*

There are two weekly rates of SMP:-

**Earnings Related Rate:** *This is equivalent to 9/10<sup>ths</sup> of your average weekly earnings and is payable during the first 6 weeks of the maternity pay period. As a general rule, your gross earnings will be averaged over the 8 weeks up to and including the last payday before the end of the qualifying week.*

**Flat Rate:** *This is a flat rate which is reviewed each year and paid for the remaining 33 weeks of the maternity pay period. Human Resources can confirm the current rate on request.*

### **Payment of SMP**

You will receive SMP at the same time and in the same way as your normal salary would be paid. SMP is subject to income tax and National Insurance contributions. Any deductions which are lawfully made from pay, for example pension contributions, trade union subscriptions etc, will also be made from SMP, if applicable.

### **Death of your baby**

Even if your baby survives for only an instant, it is considered to be a live birth; not a still-birth. Consequently, you will be entitled to SMP.

If your baby is stillborn after 24 weeks of pregnancy you will receive your entitlement to SMP. Otherwise, Statutory Sick pay may be applicable.

It is advisable that all mum's who experience this sad situation should be referred to Occupational Health before returning to work.

### **Multiple Births**

There is no entitlement to additional SMP for multiple births.

## **1.5 OCCUPATIONAL MATERNITY PAY**

### **Entitlement to occupational maternity pay**

You qualify for occupational maternity pay if you have completed not less than 1 year's continuous local government service at the beginning of the 11<sup>th</sup> week before the week in which your baby is due.

## **The rate of occupational maternity pay**

For the first 6 weeks of your maternity leave you will be entitled to 9/10<sup>ths</sup> of a week's pay offset against payments made by way of Statutory Maternity Pay or Maternity Allowance if you are not eligible for SMP (this means that you will not receive two lots of payments).

For the next 12 weeks you will receive your entitlement to the flat rate SMP and half pay followed by a further 21 weeks of flat rate SMP only.

If your half pay plus SMP (or MA and any dependants' allowances if you are not eligible for SMP) comes to more than full pay, it will be reduced accordingly.

## **Conditions attached to receiving half pay**

You will receive 12 weeks' half pay on the understanding that you will return to work for the Council for **at least 3 months**. Should you not do so, you may be required to refund all or part of the 12 weeks' half pay. You do not have to refund any payments made to you by way of SMP.

If you are unsure about your intention to return to work after your maternity leave, the Council will retain your half pay until you do return, providing that you inform Human Resources of your request *before* you start your maternity leave.

## **Calculation of a week's pay**

A week's pay is calculated in one of the following ways depending upon your working hours:-

**Normal working hours:** *where your normal working hours do not vary with the amount of work done in the period, a week's pay is the amount payable to you by the Council under your current contract of employment for working your normal working hours in a week.*

**Variable working hours:** *where there are no normal working hours, a week's pay is your average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.*

As the amount of maternity pay is based upon your contract of employment in force during your maternity leave, it would consequently change if, for instance, a pay award was implemented during this period.

## **Payment of occupational maternity pay**

During your maternity absence, the payments due to you will be paid in exactly the same way as you receive your salary at the moment.

If you have certain regular deductions from your salary, for example car loan, Council Tax, rent, etc., these will continue to be deducted from any payments made to you.

Payroll will inform you if you need to make alternative arrangements at any time during your maternity leave to ensure that you do not fall into arrears.

## **1.6 NOTICE OF RETURN TO WORK AFTER MATERNITY LEAVE**

### **Notice required for return to work**

If you intend to return immediately after the end of your additional maternity leave period (52



weeks), you do not need to give advance notice of your return. Your date of return will be your next normal working day after the end of your 52 weeks maternity leave period (i.e. your first normal working day of the 53<sup>rd</sup> week).

However, if you wish to return to work earlier than the end of your entitled maternity leave period, you must give you manager at least 8 weeks' notice of your return date. If you do not provide this notice, the Council may postpone your return for a period of up to 8 weeks, or until the end of the maternity leave period, if this is sooner.

At the very least you must take 2 weeks' compulsory maternity leave beginning on the day that your baby is born. Should you decide to return immediately after the compulsory leave period, you may be required to provide your manager with a certificate from your general practitioner which states that you are fit to work. The Council will pay for this certificate.

### **Notice required if the return to work date is changed**

If you wish to change the date of return from maternity leave, you are required to give 8 weeks' notice.

### **Employees who do not wish to return to work after maternity leave**

If you decide that you do not wish to return to work after your ordinary or additional maternity leave period, you must provide your manager with a written statement of your resignation giving the notice required by your contract of employment (usually 1 or 2 months which ever applicable). If you had opted to receive half pay for 12 weeks and then choose either not to return to work, or to return to work for less than 3 months, you will be required to refund all or part of this payment.

### **Sickness at the end of ordinary or additional maternity leave**

If you are unable to attend work at the end of your ordinary or additional maternity leave period due to sickness, the normal contractual arrangements for sickness absence will apply.

## **1.7 RIGHTS ON AND AFTER RETURN TO WORK AFTER MATERNITY LEAVE**

### **Return to work after ordinary maternity leave**

You are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

### **Return to work after ordinary maternity leave followed by parental leave**

If you have completed 1 years' service with the Council, either before or during a period of maternity leave, you may be entitled to parental leave which may be taken immediately after ordinary maternity leave (subject to the notice requirements for taking parental leave). Where the period of parental leave taken is 4 weeks or less, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

Should you take a period of parental leave of over 4 weeks immediately after the end of your ordinary maternity leave, you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

### **Return to work after additional maternity leave**

After additional maternity leave you will have the right to return to the same job on the same

terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

**Return to work after additional maternity leave followed by parental leave**

If you take a period of parental leave immediately after your period of additional maternity leave, you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.



## Section 2 - Adoption Leave

### 2.1 INTRODUCTION – General Guidelines

In order to show a commitment to helping working parents, the Government has approved The Paternity and Adoption Leave Regulations 2002, as part of the Employment Act 2002. This gives a legal right to the provision of adoption leave and pay to eligible employees wishing to adopt in the UK.

#### Who the scheme applies to

The adoption scheme applies to employees who:

- *comply with any request by the Council to produce evidence of the adoption;*
- *give the required notice.*

NB: adoption leave and pay is not available in circumstances where a child is not newly matched for adoption i.e. by a step or foster parent.

### 2.2 LENGTH OF ADOPTION LEAVE

Eligible employees will be entitled to up to 39 weeks' paid ordinary adoption leave (called the Adoption Pay Period - APP), followed immediately by a further 13 weeks' unpaid additional adoption leave.

Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Where a couple adopts jointly, only one partner can take adoption leave in respect of each adoption. The other partner may be eligible to take paternity leave (please refer to the paternity leave policy).

Adoption leave can commence on any day of the week, but leave can only be taken in whole weeks.

### 2.3 TIME OFF TO ATTEND ADOPTION MEETINGS

Prior to adoption you are entitled to reasonable paid time off, at the normal rate of pay, during normal working hours to attend essential meetings although wherever possible they should be scheduled outside core hours.

### 2.4 EVIDENCE OF ENTITLEMENT

The employee is required to produce a matching certificate as evidence of their entitlement to adoption leave and for Statutory Adoption Pay (SAP) purposes. This will be issued by the approved adoption agency stating the:

- *name and address of the agency;*
- *name and address of the employee;*

- *date on which the employee was notified that he/she had been matched with the child;*
- *date on which the agency expects to place the child with the employee and, if the placement has already occurred, the date of the placement.*

## **2.5 NOTICE OF INTENTION TO TAKE ADOPTION LEAVE**

You will be required to notify your manager in writing of your intention to take adoption leave within seven days of being notified by the adoption agency of the match with a child for adoption unless this is not reasonably practicable.

You will need to tell your manager:

- *when the child is expected to be placed;*
- *when you want your adoption leave to commence.*

The Adoption Leave Application Form (*Appendix 6*) should be utilised for this purpose. If you wish to change the date of commencement of your adoption leave you will need to tell your manager at least 28 days in advance of the new commencement date (unless this is not reasonably practicable).

Ordinary adoption leave can start on any day of the week, this can either be:

- *the date on which the child is placed for adoption; or*
- *a predetermined date which can be up to 14 days prior to the expected date of placement.*

## **2.6 SICKNESS ABSENCE BEFORE AND DURING ADOPTION LEAVE**

If you are sick prior to the date of commencement of your adoption leave you will remain on sickness absence until you inform your line manager that you are well, when your adoption leave will recommence. However, there will be no extension to the agreed adoption leave period as a result of the sickness absence.

## **2.7 END OF CHILD PLACEMENT DURING ADOPTION LEAVE**

If the child placement ends during adoption leave or the child dies during adoption leave, and more than eight weeks adoption leave remains, you will be entitled to eight weeks adoption leave following the date you were notified of the placement ending or the date of the child's death. If you commence adoption leave and the proposed placement is terminated then adoption leave (and pay if applicable) will be available for eight weeks following notification that the child will not be placed.

## **2.8 STATUTORY ADOPTION PAY (SAP)**

Entitlement to adoption pay is determined by various factors, including length of service and earnings, and therefore Human Resources in conjunction with payroll will assess your eligibility and entitlements on an individual basis. SAP is paid to you by the authority on behalf of the HMRC.

### **The right to SAP**

You are entitled to a maximum of 39 weeks' SAP providing that you:-

- *produce evidence of the adoption in the form of a matching certificate;*
- *give 28 days notice of when you wish the SAP to commence (unless this is not*

*reasonably practicable);*

- *have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions which applies at the end of the qualifying week;*
- *have stopped working for the Council wholly or partly because of the adoption.*

If you satisfy all of these conditions, you qualify for SAP.

### **Non-entitlement to SAP**

If you are not entitled to SAP or if your circumstances change and you stop getting SAP, payroll will inform you that the Council cannot pay you SAP. You should then contact your local Social Security office or JobCentre Plus office for further information about entitlements to alternative benefits.

If you are not paid SAP for any reason and you do not agree with the Council's decision about your SAP entitlement, you should ask for a written statement about your SAP position. You can then ask the Adjudication Officer for a formal decision. Please contact the Department for Work and Pensions for further information.

### **Changes in circumstances**

You cannot continue to receive SAP if:

- *the child placed for adoption becomes 18 years of age;*
- *you start work for an employer who did not employ you prior to the commencement of adoption leave;*
- *you return to work;*
- *you are taken into legal custody (this means that you have been detained, usually arrested or in prison), or;*
- *you die.*

You (or a person acting for you, if applicable) are responsible for informing your manager if your circumstances change in any of the ways described above.

### **The rate of SAP**

SAP is payable for a maximum of 39 weeks. The rate of SAP will be the statutory amount or 90% of weekly average earnings, whichever is lower.

*If you return to work your SAP will cease, and you will not be paid for part weeks.*

### **Payment of SAP**

You will receive SAP at the same time and in the same way, as your normal salary would be paid. SAP is subject to income tax and National Insurance contributions. Any deductions which are lawfully made from pay, for example pension contributions, trade union subscriptions etc., will also be made from SAP if applicable.

## **2.9 OCCUPATIONAL ADOPTION PAY**

### **Entitlement to occupational adoption pay**

You qualify for occupational adoption pay if you have completed not less than one year's continuous local government service at the beginning of the 11th week before the week of

placement.

### **The rate of occupational adoption pay**

For the first six weeks of your adoption leave you will be entitled to 9/10ths of a week's pay offset against payments made by way of SAP.

For the next 12 weeks you will receive your entitlement to the flat rate SAP and half pay followed by a further 21 weeks of flat rate SAP only.

If your half pay plus SAP comes to more than full pay, it will be reduced accordingly.

### **Conditions attached to receiving half pay**

You will receive 12 weeks' half pay on the understanding that you will return to work for the Council for at least three months. Should you not do so, you may be required to refund all or part of the 12 weeks' half pay. You do not have to refund any payments made to you by way of SAP.

If you are unsure about your intention to return to work after your adoption leave, the Council will retain your half pay until you do return, providing that you inform payroll of your request before you start your adoption leave.

### **Calculation of a week's pay**

A week's pay is calculated in one of the following ways depending upon your working hours:

- *Normal working hours - where your normal working hours do not vary with the amount of work done in the period, a week's pay is the amount payable to you by the Council under your current contract of employment for working your normal working hours in a week.*
- *Variable working hours - where there are no normal working hours, a week's pay is your average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.*

As the amount of adoption pay is based upon your contract of employment in force during your adoption leave, it would consequently change if, for instance, a pay award was implemented during this period.

### **Payment of occupational adoption pay**

During your adoption absence, the payments due to you will be paid in exactly the same way as you receive your salary at the moment.

If you have certain regular deductions from your salary, for example, car loan, Council Tax, rent, etc, these will continue to be deducted from any payments made to you.

Human Resources will inform you if you need to make alternative arrangements at any time during your adoption leave to ensure that you do not fall into arrears.

### **The contract of employment during adoption leave**

The contract of employment continues throughout ordinary and additional adoption leave unless you or the Council expressly end it or it expires (for example, temporary contracts).

### **Contact with work during adoption leave**

You and your employer are entitled to have reasonable contact with each other to ensure that you are kept up to date with departmental changes, vacancies and any other matters relevant to the employees. The mode of contact is to be confirmed and agreed prior to the commencement of adoption leave. Contact during adoption leave does not bring that period to an end. Reasonable contact does not constitute 'work', and would not therefore count towards the 10 days.

### **Working during adoption leave - Keeping In Touch Days (KIT)**

For the purposes of this provision, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. You may agree with your line manager to come to work for up to 10 days during the adoption leave period without bringing that period to an end as a result of carrying out the work.

Working for part of a day will count as one day. There is no statutory entitlement to these work days. Your manager cannot insist that you carry out any work and you have the right to refuse to work. Equally, you cannot insist on being given any work to do. The adoption leave will not be extended due to the fact that you have carried out some work in this period.

You will not lose your right to SAP as a result of working up to 10 days and you will be entitled to receive your salary pro-rated for the days worked. The payment will be in addition to your SMP entitlement. To claim for hours worked you will need to submit a Payment Claim Form directly to payroll for processing (*Appendix 5*).

## **2.10 PROTECTION AGAINST DETRIMENT OR DISMISSAL ON GROUNDS OF TAKING OR SEEKING TO TAKE ADOPTION LEAVE**

Regardless of your length of service, you have significant protection to ensure that you do not suffer detriment or are dismissed for reasons relating to taking, or seeking to take, adoption leave.

Detrimental treatment in this context does not include dismissal or unfair selection for redundancy on grounds of taking, or seeking to take, adoption leave, as this is a separate right. Employees who believe they have been unfairly treated are entitled to make a complaint to an employment tribunal.

### **Redundancy during Adoption leave**

It is unlawful for an employer to dismiss you, or select you for redundancy in preference to other comparable employees, for reasons connected with your request to seek to take or take adoption leave.

If a redundancy situation has arisen either during your adoption leave or upon your return to work, you have the right to be offered a suitable and appropriate alternative vacancy, where there is one, with employment rights that are not substantially less favourable than you had before your adoption leave.

If you are dismissed you are entitled to your normal notice or pay in lieu of notice and where you are dismissed on the grounds of redundancy you may also be entitled to a redundancy payment.

## **2.11 RETURN TO WORK AFTER ADOPTION LEAVE**

### **Notice required for return to work**

If you intend to return immediately after the end of your full adoption leave entitlement, you do not need to give advance notice of your return. Your date of return will be your next normal working day after the end of your 52 week adoption leave (i.e. your first normal working day of the 53rd week).

However, should you wish to return to work earlier than the end of your entitled adoption leave, you must give your manager at least eight weeks' notice of your return date. If you do not provide this notice, the Council may postpone your return for a period of up to eight weeks, or until the end of the adoption leave period, if this is sooner.

### **Employees who do not wish to return to work after adoption leave**

Should you decide that you do not wish to return to work after your adoption leave, you must provide your line manager with a written statement of your resignation giving the notice required by your contract of employment (usually one or two months).

### **Sickness at the end of adoption leave**

If you are unable to attend work at the end of your adoption leave due to sickness, the normal contractual arrangements for sickness absence will apply.

### **Rights on return to work after ordinary adoption leave**

You are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

### **Rights on return to work after additional adoption leave**

After additional adoption leave you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

### **Rights on return to work after adoption leave and parental leave**

If you take a period of parental leave immediately after your period of ordinary adoption leave, you will have the right to return to the same job on the same terms and conditions as if you had not been absent, unless that is not reasonably practicable, in which case you will be entitled to be offered suitable alternative work which has the same or better status and terms and conditions as your old job.

## **FREQUENTLY ASKED QUESTIONS**

### **Does my Maternity / Adoption leave count towards continuous service?**

If you return to local government service following a break for maternity / adoption reasons, you will be entitled to have previous service taken into account in respect of the provisions relating to sickness payments and maternity / adoption leave provided that your break in service does not exceed 8 years and also provided that no permanent full-time paid employment has intervened.

For the purposes of the calculation of annual leave entitlement, the 8 years' time limit does not apply, provided that no permanent full-time paid employment has intervened.

### **What happens to about my holiday entitlement?**



Your entitlement to annual leave remains unaffected by maternity / adoption leave. The amount of annual leave that you have accrued in the current leave year will be dependent upon the timing of your maternity leave.

Subject to agreement by your manager, you should ensure that you take your accrued annual leave prior to the commencement of your maternity leave. The balance of annual leave can be taken following your return to work.

Should you resign during, or at the end of your maternity leave, you may be entitled to payment for the balance outstanding (calculated as 1/12th of your annual leave entitlement for each completed month of service up to the date of your resignation).

If you have chosen not to take the annual leave you have accrued prior to commencing your maternity leave then there is no facility to provide payment to you for that proportion of leave not taken.

### **Am I entitled to any pay increases whilst I'm on maternity leave?**

You will benefit from any pay increases or improvements to your terms and conditions which happen whilst you are have been on maternity / adoption leave.

On your return for maternity / adoption leave, once the final appraisal has taken place for the year in question, your increment can be awarded (If applicable) and backdated to April. Please see Incremental Pay Progression Policy for more detail.

### **Local Government Pension Scheme**

If you are a member of the Local Government Pension Scheme you will continue to make contributions on the pay received. As your employer we protect your pension if there is a period of reduced pay by way of Assumed Pensionable Pay. This means your pension in the CARE scheme will based on the Assumed Pensionable Pay, rather than on your reduced earnings.

For a period of no pay, you will have the opportunity to make Additional Pension Contributions (APCs) to reinstate your own 'lost pension' and if this option is taken up within 30 days of your return to work, as your employer, we will pay 2/3rds of the cost by way of a Shared Cost APC.

### **Will I continue to receive or have to pay any allowance agreements?**

#### **Assisted car (or cycle) purchase scheme**

The terms and conditions contained in your loan agreement apply throughout the period of your maternity leave. Therefore, you are required to continue to make the appropriate repayments throughout your maternity / adoption leave period.

During the period of your leave where you are receiving payment, your repayment will be deducted as usual. Where there is a shortfall, you must make arrangements for the Council to receive the outstanding amount before the end of each calendar month. During any period of your maternity leave in which you are receiving no payment, you must ensure that the Council receives the full monthly amount due before the end of each calendar month.

#### **Standby duty payments**

During the period of your maternity / adoption absence you will not be required to undertake standby duty and therefore you will not receive any standby payments.

**Essential user car allowance**

Employees entitled to essential car user allowance will continue to receive essential user car allowance (pro rata for part time employees) throughout the period of maternity / adoption leave.

**Will I have to return any electronic devices while on maternity leave?**

Yes, all electronic devices (e.g. mobile phones, ipads etc.) will be handed over to the person providing cover or your line manager at the start of your maternity / adoption leave.

**What happens if I am on a secondment?**

If the secondment is due to end whilst you are on maternity leave then at that point your pay will reflect any changes in salary due as a result (if applicable) and you will return from your maternity leave to your substantive post. Alternatively, if the secondment is due to continue or is renewed, you will return to that role.



## SECTION 3 – Paternity Leave

### 3.1 INTRODUCTION – General Guidelines

Paternity leave is available to all employees to assist in the care of a child and to provide support to the mother at or around the time of the birth.

The eligibility criteria are:

- the man is the baby's biological father or the partner / husband of the mother
- the man has (or expects to have) responsibility for the baby's upbringing
- Appropriate notice has been given by completion of the self-certificate form

The qualification is that you have or expect to have responsibility for the upbringing of the child and you are the baby's biological father or the husband or partner (including same sex or civil partners) of the mother.

Please contact Human Resources if you require further clarification regarding your eligibility.

### 3.2 ENTITLEMENT TO PATERNITY LEAVE AND PAY

All employees who meet the eligibility criteria are entitled to 1 week's ordinary paternity leave (OPP), OPP will be paid at a normal week's pay rate.

Employees who have completed 26 week's continuous service by the 15th week before the baby is expected (Qualifying Week), or within 7 days of the issue of the adoption matching certificate, are entitled to 2 week's consecutive paternity leave which will be paid at a normal week's pay rate.

Paternity leave can start from the date of the baby's birth or any day of the following week but must be taken within 56 days of the date of birth, or in the case of adoption 56 days from the date of placement.

If the baby is born earlier than expected, then the leave must be taken within the period from the actual date of birth up to 56 days after the first day of the expected week of birth.

#### Notification Requirements

The employee has an obligation to inform their line manager of the intention to take ordinary paternity leave by the end of the qualifying week. The employee must provide the following details, by completing and submitting the ordinary paternity leave notification form, you will need to submit a Payment Claim Form directly to payroll for processing (Appendix 7):

- the week the baby is expected
- the start date of the leave to be taken
- the duration of leave to be taken

You cannot commence paternity leave or receive paternity pay before the baby is born. Therefore if the baby is not born by the approved date on the ordinary paternity leave application form then the date has to be changed to a new agreed date either after or on the date of the child's birth. A new form should be completed as soon as possible, specifying the new date, and further approval sought.

### **Sickness Absence**

If you are on sickness absence prior to starting a period of paternity leave, then the paternity leave should be postponed until you are well, and a new Paternity Leave Application Form should be completed. The 56-day period in which paternity leave should be taken will not be extended under these circumstances.

If you are unable to attend work at the end of the paternity leave period due to sickness, the normal contractual arrangements for sickness absence will apply.

### **Standby Allowance**

During the period of your paternity leave you will not be required to undertake standby duty and therefore you will not receive any standby payments.

### **Rights during and after paternity leave**

A male employee who qualifies for paternity leave is entitled to:

- return to the same job
- return to the same terms and conditions of employment
- not be subjected to a disadvantage, unfair treatment or dismissal.

Continuous service is unaffected by Paternity Leave.



## SECTION 4 – Shared Parental Leave

### 4.1 INTRODUCTION – General Guidelines

This policy outlines the statutory right to take Shared Parental Leave (SPL) to care for a child due to be born or placed for adoption on or after 5 April 2015. It also outlines the arrangements and notification requirements before a period of SPL and the entitlement to pay during SPL.

SPL gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 52 weeks' leave should they wish to do so. Parents taking SPL can take leave in separate blocks, returning to work in between blocks, and can be on leave at the same time. Eligible employees are entitled to submit up to three 'period of leave' notices and are entitled to take SPL on those dates if a continuous period of leave is requested.

Employees and managers should where possible have an informal discussion prior to employees giving formal notification of intention to take SPL so that statutory entitlements to other types of leave and pay can be discussed, and to ensure that plans for any discontinuous periods of leave can be considered as early as possible.

Requests for SPL which are not made in accordance with the statutory notification requirements will be given reasonable consideration, but may not be granted.

You will find a helpful flow chart detailing important events and dates to remember for SPL requests.

**Please seek further guidance from your HR Business Partner or another member of the HR team.**

### 4.2 WHAT IS SHARED PARENTAL LEAVE?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave.

### 4.3 WHO IS ELIGIBLE FOR SHARED PARENTAL LEAVE?

To qualify for SPL:

- *be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (each will be referred to in this policy as a parent).*
- *have (or share with the other parent) the main responsibility for the care of the child.*
- *have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant*

week’).

- *still be in continuous employment until the week before any SPL is taken.*
- *have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).*

A parent intending to take SPL must:

- *be an employee.*
- *share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption.*
- *have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.*

In addition, a parent wanting to take SPL is required to satisfy the ‘continuity of employment test’ and their partner must meet the ‘employment and earnings test’.

- *have at least 26 weeks’ employment (employed or self-employed) out of the 66 weeks prior to the relevant week*
- *have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week.*

#### **4.4 ENTITLEMENT**

Eligible parents will be able to share a maximum of 50 weeks leave and 39 weeks statutory pay, for the purpose of caring for a child within the first year of the child’s life or in the year after the child is placed for adoption.

Shared parental leave cannot be taken until after the birth/placing of the child and only applies to babies born or children placed on or after 5th April 2015.

Partners do not have to work for the councils but they must satisfy minimum employment and earnings criteria.

##### **How can periods of leave be taken?**

SPL must be taken in complete weeks, it can be taken:

- *as one continuous block, or;*
- *in multiples of complete weeks.*

The minimum SPL that can be taken is one week.

Provided that both parents qualify for SPL you can choose to take leave at the same time as your partner or you can take your leave separately.

You may take one or more periods of shared parental leave per pregnancy or adoption.

##### **Right to return to work after a period of SPL**

You have the right to return to the same job if you have been on shared parental leave plus any other type of leave for 26 weeks or less.

If you have been on leave for more than 26 weeks you have the right to return to the same job unless this is not reasonably practicable. If due to organisational change your role no longer exists you would be managed in accordance with the

organisational change policy.

#### **4.5 KEEPING IN TOUCH DAYS – KIT Days**

You may be asked to attend work on occasional days during your SPL period. These days could be for training, to attend department meetings, or just for keeping in touch (KIT). You may work for up to 20 days without bringing the SPL to an end, but work during SPL will not have the effect of extending your SPL period. If you do work, you will be paid your normal rate of pay inclusive of any SPP entitlement. You are under no obligation to work during SPL, and the Council is under no obligation to offer work.

The 20 KIT days available during SPL are in addition to the 10 KIT days available during maternity and adoption leave.

#### **4.6 CURTAILMENT NOTICE**

Anyone eligible and intending to take shared parental leave must submit a maternity/adoption leave curtailment notice, giving at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early (*Appendix 9*).

Once you have ended your maternity/adoption leave and have returned to work you will only be entitled to statutory pay during periods of shared parental leave and at that point you cannot revert back onto maternity leave.

##### **Notice of Entitlement**

Before taking leave, a notice of entitlement and intention to take shared parental leave, must be submitted (*Appendices 10 and 11*). This may be submitted at the same time as the maternity/adoption curtailment notice or at a later date but it cannot be later than 8 weeks before the date of the first period of shared parental leave.

#### **4.7 REQUEST BLOCKS OF LEAVE**

Requests for a single block of leave must be agreed by the Council and will need to meet the needs of the business.

If a request is for more than a single block the Councils may:

- *agree to your request*
- *decline your request due to organisational need or propose alternative dates*

Up to three separate requests for periods of shared parental leave and three withdrawal notices may be submitted. Any periods of leave that have been declined do not count towards these totals.

#### **4.8 DECLARATION**

Each **parent** must submit a signed declaration (*Appendices 10 and 11*) to their line manager with the notice of entitlement and intention, stating:

- *their full name;*
- *their partners full name*
- *the name and address of their partner's employer*
- *confirmation that they are eligible for SPL*

- *a statement that the information contained within the declarations is accurate.*
- *details of the amount of leave each partner is to take (this is nonbinding) and*
- *the amount of shared parental leave each partner is to take (start/end date).*

#### **4.9 FRAUDULENT CLAIMS**

The councils can, where there is a suspicion that fraudulent information may have been provided or where the council has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual disciplinary procedures, and may lead to gross misconduct if the allegations are found to true.

## **Frequently Asked Questions – Shared Parental Leave**

### **How will Shared Parental Leave operate?**

Parents will be able to take it in turns to have periods of leave to care for the child, and/or take leave at the same time as each other.

### **Can employees on Shared Parental Leave take KIT days?**

Yes, employers and employees can agree up to 20 KIT days during SPL without bringing the leave to an end. These can be used either to undertake work or, for instance, to attend meetings, team events or training. Both parents have up to 20 keeping-in-touch days each, which can be taken as single days or in blocks of days. This is in addition to the 10 keeping-in-touch days available to the mother or primary adopter during maternity leave or adoption leave.

### **Can employees be made redundant while on SPL and do they have any special rights?**

Yes, an employee whose role becomes redundant while he or she is on SPL must be offered any suitable alternative vacancy. Where an appropriate vacancy exists the employer must offer the employee the alternative employment under a new contract that begins on the day immediately following the day on which the previous contract comes to an end. The new role must be suitable in relation to the employee and appropriate for the employee to do in the circumstances, and the terms of the new contract must not be substantially less favourable than those of the previous contract.

Where a suitable vacancy exists and the employer fails to offer it, an employee's dismissal will be automatically unfair. However, where the employee rejects the alternative employment, or no suitable vacancy exists, the employer will be entitled to dismiss by reason of redundancy.

### **Does an employee have the right to return to the same job after taking a period of SPL?**

An employee has the right to return to the same job after taking a period of SPL if the period of leave, when added to any period of statutory maternity, paternity or adoption leave taken by the employee in relation to the same child, is 26 weeks or less.

In these circumstances, the employee has the right to return to the job in which he or she was employed immediately before the absence. The job must be the same in terms of the nature of the work, the capacity in which he or she is employed and the place of work. The



employee is entitled to no less favourable terms and conditions, with similar seniority and pension rights and as if he or she had not been absent.

An employee's right to return to the same job is qualified if returning after taking SPL that:

- *totals more than 26 weeks when added to any period of statutory maternity, paternity or adoption leave taken by the employee in relation to the same child; or*
- *was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, a period of additional maternity leave or a period of additional adoption leave.*

In these circumstances, the employee has the right to return to the same job unless it is not reasonably practicable for the employer to permit this, in which case the employee has the right to return to another job that is both suitable for him or her and appropriate for him or her to do in the circumstances.

### **Can an employee take SPL if his or her partner is self-employed?**

Yes, an employee can be eligible to take shared parental leave if his or her partner is self-employed, as long as the partner meets the relevant requirements relating to employment and earnings.

The employee's partner must have:

- *been engaged in employment either as an employed or self-employed earner for any part of the week in at least 26 of the 66 weeks immediately before the expected week of birth (or the week of notification of matching for adoption); and*
- *average weekly earnings of at least £30 in at least 13 of those 66 weeks.*

### **Can employees still take ordinary paternity leave once SPL is in force?**

Yes, eligible employees will still be able to take one or two weeks' ordinary paternity leave within the first 56 days following the child's birth, once shared parental leave is in force. However, reg.4 of the draft Paternity and Adoption Leave (Amendment) Regulations 2014 provides that an employee cannot take ordinary paternity leave if he or she has already taken a period of SPL in relation to the same child. Therefore, an employee can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first.

### **Can both parents take SPL at the same time?**

Yes, both parents can be absent from work on SPL at the same time.

The amount of SPL that the parents can share is 50 weeks, minus the amount of maternity leave taken by the mother, or adoption leave taken by the primary adopter. All leave must be taken before the child's first birthday, or before the first anniversary of the day on which the child was placed for adoption.

### **Can an employer refuse an employee's request to take SPL or require him or her to take it at a different time? What is "discontinuous leave" under the SPL scheme?**

An employee who is eligible for SPL can request to take discontinuous periods of leave, i.e. he or she can take a period of SPL, then return to work, then take a further period of SPL.

SPL must be taken in blocks of at least one week. All leave must be taken before the child's first birthday, or before the first anniversary of the adoption placement.

When an employee gives the employer a period of leave notice, he or she can request either a single block of leave or discontinuous periods of leave. If the employee requests **discontinuous** leave, the employer **can refuse the request** and require the employee to withdraw the request or take the leave in a continuous block. The employer has 14 days in which to agree the pattern of leave request, or negotiate alternative dates.

However, if an employee requests a **continuous** period of leave, the employer **must agree to it**.

Employees can submit up to three separate leave notices. Therefore, an employee can take three separate blocks of leave, provided that he or she gives his or her employer a separate notice of each period of leave, at least eight weeks before it starts.

### **Do employees continue to accrue annual leave during a period of SPL?**

Yes. Entitlement to 5.6 weeks' statutory annual holiday continues to accrue during shared parental leave. Any contractual holiday in excess of this also continues to accrue, as employees are entitled to benefit from all of their contractual terms and conditions (with the exception of remuneration) for the duration of any period of shared parental leave.

### **Local Government Pension Scheme**

If you are a member of the Local Government Pension Scheme you will continue to make contributions on the pay received. As your employer we protect your pension if there is a period of reduced pay by way of Assumed Pensionable Pay. This means your pension in the CARE scheme will be based on the Assumed Pensionable Pay, rather than on your reduced earnings.

For a period of no pay, you will have the opportunity to make Additional Pension Contributions (APCs) to reinstate your own 'lost pension' and if this option is taken up within 30 days of your return to work, as your employer, we will pay 2/3rds of the cost by way of a Shared Cost APC.



## SECTION 5 – Parental Leave

### 5.1 INTRODUCTION – General Guidelines

Parental leave is unpaid and the principles are as follows:

- *An employee must have a minimum of one year's continuous service.*
- *Employees are entitled to take up to 18 weeks' unpaid leave.*
- *The leave must be taken before the child's 18th birthday or the 18th anniversary of the adoption of the child.*
- *The leave is in respect of each child for whom the employee has parental responsibility. For example, parents of triplets are entitled to 54 weeks (if they can afford to take the time off without payment).*
- *The leave can be for any purpose connected with the care of the child.*
- *No more than four weeks parental leave can be taken in any one year.*
- *In default of any agreement to the contrary parental leave may only be taken in blocks of one week or multiples of a week.*
- *21 days' notice must be given of the intention to take leave, and of when the leave begins and ends by using the Parental Leave Request (Appendix 12).*

### 5.2 EXCEPTIONS TO THE PARENTAL LEAVE PROVISIONS FOR PARENTS WITH DISABLED CHILDREN

The following principles apply to parents of disabled children (disability is defined as being entitled to disability living allowance).

- *they are not required to take leave in blocks of full weeks.*
- *the maximum leave entitlement of four weeks is not imposed.*

### 5.3 DEFINITION OF A WEEK

Where an employee's working pattern does not vary, under the contract of employment, a week is the period the employee normally works.

Where the working pattern normally varies from week to week or over a longer period, or if the employee is normally required to work in some weeks and not other weeks, then a week is the total of all periods worked over one year divided by 52.

Where an employee takes leave in periods shorter than what constitutes for them a week's leave under either of the above, then a week's leave is completed when the total of the shorter periods are equal to what does in fact constitute one week.

#### **5.4 REQUEST FOR EVIDENCE**

On applying for parental leave, the employee must provide evidence of the child's date of birth, the employee's responsibility or expected responsibility of the child, and if applicable the child's entitlement to a disability living allowance. This evidence should be attached to the parental leave application form.

#### **5.5 POSTPONEMENT OF LEAVE PERIOD**

The employer can postpone leave if business operation would be unduly disrupted by the leave being taken. This postponement will be done, in writing, within seven days of the request for leave, stating the reason for the postponement, and specifying the new dates the leave may be taken with the agreement of the employee. (This should be done within six months of the original parental leave dates).

If the employer and employee cannot agree on new dates then the employer must determine the most appropriate dates. Parental leave cannot be postponed if it is to be taken immediately after the child is born or placed for adoption.

#### **5.6 RIGHTS DURING AND AFTER PARENTAL LEAVE**

An employee who qualifies for parental leave is entitled to:

- *return to the same job if reasonably practicable, otherwise to another job that is suitable.*
- *return to the same terms and conditions of employment.*
- *not be subjected to a disadvantage, unfair treatment or dismissal.*

Annual leave entitlement and continuous services are unaffected during parental leave.

#### **5.7 STAND-BY AND ON-CALL DUTY**

During the period of your parental leave you will not be required to undertake stand-by or on-call duty and therefore you will not receive payment for these tasks.

#### **5.8 LOCAL GOVERNMENT PENSION SCHEME**

Pension contributions will be deducted in the normal way from any payment you receive during your parental leave period.

Any absence, which is unpaid, will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions.

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice, please contact Payroll.

#### **5.9 MULTIPLE CONTRACTS**

Where an employee works in more than one Department of the Council, this will not affect the total leave entitlement. If the manager of one of the jobs wishes to postpone leave this will have the effect of postponing leave for both jobs. It is up to the line managers and the employee concerned to agree a convenient time for parental leave to be taken, as long as this is within six months of the original request.



## SECTION 6 - TIME OFF FOR DEPENDENTS

### 6.1 THE DEFINITION OF DEPENDENTS

Employees have the right to take a reasonable amount of time off work for their dependants. Dependants in respect of whom an employee can take time off are:

- the employee's spouse or civil partner
- the employee's child
- the employee's parent
- a person who lives in the employees household (excluding tenants, lodgers and employees)
- a person who reasonably relies on the employee for assistance in the event of an accident or for care in the event of an illness or injury, for example an elderly neighbour
- in relation to the disruption or termination of care for a dependant, a person who reasonably relies on the employee to make arrangements for the provision of care.

### 6.2 THE PURPOSE OF THE ABSENCE

The right to time off work for dependants is limited to dealing with an unexpected event involving a dependant.

The circumstances in which employees may take time off for dependants are specified in legislation. These are to:

- provide assistance when a dependant falls ill, gives birth or is injured or assaulted
- make arrangements to provide care to a dependant who is ill or injured
- deal with the death of a dependant
- deal with the unexpected disruption or termination of arrangements for the care of a dependant
- deal with an incident involving the employee's child during school hours.

The right to time off is limited to taking action that is necessary to deal with one of the above unexpected events. Its purpose is to allow an employee a short period of breathing space to deal with a dependant.

- **Providing assistance if a dependant falls ill, gives birth or is injured or assaulted:** Providing assistance includes, for example, providing immediate care to a dependant to deal with an unexpected incident, or seeking medical attention for the dependant. However, it does not include taking a dependant to a planned medical

appointment or providing care beyond the reasonable amount necessary in an immediate crisis. Illness includes physical and mental conditions, and the employee's dependant does not need to have a serious or life-threatening condition. An employee who is the parent of a pregnant woman, or who is an expectant father who has chosen to take paternity leave several weeks after the birth of the child, may be entitled to accompany the expectant mother when she attends hospital for the purpose of giving birth, for example.

- **Making arrangements to provide care to a dependant who is ill or injured:** If, for example, an employee's partner has an accident, the employee is entitled to take time off work to make arrangements for someone to care for the dependant at home while he or she recovers. However, the employee would not be entitled to take, say, two weeks off work to care for the individual until he or she has fully recovered.
- **To deal with the death of a dependant:** This includes making logistical arrangements following the death of a dependant, for example making funeral arrangements and attending the funeral. It does not include, for example, time off for bereavement counselling.
- **To deal with the unexpected disruption or termination of arrangements for the care of a dependant:** This includes providing immediate care or making arrangements for long-term care following a breakdown of the dependant's care arrangements. For example, an employee may be able to take a day off work to look after his or her child or to arrange alternative care for the child if the child's nanny is sick. It does not include providing long-term care for the child.
- **To deal with an incident involving the employees' child during school hours:** This includes, for example, where a parent needs to attend his or her child's school because the child has been involved in a fight or accident.

Examples of absences permitted under the right to time off for dependants	Examples of absences not permitted under the right to time off for dependants
Taking a spouse to hospital after he or she has had an accident.	Attending planned surgery with a spouse.
Emergency assistance to an elderly neighbour who has broken his or her leg.	Doing the weekly shopping for an elderly neighbour.
Dealing with probate following the death of a spouse.	Grieving for a spouse.
Taking a child to a relative's house when the child's nanny is sick.	The long-term care of a child where the child's nanny has left the employees employment.
Looking after a child because of school closure following flooding.	Looking after a child during half term.

### **6.3 FREQUENCY OF THE ABSENCE**

The legislation permitting employees to take time off for dependants does not place a limit on the number of times that employees can take time off work. For example, where an employee has a young son who, over the course of a year, is unable to attend school on several separate occasions due to sickness (because he has chicken pox, then an ear infection, then a sore throat) the employee will be entitled to take time off on each occasion.

The manager should take into account the circumstances and treat each situation on the basis of whether or not the time off is reasonable and necessary.

### **6.4 THE NEED OF THE ORGANISATION**

Line managers cannot take into account the operational needs of their organisation when assessing whether or not an employee is entitled to take time off for dependants, or whether or not the amount of time off that the employee needs to take is reasonable and necessary to deal with the particular circumstances. Even where the employee has an important deadline to meet, this should not prevent the line manager from permitting the employee to take time off.

All employees are entitled to take time off for dependants, and they do not need to have accrued a minimum period of continuous service to be eligible.

#### **The Procedure**

All line managers should familiarise themselves with this policy. The policy includes an application form which an employee should complete on their return to work and forward to directly to payroll for processing once authorised by their line manager. All time off for dependents is unpaid payroll will arrange for payroll to adjust the employees' salary accordingly. (*Appendix 13*).

### **6.5 TERMS AND CONDITIONS**

Employees are not entitled to be paid while they are taking time off for dependants. However, all of the other terms and conditions of employment are preserved. For example, annual leave continues to accrue while the employee is absent.

## **GLOSSARY OF TERMS AND ABBREVIATIONS USED**

The following terms and abbreviations are used in this booklet:

<b>CONFINEMENT</b>	The birth of a living child, or the birth of a child whether living or dead, after 24 weeks of pregnancy.
<b>EWC</b>	Expected Week of Confinement - the week in which the baby's birth is expected to fall.
<b>ORDINARY MATERNITY LEAVE</b>	The first 26 weeks of leave
<b>ADDITIONAL MATERNITY LEAVE</b>	The last 26 weeks of leave (52 weeks in total)
<b>SMP</b>	Statutory Maternity Pay
<b>SPL</b>	Shared Parental leave
<b>MPP</b>	Maternity Pay Period (the period during which SMP is payable; a maximum of 39 weeks).
<b>EARNINGS RELATED RATE SMP</b>	9/10 <sup>ths</sup> of average weekly earnings payable for the first 6 weeks of the MPP.
<b>FLAT RATE SMP</b>	A set rate per week or 90% of earnings if this is less than the set rate which is reviewed each year and which is payable for the remaining weeks of the MPP (up to 33).
<b>LOWER EARNINGS LIMIT</b>	Lower Earnings Limit for National Insurance contribution purposes.
<b>MAT B1</b>	Maternity Certificate showing the expected date of the baby's birth.
<b>QW</b>	Qualifying Week (the 15 <sup>th</sup> week before the EWC).



## USEFUL CONTACTS

For all general queries, in the first instance contact your line manager, or your HR Business Partner.

**Family and Childcare Trust** – aims to make the UK a better place for families, through research, campaigning and information provision, and working with government, employers and parents to reduce pressures on family life.

t: 020 7940 7510

e: [info@familyandchildcaretrust.org](mailto:info@familyandchildcaretrust.org)

**The Miscarriage Association** – Information and support on miscarriage and ectopic pregnancies.

t: 01924 20000799

e: [www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk)

**Tommy's** – Information aimed at understanding and preventing premature birth, miscarriage and still births.

t: 0207 398 3400

e: [www.tommys.org](http://www.tommys.org)

**Adoption UK** – Support, during and after adoption.

t: 0844 848 7900

e: [www.adoptionuk.org](http://www.adoptionuk.org)

**Sands** - supports anyone who has been affected by the death of a baby before, during or shortly after birth. We offer emotional support and information for parents, grandparents, siblings, children, families and friends, health professionals and others.

t: 0808 8020925

e: [www.uk-sands.org](http://www.uk-sands.org)

**Gingerbread** – Providing free advice, training, and practical support for single parents and campaigns to improve the lives of all single parent families.

t: 0808 8020925

e: [www.gingerbread.org.uk](http://www.gingerbread.org.uk)

**Age Concern** – Is the largest charitable movement in the UK concerned with the needs of older people.

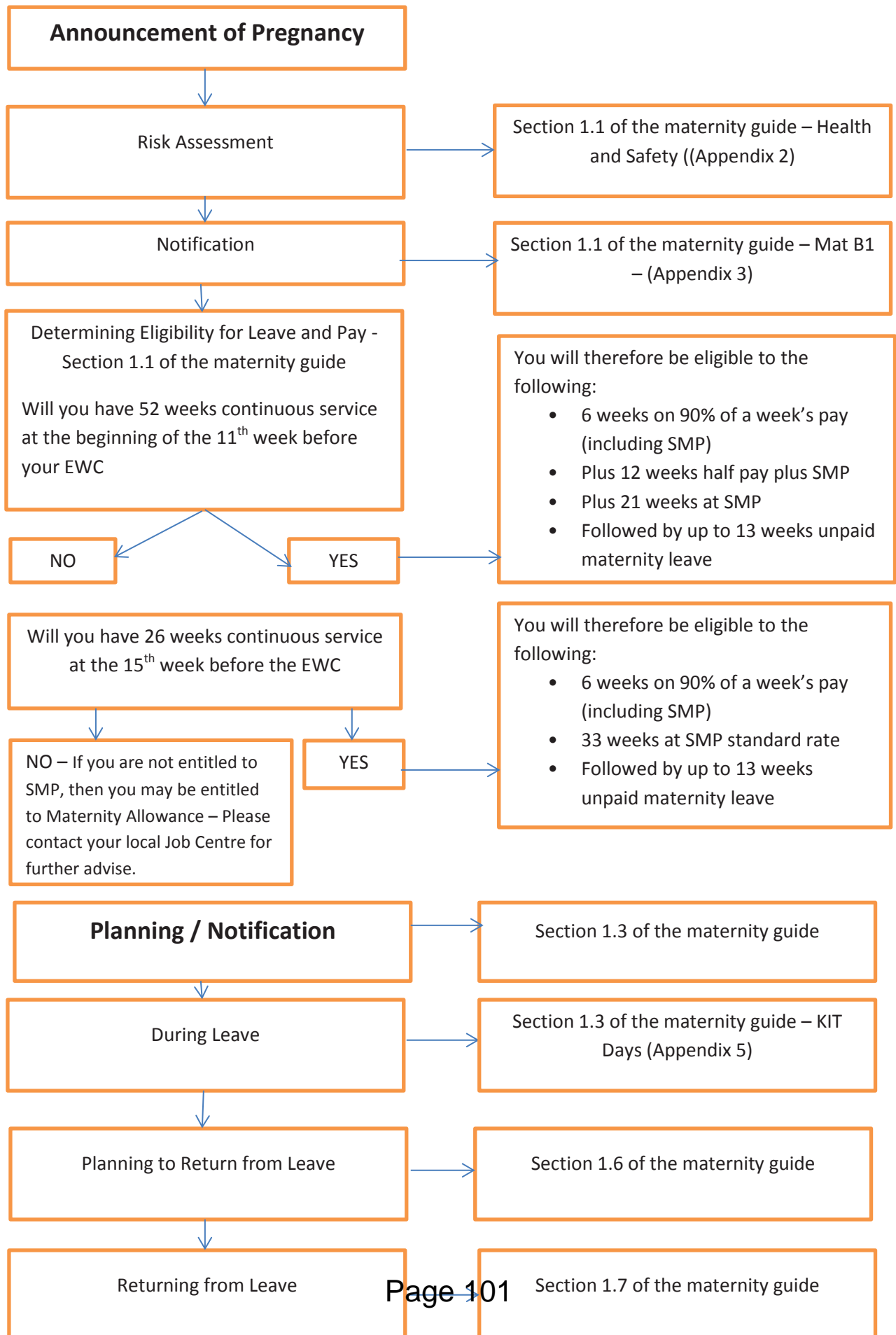
t: 0800 1696565

e: [www.ageuk.org.uk](http://www.ageuk.org.uk)

## **APPENDICES**

Appendix 1	Maternity Flow Chart
Appendix 2	Risk Assessment Record Sheet for New or Expectant Mothers
Appendix 3	Maternity Leave Notification Form
Appendix 4	Example MAT B1 Form
Appendix 5	Payment Claim Form
Appendix 6	Adoption Leave Application Form
Appendix 7	Ordinary Paternity Leave Request Form
Appendix 8	Flow Chart for Shared Parental Leave
Appendix 9	Maternity Leave Curtailment Notice
Appendix 10	Shared Parental Leave Notice of Entitlement and Intention (mother)
Appendix 11	Shared Parental Leave And Paternity Request
Appendix 12	Parental Leave Application Form
Appendix 13	Time off for Dependants

## Maternity Leave Overview





South Northamptonshire Council





DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**RISK ASSESSMENT RECORD SHEET FOR NEW OR EXPECTANT MOTHER**

The Management of Health and Safety at Work Regulations (1999) include specific regulations that protect this group. The regulations cover those women who are pregnant, given birth within the last 6 months and those who are breastfeeding. Once a worker advises their employer they are pregnant they are required to conduct a risk assessment and take any appropriate measures to ensure health and safety.

Hazard		To Whom	See Overleaf for Guidance					Existing Control Measures	Additional Measures to Reduce Risk	Actions Required / Remarks
Process	Harm		(S)	(L)	Risk Rating					
					H	M	L			
Manual Handling Operations				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Workstation				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
General Working Environment				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Mental and Physical Fatigue				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Working Alone				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
General Health and Well-being				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Name of Assessor (Please print)		Assessor's Signature					Position		Date of Next Review	
Employee (Please print)		Employee's Signature					Date			

**APPENDIX 3**

 <b>South Northamptonshire Council</b>		 <b>Cherwell</b>		<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>MATERNITY LEAVE NOTIFICATION FORM</b>					
Name of employee					
Council		<input type="checkbox"/> CDC		<input type="checkbox"/> SNC	
Department					
Job Title					
Line Manager					
<p><b>Please complete this form and return it to the HR Department with your MAT B1 (if not already forwarded) before the 15<sup>th</sup> week before the Expected Week of Childbirth.</b></p>					
<p><b>The earliest date for the commencement of maternity leave is at the beginning of the 11<sup>th</sup> week before the week in which your baby is due.</b></p>					
My expected date of childbirth is:					
The date of the 11 <sup>th</sup> week before the week in which my baby is due is:					
I intend to commence my maternity leave on:					
I intend my maternity leave to end on:					
Following my maternity leave, I intend to take Annual Leave				Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>If Yes:</b> After I have taken Annual Leave, I intend to be back in the office on:					
<p><b>During your maternity leave your line manager will keep you up to date and informed of changes, vacancies and any other matters that are of relevance to you. You may also wish to discuss the opportunities for returning on reduced hours or with a change to your pattern of work. Please tell us how you wish to be contacted during your Maternity Leave, and give details:</b></p>					
<input type="checkbox"/> Phone					

**APPENDIX 3**

<input type="checkbox"/> E-mail			
<p><b>After the first 6 weeks of your maternity leave you will receive 12 weeks' half pay on the understanding that you will return to work for the Council for at least 3 months. This payment is in addition to Statutory Maternity Pay. You will have to pay back the 50% salary that you receive if you do not return to work for the Council for at least 3 months after your baby is born. Please select the option you wish to be applied to you:</b></p>			
<input type="checkbox"/> I wish to receive the 50% salary whilst on Maternity Leave			
<input type="checkbox"/> I wish to receive the 50% salary in a lump sum after I have completed the 3 months back at work.			
<input type="checkbox"/> I do not wish to receive the 50% salary payment.			
<p><b>HR will need your MAT B1, please select the option that applies to you:</b></p>			
<input type="checkbox"/> I enclose my MAT B1			
<input type="checkbox"/> I have previously forwarded my MAT B1			
<input type="checkbox"/> I will forward my MAT B1 as soon as I receive it			
Signed Employee		Date	

EXAMPLE OF A MATERNITY CERTIFICATE

This is your MATERNITY CERTIFICATE

Use this certificate if you want to claim

Statutory Maternity Pay (SMP) or Maternity Benefits

Before you use the certificate, please fill in your name and address below

Your full name \_\_\_\_\_
Your address \_\_\_\_\_
and postcode \_\_\_\_\_

More information

There is more information about Statutory Maternity Pay and Maternity Allowance in leaflet NI17A A Guide to Maternity Benefits.

For advice about Statutory Maternity Pay contact your Inland Revenue (NI Contribution) Office. For advice about Maternity Allowance contact your local Social Security office.

Statutory Maternity Pay (SMP)

You may be entitled to payments from your employer if you have worked for the same employer from the beginning of your pregnancy into the 15th week before the week when you expect to have your baby (your 26th week of pregnancy).

Ask your employer if you can get SMP. Do this now.

Maternity Allowance

This is a benefit you may be entitled to if

- you are self-employed
you do not have an employer
your employer cannot pay you SMP.

If you think you may be entitled to Maternity Allowance get form MA1 from a Social Security office, a maternity clinic or child health clinic.

Sure Start Maternity Grant from the Social Fund

You may be able to get this payment if you or your partner are getting Income Support, income based Jobseekers Allowance, Working Families Tax Credit or Disabled Persons Tax Credit, or you get one of the above named benefits within 3 months of the birth of your baby.

For advice contact your local Social Security office.

Child Benefit

Claim Child Benefit when your baby is born. Use the claim form in your hospital bounty pack, or if you did not get a bounty pack you can get a claim form from a Social Security office.

Claim as soon as you can after the baby is born - benefit can only be backdated for up to 3 months.

MAT B1

Please fill in this form in ink

Name of patient

Part A

Fill in this part if you are giving the certificate before the confinement.

Do not fill this in more than 20 weeks before the week when the baby is expected.

I certify that I examined you on the date given below. In my opinion you can expect to have your baby in the week that includes

Week means a period of 7 days starting on a Sunday and ending on a Saturday.

Date of examination

Date of signing

Signature

TO THE PATIENT

Please read the notes on the back of this form

Part B

Fill in this part if you are giving the certificate after the confinement.

I certify that I attended you in connection with the birth which took place on when you were delivered of a child children.

In my opinion your baby was expected in the week that includes

Registered midwives

Please give your UKCC Personal Identification Number and the expiry date of your registration with the UKCC

Doctors

Please stamp your name and address here if the form has not been stamped by the Health Authority in whose medical list you are included.

**APPENDIX 5**



South Northamptonshire Council



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**MATERNITY/ ADOPTION/ SHARED PARENTAL LEAVE  
PAYMENT CLAIM FORM – KIT DAYS**

Name of employee	
Council	<input type="checkbox"/> CDC <input type="checkbox"/> SNC
Department	
Job Title	
Line Manager	

I wish to claim for \_\_\_\_\_ hours worked on \_\_\_\_\_

These hours represent **one day** of the **ten** maximum that I can take without bringing my maternity leave to an end.

I understand that working for part of a day will count as one day. This payment is made in addition to any SMP owed.

I have now worked \_\_\_\_\_ days during my maternity leave



Signed Employee		Date	
Signed Line Manager		Date	

**PAYROLL USE ONLY**

Date Received		By	
Date System Updated		By	





**APPENDIX 6**

 <b>South Northamptonshire Council</b>				<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>ADOPTION LEAVE APPLICATION FORM</b>					
Name of employee					
Council		<input type="checkbox"/> CDC		<input type="checkbox"/> SNC	
Department					
Job Title					
I am adopting a child and wish to apply for statutory adoption pay and statutory adoption leave.					

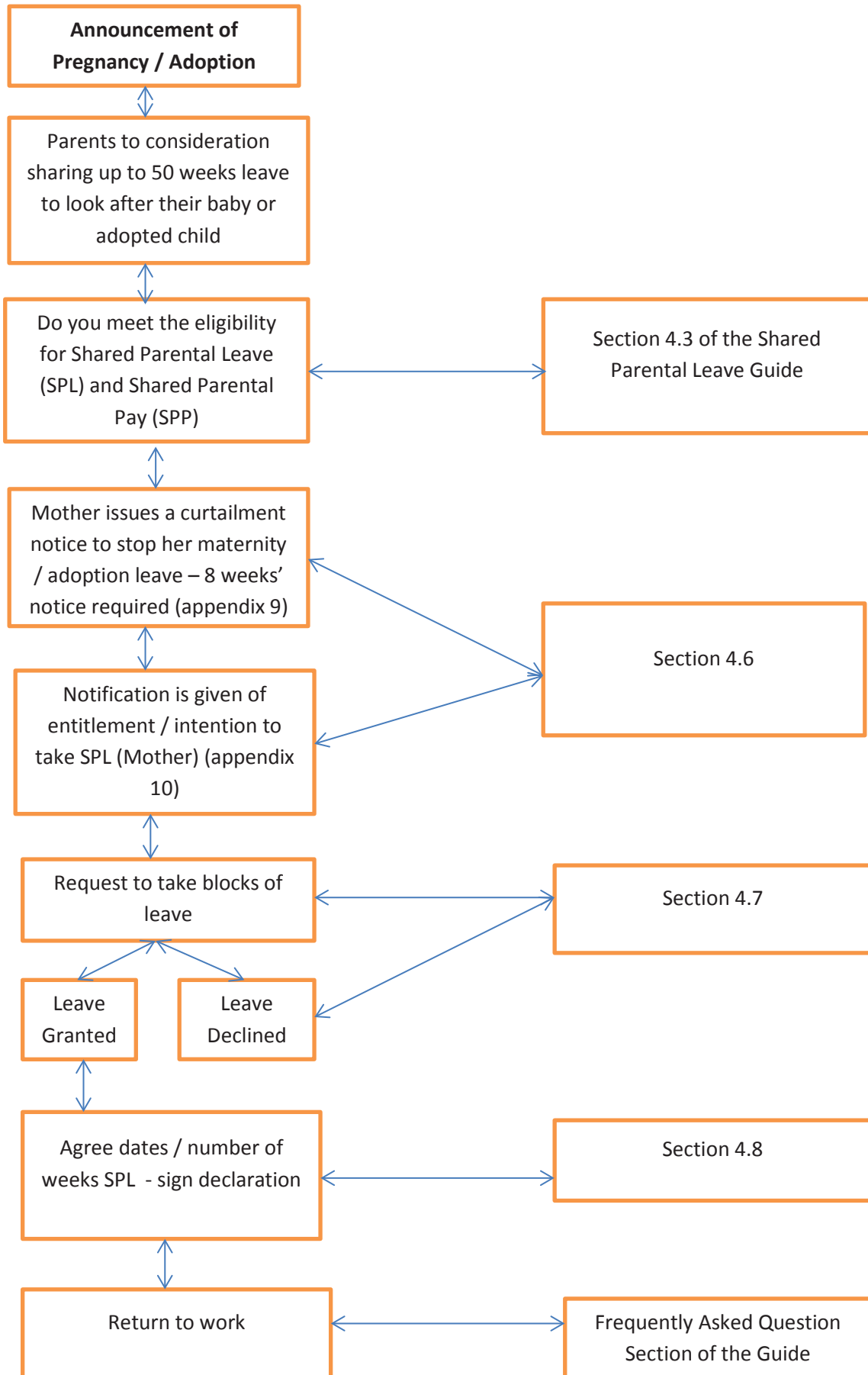
<b>You must be able to tick all the boxes below to get Statutory Adoption Pay.</b>	
I declare that:-	
<input type="checkbox"/>	I enclose the matching certificate as evidence of the adoption.
<input type="checkbox"/>	I have given 28 days notice of when I wish my Statutory Adoption Pay to commence (or where this is not reasonably practicable then as soon as possible).
<input type="checkbox"/>	I have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions which applies at the end of the qualifying week
<input type="checkbox"/>	I will have stopped working for the Council wholly or partly because of the adoption

<b>Dates for Pay and Leave</b>			
I am adopting a child and was given the matching certificate on		Date	
The adoptive child is expected to/did actually start living with me on		Date	
I would like my adoption pay and adoption leave to commence on		Date	
Signed Employee		Date	
Signed Head of Service		Date	
Distribution	Payroll <input type="checkbox"/>	Human Resources <input type="checkbox"/>	Line Manager <input type="checkbox"/>



**APPENDIX 7**

 <b>South Northamptonshire Council</b>				<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>PATERNITY LEAVE APPLICATION FORM</b>					
Name of employee					
Council		<input type="checkbox"/> CDC		<input type="checkbox"/> SNC	
Department					
Job Title					
You must be able to tick all boxes below to qualify for Paternity Leave					
<b>I declare that:-</b>					
<input type="checkbox"/> I am the baby's biological father, <b>or</b> I am married to the mother, <b>or</b> I am in an enduring family relationship with the mother / adopter <b>but am not an immediate relative</b>					
<input type="checkbox"/> I have responsibility for the child's upbringing					
<input type="checkbox"/> The purpose of this period of leave will be to care for the child					
<input type="checkbox"/> I understand that making a false claim for Paternity Leave could constitute gross misconduct					
The baby was born/started living with us on:					
I want to be away from work for one <input type="checkbox"/> / two <input type="checkbox"/> weeks and I would like my paternity leave and pay to commence on:					
Signed Employee				Date	
Signed Head of Service				Date	
<b>This form should be returned to HR together with a copy of the MatB1 Certificate or Adoption Matching Certificate.</b>					

# Shared Parental Leave





**APPENDIX 9**

 <b>South Northamptonshire Council</b>		 <b>Cherwell</b>		<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>SHARED PARENTAL LEAVE CURTAILMENT NOTICE</b>					
Name of employee					
Council		<input type="checkbox"/> CDC		<input type="checkbox"/> SNC	
Department					
Job title					
<p>I wish to bring my <b>[ordinary/additional]</b> maternity/adoption leave <b>[and statutory maternity/adoption pay]</b> to an end to be able to take shared parental leave.</p>					
<p><b>The date on which you end your maternity/adoption leave must be at least:</b>  <i>eight weeks after the date on which you provide this notice to the organisation;  two weeks after you give birth; and  one week before what would have been the end of your additional maternity/adoption leave</i></p>					
I wish to end my leave on:					
I wish my statutory pay period to end on:					
<input type="checkbox"/> I have also completed a form providing a notice of entitlement and intention to take shared parental leave.					
<input type="checkbox"/> My partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer.					
<input type="checkbox"/> I consent to the amount of leave that my partner intends to take.					
Signed Employee				Date	

**Note**

Please think very carefully before you submit this form. Once the form is submitted, you can withdraw your maternity/adoption leave curtailment notice only in limited circumstances.



 <b>South Northamptonshire Council</b>		 <b>Cherwell</b>		<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>SHARED PARENTAL LEAVE: NOTICE OF ENTITLEMENT AND INTENTION (MOTHER)</b>					
Name of employee					
Council		<input type="checkbox"/> CDC <input type="checkbox"/> SNC			
Department					
Job title					
I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.					
<b>Section A: Information to be provided by employee</b>					
My partner's name is:					
My maternity/adoption leave [started/is expected to start] on:					
My maternity/adoption leave [ended/is expected to end] on:					
My [child's expected week of birth is/child was born on]:					
The total amount of shared parental leave my partner and I have available is:					
I intend to take the following number of weeks shared parental leave:					
My partner intends to take the following number of weeks shared parental leave:					
I intend to take shared parental leave on the following dates (please include the					

## APPENDIX 10

start and end dates for each period of leave that you intend to take):	
I intend to take the following number of weeks' shared parental pay:	
<b>Section B: Declaration to be completed by employee</b>	
I satisfy/will satisfy the following eligibility requirements to take shared parental leave:	
<input type="checkbox"/>	I [have/will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation
<input type="checkbox"/>	At the date of the child's birth, I [have/will have] the main responsibility, apart from my partner, for the care of the child
<input type="checkbox"/>	I am entitled to statutory maternity/adoption leave in respect of the child
<input type="checkbox"/>	I have complied with the organisation's maternity/adoption leave curtailment requirements/returned to work before the end of my statutory maternity/adoption leave period], and will comply with the organisation's shared parental leave notice and evidence requirements
<input type="checkbox"/>	The information that I have provided is accurate
<input type="checkbox"/>	I will immediately inform the organisation if I cease to care for the child
<b>Section C: Declaration to be completed by employee's partner</b>	
My name is:	
My address is:	
My National Insurance number is:	
I satisfy the following eligibility requirements to enable the mother to take shared parental leave:	
<input type="checkbox"/>	I have been employed or been a self-employed earner in at least 26 of the 66

**APPENDIX 10**



weeks immediately preceding the expected week of childbirth			
<input type="checkbox"/> I have average weekly earnings of at least £30 for any 13 of those 66 weeks			
<input type="checkbox"/> At the date of the child's birth, I have the main responsibility, apart from the mother, for the care of the child			
<input type="checkbox"/> I am the father of the child, or am married to, the civil partner of, or the partner of, the mother			
<input type="checkbox"/> I consent to the amount of shared parental leave that the mother intends to take			
<input type="checkbox"/> I consent to your organisation processing the information provided in this form			
<b>Section D: Signatures</b>			
Signed (mother)		Date	
Signed (partner)		Date	
<p><b>Notes</b></p> <p>The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.</p> <p>This notice is to allow the organisation to check that you are entitled to shared parental leave and to provide the organisation with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the organisation a period of leave notice at least eight weeks before the first period of shared parental leave that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the organisation a variation notice.</p>			

 <b>South Northamptonshire Council</b>		 <b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>SHARED PARENTAL LEAVE AND PATERNITY REQUEST</b>			
Name of employee			
Council		<input type="checkbox"/> CDC	<input type="checkbox"/> SNC
Department			
Job Title			
<p>You must be able to tick all boxes below to qualify for Shared Parental Leave and Statutory Paternity Pay.</p> <p><b>I declare that:-</b></p>			
<input type="checkbox"/> I am the baby's biological father, <b>or</b> I am married to the mother, <b>or</b> I am in an enduring family relationship with the mother / adopter <b>but am not an immediate relative</b>			
<input type="checkbox"/> I have responsibility for the child's upbringing			
<input type="checkbox"/> The purpose of this period of leave will be to care for the child			
<input type="checkbox"/> I understand that making a false claim for shared parental leave could constitute gross misconduct			
The baby was born/started living with us on:			
I would like my shared parental leave to start on:			
I would like my shared parental leave to finish on:			
Signed Employee		Date	
<b>MOTHER'S DECLARATION</b>			
Surname			
First Name(s)			
Address			
NI Number			



**APPENDIX 11**

<p>You must be able to tick all boxes below to qualify for Shared Parental Leave and Pay.  <b>I declare that:-</b></p>			
<input type="checkbox"/> The employee: is the baby's biological father, <b>or</b> is my spouse, <b>or</b> and I are in an enduring family relationship <b>but they are not an immediate relative of mine</b>			
<input type="checkbox"/> The employee has responsibility for the child's upbringing			
<input type="checkbox"/> I am entitled to statutory maternity pay or maternity allowance			
<input type="checkbox"/> I intend to return to work on:		Date	
Signed (mother)		Date	
<b>AUTHORISATION</b>			
Signed Head of Service		Date	
Signed HR		Date	
<b>This form should be returned to Human Resources together with a copy of the child's birth certificate</b>			

 <b>South Northamptonshire Council</b>				<b>DISTRICT COUNCIL NORTH OXFORDSHIRE</b>	
<b>PARENTAL LEAVE REQUEST FORM</b>					
Name of employee					
Council		<input type="checkbox"/> CDC		<input type="checkbox"/> SNC	
Department					
Job Title					
I have		Child(ren) who is/are under the age of eighteen years (enter number of children) <b>or</b>			
I have		Disabled child(ren) who is/are under the age of eighteen years (enter number of children)			
Please attach a copy of the birth certificate(s) to this form. If your child is in receipt of disability allowance proof should also be attached. <b>If you are not named on the birth certificate please confirm which of the categories set out below you fall into:</b>					
<input type="checkbox"/>		A father who was married to the mother at the time of birth			
<input type="checkbox"/>		A parent who has acquired parental responsibility under the Children Act 1989			
<input type="checkbox"/>		A guardian appointed under Section 5 of the Children Act 1989			
<input type="checkbox"/>		An adoptive parent			
<input type="checkbox"/>		A spouse or partner of any of the above who is living with the child or parent			
From (date)				To (date)	
Total hours that would normally be worked during this period					
I have taken		days/weeks parental leave with previous/current employers			
I confirm that my purpose in requesting unpaid parental leave is for caring for my child(ren) and I understand that any false information that I give on this form may result in disciplinary proceedings being taken against me.					
Signed Employee:				Date:	
Signed Service Head:				Date:	



**TIME OFF FOR DEPENDANTS APPLICATION FORM**

Name of employee	
Council	<input type="checkbox"/> CDC <input type="checkbox"/> SNC
Department	
Job Title	

I declare that I am requesting to take unpaid time off for a dependant, in accordance with my rights under the Employment Rights Act 1996, as amended by the Employment Relations Act 1999.

**The dependant I request to take the time off for is:-**

- My child.
- My partner / spouse.
- My parent / step-parent.
- Someone who lives with me as part of the family (this excludes lodgers and live in employees).
- Someone who reasonably relies on me for assistance in the absence of someone who has a closer relationship with them.

**And the reason for this time off is / was:-**

- To provide assistance on an occasion when this dependant fell ill or was injured or assaulted.
- To provide assistance on an occasion when this dependant gave birth.
- To make longer term care arrangements for this dependant who was ill or injured (this includes mental illness or injury).
- In consequence of the death of the dependant.
- To deal with an unexpected disruption or termination of arrangements for the care of the dependant.
- To deal with an incident which involved/involves my child and which occurred unexpectedly in a period which an educational establishment which my child

attends was responsible for him or her.

**When did / will this absence take place:-**

From (date):

To (date):

Total missed hours that would normally be working during this period:

Signed Employee:

Date:

Signed Head of Service  
OR Director:

Date:

**This form should be returned to Human Resources**

**Family Friendly Policies**

1. Section 6.1: Would like to see the employee's spouse's or civil partner's parents included in the definition of dependants as for many employees, "parents-in-law" can be as dependent on them as their biological parents
2. Section 6.2: Table on page 34 – I would like to see 'Grieving for a spouse' as an example of absences permitted under the right to time off for dependants. In my opinion, grief can be like an illness which should be recognised in terms of staff policy on absence
3. Clarification is also needed as to whether unpaid parental leave can be taken to cover a school holiday? Some employees find it hard to find child care for all school holidays.
4. What if the child dies? It is explicit in maternity but should it also be so in adoption and paternity leave policies?
5. Section 3: paternity leave. Last sentence ends with 'approval sought.' Should be 'where possible or practicable.'
6. Section 5: Parental leave. How can the Council postpone the leave? What Council business can be more important / crucial than the care of a child?
7. Time off for Dependants: Section 3.4: if for instance time off for dependants does not give the employee the scope / time off needed to look after a dependant what other leave is possible? Should this section sign post to other leave policies e.g. compassionate leave; flexi-time etc.

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## Cherwell District Council

### Personnel Committee

11<sup>th</sup> March 2015

<b>Draft Flexi-time Policy</b>
--------------------------------

### Report of Head of Transformation

This report is public

#### Purpose of report

To seek member approval to implement a shared Flexi-time Policy for Cherwell District Council and South Northamptonshire Council.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the revised two-way Flexi-time Policy.

#### 2.0 Introduction

- 2.1 Cherwell District Council and South Northamptonshire Council have different Flexi-time policies at present. The current policies are titled 'Flexible Working Hours Policy', however it is recommended that the new policy be entitled 'Flexi-time Policy'. In law the term 'flexible working' refers to an employee's right to request flexible working hours after 26 weeks service. Employers have to give such requests serious consideration, whereas the Flexi-time Policy refers to the accrual / banking of working hours, which if more than the contractual entitlement can then be taken off at a later date as leave.
- 2.2 The current policies differ significantly in the amount of time that can be accrued during every four week period worked; the length of the bandwidths i.e. start and finish times for staff to be able to work and the core times where employees have to be available to work.
- 2.3 Streamlining the policies and expanding the bandwidths for SNC employees will reduce over-time claimed outside of band widths, where flexitime will be claimed as an alternative, but will also ensure consistency for staff of both Councils in terms of staff benefits. The policy proposed is actually very similar to the CDC policy which has been in place for a number of years and has been very effective as both a staff benefit, but also a managerial tool for meeting service needs.

### **3.0 Report Details**

- 3.1 Through restructuring and the creation of shared teams, it has become evident that the different flexi-time arrangements are a constant issue for employees who are required to work alongside each other and have different benefits. Therefore the revised policy will create consistency in approach and an equity that will promote a better morale for all staff going forward, especially for those who may currently feel disadvantaged.
- 3.2 Both Councils currently use 'Etarmis' for electronic time and annual leave recording. The system was implemented in October 2014, although this replaced (was an upgraded version of) a previous time recording system called 'Wintime' at CDC. At South Northamptonshire Council it was implemented in November 2014. When implemented the system was set up with the two policy rules for employees of both Councils, and has again caused queries from staff due to the different arrangements at each Council. Therefore a review of these arrangements is deemed appropriate to move to something more consistent.
- 3.3 Another reason to review the policy is the move to The Forum in April 2015 from the Springfields site for anyone working either for SNC or in shared teams. In order to support this move there needs to be a culture change to one of 'agile' working, which means being able to work anywhere and at any time (with consideration for service needs and Working Time Regulations restrictions on hours worked). A move to a more flexible flexi-time scheme will support this philosophy.
- 3.4 At present staff at SNC can only carry forward 8 hours of accrued time, and at CDC this has been 37 hours. The draft policy supports the 37 hour carry forward in each four week period. (Pro rata for part time staff based on contractual hours).
- 3.5 Excess travel to training courses and excess travel time for home to work will also now be bought in line so that this cannot be claimed by SNC staff.
- 3.6 A new section has been added to clarify maternity related absence such as ante natal appointments, and smoking breaks.

### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The revised policy should improve the clarity and simplicity of the process and ensure that both Councils benefit. The policy supports the approach that the Councils are trying to encourage and will enable managers to ensure a more consistent approach to the management of staff time.

### **5.0 Consultation**

At the time of writing this report, feedback is still being compiled from the Cherwell District Council Staff Consultation Group as consultation does not formally close until 10<sup>th</sup> March 2014, although feedback has been gained from the trade unions. Feedback will therefore be given to the Committee verbally, and if required an updated draft policy.

CDC/SNC Joint Management  
Team

Support the proposals



South Northamptonshire Trade Union  
Cherwell District Council Trade Union  
Cherwell District Council Staff  
Consultation Group

Support the proposals  
Support the proposals  
Awaiting full feedback

## 6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current individual policies of each Council which would not provide a clear, consistent process and would not support agile working.

## 7.0 Implications

### Financial and Resource Implications

7.1 There could be potential cost savings resulting from a reduction of over-time for SNC staff. The longer bandwidth will reduce over-time and time off in lieu providing a cost benefit. However, there will be an increased in-direct cost in terms of additional staff absence when staff take time off accrued under the flexi-time scheme. There are however no financial implications for CDC.

Comments checked by:

Paul Sutton, Head of Finance and Procurement, 0300 0030106

[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk).

### Legal Implications

7.2 There are no legal implications resulting from this report.

Comments checked by: Kevin Lane, Head of Law and Governance, 0300 0030107  
[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

N/A

### Links to Corporate Plan and Policy Framework

N/A

### Lead Councillor

None

## Document Information

Appendix No	Title
Appendix 1	Draft Flexi-time Policy
Background Papers	
None	
Report Author	Lana Holman Interim HR Business Partner
Contact Information	01295 227959 <a href="mailto:ana.holman@cherwellandsouthnorthants.gov.uk">ana.holman@cherwellandsouthnorthants.gov.uk</a>

## Appendix 1

### DRAFT FLEXI-TIME POLICY

#### 1. INTRODUCTION

- 1.1 The Councils' standard office hours are 8.45am to 5.15pm (CDC) and 8.45am to 5.15pm (SNC) Monday to Friday. Every department has to provide cover during these hours.
- 1.2 The Flexi-Time scheme (FT) provides a flexible system of attendance which allows employees to vary their time of arrival, departure, length and timing of lunch breaks, and to take time off (flexi-leave) if extra hours are worked and there is appropriate cover.
- 1.3 FT must operate within the confines of the employee's work environment and cannot reduce the overall efficiency of the workplace or the services provided. The following key principles must apply at all times:-
  - Managers must discuss with each employee their expectation and aspiration of working hours both from the individual's and the overall team's perspective;
  - Employees are obliged to work hours to suit the nature of the service and the service needs will ultimately dictate the pattern of working hours;
  - Employees must ensure that they take adequate breaks from work and ensure they take breaks in accordance with the Working Time Regulations. Employees working more than 6 hours per day must take a minimum of 30 minutes lunch break and there must be a break of at least 11 hours between finishing work and starting work the following day;
  - Full-time employees must work a minimum of a four day week;
  - Employees must be sure that working outside of standard office hours will not compromise personal safety and security and is approved by their line manager;
  - The opportunity to participate in the Ft scheme is a benefit that may be withdrawn at management discretion.

#### 2. PROCEDURE

- 2.1 Line managers must ensure that employee's flexi-time is planned so as to ensure that working environments are adequately covered during the full working day.
- 2.2 A minimum of 30 minutes rest break must be taken by employees working more than 6 hours a day.

#### 3. EXCLUSIONS

- 3.1 Wherever possible, all employees will be given the chance to participate in the scheme. However, it is recognised that for certain staff, flexi-time is not practicable. Employees should refer to their individual contracts of employment to determine if they are eligible

#### **4. FLEXI-TIME BANDWITH**

- 4.1 The daily working bandwidth is from 7.00am to 10.00pm. This is the period within which the employee's working day must be contained and employees must not start work earlier or finish later than these times without the prior authorisation of their line manager.
- 4.2 The line manager must give adequate consideration to any security or health and safety implications that may arise before they authorise working hours. Local bandwidths may apply to specific areas who have to account for duty officers, shift workers etc.
- 4.3 Work conducted outside of the bandwidth must be authorised by a manager and will be treated as over-time.

#### **5. BANKING FT CREDIT**

- 5.1 Employees may bank up to a maximum of their normal weekly contractual hours e.g. 37 hours or pro-rata for part-time employees. FT beyond this maximum will be lost and there are no circumstances under which additional hours can be credited or paid for.

#### **6. RECORDING AND SETTLEMENT PERIODS**

- 6.1 The recording period is four weekly. This is the point at which the 'bank' of hours must be within the agreed limits. There is no settlement period for permanent employees i.e. a maximum of their normal weekly contracted hours may be held in the bank for the continuance of their employment.
- 6.2 Permanent, fixed term and temporary employees must clear their bank before their last day of employment. Payment of credit balances will not be paid when an employee leaves.
- 6.3 The Councils reserve the right to deduct money from final salary for any debit owed.

#### **7. DEBIT BALANCE**

- 7.1 An employee may go into deficit by up to a maximum of 14.8 hours (2 days) or pro-rata for part-time employees. If this debit continues for more than 2 reporting periods, then the manager will come to an agreement with the employee as to how the debit can be paid back. In exceptional circumstances this might mean that the debit balance is deducted from the employee's salary.

#### **8. EMERGENCY SITUATIONS**

- 8.1 An employee may take agreed credit absence at short notice for emergency circumstances by agreement with, and at the discretion of their line manager.

#### **9. DOCTORS / DENTIST / OPTICIANS APPOINTMENTS**

- 9.1 No additional time will be credited for these routine appointments unless it is for the purpose of 'routine' cancer screening such as for cervical, breast or prostate cancer.

9.2 Where regular treatment for a recognised medical condition is needed over a number of weeks or months, this rule may be waived with the manager's agreement.

## **10. HOSPITAL APPOINTMENTS**

10.1 The Councils recognise that attendance for hospital appointments can be time consuming and that the timing of such appointments may be out of the control of the individuals. Employees will therefore be credited reasonable time for hospital appointments on production of a hospital letter or appointment card.

10.2 Requests for flexi - leave in these circumstances will be granted on the understanding that employees return to work straight afterwards.

## **11. MATERNITY RELATED APPOINTMENTS**

11.1 All medical maternity related appointments such as ante-natal and mid-wife appointments will be credited back.

## **12. TRAINING**

12.1 The Councils consider the provision of training to be a benefit to employees and will generally support such training by paying or sponsoring course fees and providing paid time off for attendance.

12.2 Attendance away from your normal working environment should be recorded as 7.24 hours per day and 3.42 hours per half day.

12.3 Excess travel time will not be reimbursed.

## **13. ABUSE OF FLEXI-TIME SCHEME**

13.1 The FT scheme is based on trust between the Councils and employees. It is operated as a benefit and may be withdrawn at management discretion. In cases where there is abuse or non-compliance with the scheme, disciplinary action may be taken. Such cases must be reported to Human Resources prior to any action being taken.

## **14. RESPONSIBILITIES OF LINE MANAGERS**

14.1 It is the responsibility of all line managers to manage the day to day operation of the FT scheme and to ensure that credit and deficit balances are within the agreed limits at the end of each period. Line managers are also responsible for ensuring that the work environment is adequately staffed during office hours.

## **15. QUERIES RELATING TO THE FLEXI-TIME SCHEME**

15.1 Employees are reminded that FT is a benefit and that they are obliged to work hours to suit the nature of the Service. Where there are queries or issues relating to FT employees and their line managers should work together to achieve resolution and seek advice from HR. In the event that resolution cannot be achieved the Grievance Policy should be followed.

## **16. TIME RECORDING**

16.1 All time worked should be recorded on the 'Etarmis' system. Where this is impossible due to the complexities of the working time required, a local variation on this policy may be agreed.

16.2 Time taken must be recorded as follows:-

- A full day must be recorded as 7 hours, 24 minutes.
- A half day must be recorded as 3 hours, 42 minutes.

Any booking of accrued flexi-time should also be done using the 'Etarmis' system. Bookings should not be made or approved if there is not the sufficient number of accrued flexi-time hours available to book.

## **17. SMOKING BREAKS**

17.1 Staff who take a break for smoking are required to clock out of 'Etarmis' to do so and clock back in upon their return to the building.

## Cherwell District Council

### Personnel Committee

11 March 2015

<b>Employment Statistics</b> <b>Quarter 3: 01 October 2014 to 31 December 2014</b>
---------------------------------------------------------------------------------------

### Report of Head of Transformation

This report is public  
(with the exception of the Appendices which are exempt from publication  
by virtue of paragraph 1 of Schedule 12A of Local Government Act 1972)

#### Purpose of report

The purpose of this report is to detail employment statistics for information and monitoring purposes.

#### 1.0 Recommendations

The meeting is recommended to:

- 1.1 Note the contents of the report.

#### 2.0 Introduction

- 2.1 National benchmarking indicators for labour turnover have been published for 2014 by XpertHR. Table 1 below captures these with comparison against 2012 and 2013.

**Table 1**

		2012	2013	2014
All Leavers	Private	18%	19.1%	23.2%
Voluntary Leavers	Private	6.7%	12.2%	14.2%
All Leavers	Public	13%	13.9%	11.4%
Voluntary Leavers	Public	11%	8.1%	n/a*

*\*unfortunately the survey sample size was not sufficient to accurately indicate an average percentage of voluntary leavers within the public sector.*

- 2.2 Labour turnover figures do not distinguish the reasons why individuals leave an organisation. It covers all types of employee departures including voluntary resignations, redundancies, dismissals and retirements.

- 2.3 Figures are calculated by taking the total number of leavers in a specified period and expressing the number as a percentage of the number of people employed during that period.
- 2.4 Labour turnover at CDC for the end of the third quarter of the financial year (1 April 2014 through to 31 December 2014) for all leavers was 7.9%, whilst the voluntary leaver\* rate was 7.0%. The national average for the full year is 11.4%.
- 2.5 As outlined below in Table 2, quarter three has shown a decrease from the second quarter resulting in a turnover rate of 1.82%. If this is maintained throughout the remainder of the year the turnover will be below the national average for the public sector.

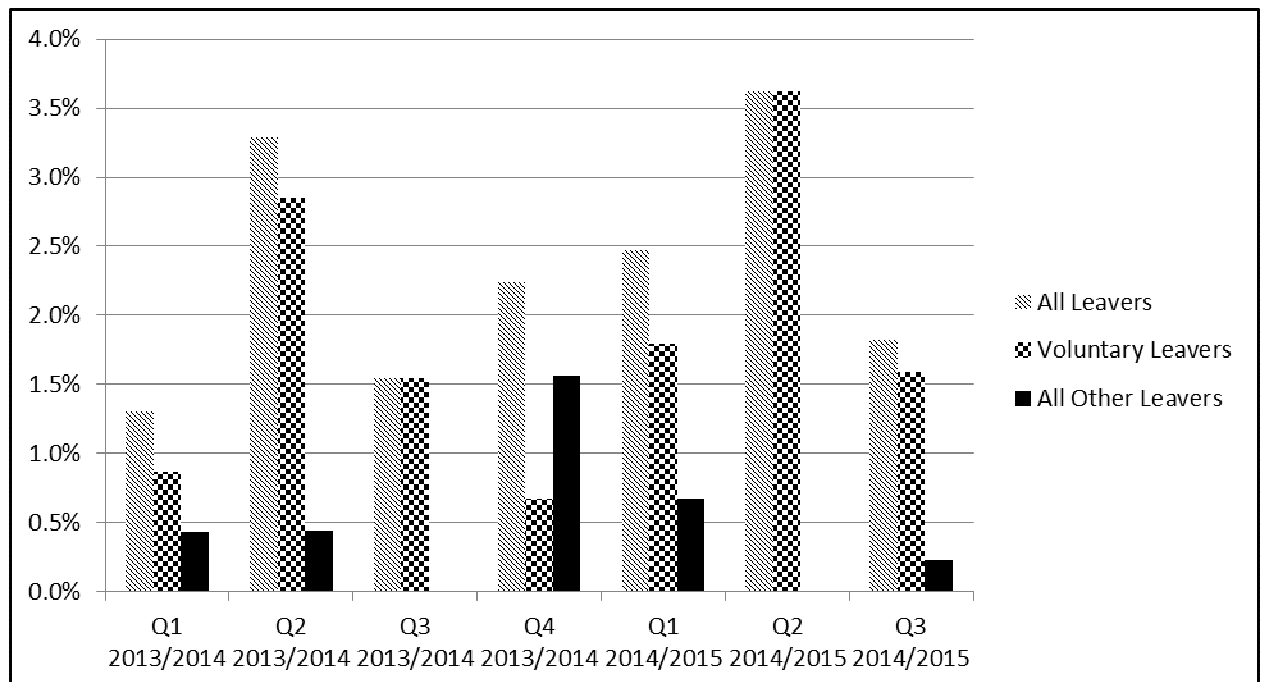
**Table 2**

Quarter	All Leavers	Voluntary Leavers	All Other Leavers
Q1 2014/2015	2.47%	1.80%	0.67%
Q2 2014/2015	3.62%	3.62%	0.00%
Q3 2014/2015	1.82%	1.59%	0.23%

\* excludes early retirements, redundancies, ill-health dismissals and retirements, other dismissals and TUPE transfers.

- 2.6 The labour turnover rates for permanent and fixed term staff for quarter 1, 2 and 3 in comparison to 2013 / 2014 are illustrated below in Graph 1.

**Graph 1**





### 3.0 Report Details

- 3.1 Table 3 below (as shown in Appendix 1) shows that as at 31 December 2014, the total number of permanent and fixed term employees employed by Cherwell District Council were 438 and there were 77 vacant posts.

**Table 3**

Directorate	Established		Filled		Vacant	
	Posts	FTE	Posts	FTE	Posts	FTE
Chief Executive's Office	36	32.61	33	29.30	3	3.31
Bicester	27	18.11	20	14.70	7	3.41
Resources	90	79.65	73	62.07	17	17.59
Community & Environment	242	223.56	219	200.79	23	22.76
Development	120	115.34	93	82.53	27	32.81
<b>Totals</b>	<b>515</b>	<b>469.27</b>	<b>438</b>	<b>389.38</b>	<b>77</b>	<b>79.88</b>

- 3.2 For comparison, the numbers of permanent and fixed term employees employed by South Northamptonshire Council as at 31 December 2014 were 240. There were 36 vacant posts (please see Appendix 2).
- 3.3 Table 4 below details that as at 23 February 2015 there are 41 truly vacant posts i.e. the work was not being covered by agency, staff bank or another employee. Some of these vacant posts are currently being recruited to.
- 3.4 The number of truly vacant posts from 10 November 2014 to 23 February 2015 has reduced from 43 to 41.
- 3.5 Appendix 3 (exempt from publication) provides further details for each of the 41 truly vacant posts.

**Table 4**

Directorate	Service	Vacancies		Agency/ staff bank covering vacancy	Other staff covering vacancy	Truly vacant
		Posts	FTE			
Chief Executive's Office	Chief Executive's Office	0	0.00	0	0	0
	Transformation	5	5.00	0	1	4
	<b>Totals</b>	<b>5</b>	<b>5.00</b>	<b>0</b>	<b>1</b>	<b>4</b>
Bicester	Director	0	0	0	0	0
	Bicester	5	3.18	2	1	2
	<b>Totals</b>	<b>5</b>	<b>3.18</b>	<b>2</b>	<b>1</b>	<b>2</b>
Resources	Business Support Unit	0	0.00	0	0	0
	Finance & Procurement	9	7.28	5	2	2
	Law & Governance	2	2.00	0	1	1
	ICT Business Service	0	0.00	0	0	0
	<b>Totals</b>	<b>11</b>	<b>9.28</b>	<b>5</b>	<b>3</b>	<b>3</b>

Community & Environment	Director	0	0.00	0	0	0
	C&E Support Unit	2	1.00	0	2	0
	Community Services	11	10.24	0	3	8
	Environmental Services	7	6.50	1	2	4
	<b>Totals</b>	<b>20</b>	<b>17.74</b>	<b>1</b>	<b>7</b>	<b>12</b>
Development	Development Management	14	14.00	2	1	11
	Regeneration & Housing	9	9.00	1	1	7
	Strategic Planning & Economy	4	4.00	1	1	2
	<b>Totals</b>	<b>27</b>	<b>27.00</b>	<b>4</b>	<b>3</b>	<b>20</b>
<b>GRAND TOTALS</b>		<b>68</b>	<b>62.20</b>	<b>12</b>	<b>15</b>	<b>41</b>

3.5 Table 5 below illustrates staffing changes for the whole organisation for quarter 3 in comparison to the previous financial year.

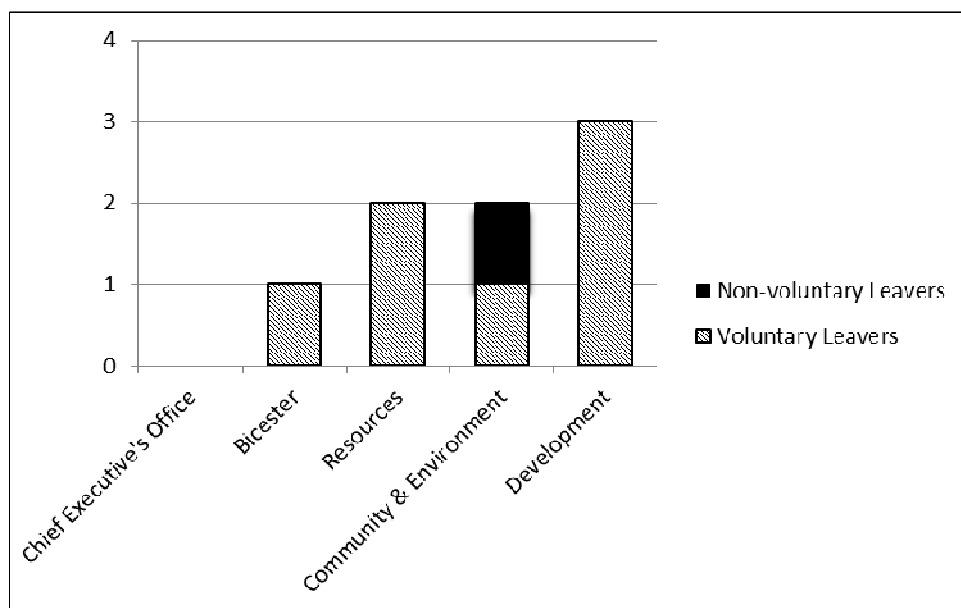
**Table 5**

	1 April 2013 to 31 March 2014					1 April 2014 to 31 March 2015				
	Q1 Apr to June	Q2 July to Sept	Q3 Oct to Dec	Q4 Jan to March	Full Year Total 2013 / 2014	Q1 Apr to June	Q2 July to Sept	Q3 Oct to Dec	Q4 Jan to March	Full Year Total 2014 / 2015
<b>Permanent / Fixed Term Employees</b>										
<b>New starters (A)</b>	6	10	10	8	<b>34</b>	5	9	10		
<b>Internal transfers (B)</b>	11	4	3	1	<b>19</b>	4	9	6		
<b>All leavers (C)</b>	6	9	8	14	<b>37</b>	11	16	8		
<b>Voluntary leavers (D)</b>	4	7	8	13	<b>32</b>	8	16	7		
<b>Temporary Employees</b> (employees in a non-established post with less than a 1 year fixed term contract)										
<b>Temporary starters (E)</b>	0	10	4	0	<b>14</b>	1	5	4		
<b>Temporary leavers (F)</b>	3	4	0	0	<b>7</b>	0	2	0		
<b>Total starters (A + E)</b>	9	32	15	8	<b>64</b>	6	14	16		
<b>Total leavers (C + F)</b>	12	18	9	15	<b>54</b>	11	18	8		<b>37</b>

3.4 The total number of permanent / fixed term leavers, by Directorate, for quarter 3 is illustrated in Graph 2.

3.5 There was one dismissal within Community and Environment.

**Graph 2**



3.6 Table 6 below outlines the total number of temporary and fixed term contracts (any contract that has an expiry date), by Directorate and Division, in place at the end of quarter 3. It also provides equivalent information for SNC for comparison.

**Table 6**

Directorate	Fixed & Temporary Posts		
	Division	CDC	SNC
Chief Executive's Office	Chief Executive's Office	1	0
	Transformation	9	7
	<b>Sub Total</b>	<b>10</b>	<b>7</b>
Community & Environment	Community Services	14	8
	Environmental Services	1	2
	<b>Sub Total</b>	<b>15</b>	<b>10</b>
Development	Development Management	11	13
	Regeneration & Housing	5	3
	Strategic Planning & the Economy	1	4
	<b>Sub Total</b>	<b>17</b>	<b>20</b>
Resources	Finance & Procurement	3	0
	Law & Governance	5	0
	Information Services	5	0
	<b>Sub Total</b>	<b>13</b>	<b>0</b>
<b>Total</b>		<b>55</b>	<b>37</b>

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 Due to the number of fixed term posts, agreement was made in February 2015, by the Joint Management Team, for each Head of Service (or relevant Director) to review those that are in permanently established posts but employed on a fixed term or temporary basis and determine whether these contracts could be extended or be made permanent. This will reduce the number of temporary arrangements in place which will also aid the retention of skilled and valued staff members, and in turn reduce recruitment costs.
- 4.2 The labour turnover rate for the third quarter of the financial year will result in an annual labour turnover rate slightly lower than the national average for the public sector.
- 4.3 The number of truly vacant posts is 41 on 23<sup>rd</sup> February 2015 (and has not significantly altered since the 10 November 2014). The remaining vacant posts are being covered by other means and recruitment campaigns are on-going.

## **5.0 Consultation**

None

## **6.0 Alternative Options and Reasons for Rejection**

This report is submitted for monitoring and information purposes therefore there are no alternative options. The Committee can request further information.

## **5.0 Implications**

### **Financial and Resource Implications**

- 5.1 There are no financial implications in this report.

Comments checked by:  
Paul Sutton, Head of Finance and Procurement  
0300 0030106  
[paul.sutton@cherwellandsouthnorthants.gov.uk](mailto:paul.sutton@cherwellandsouthnorthants.gov.uk)

### **Legal Implications**

- 5.2 There are no legal implications associated with the contents of this report.

Comments checked by:  
Kevin Lane, Head of Law and Governance  
0300 0030107  
[kevin.lane@cherwellandsouthnorthants.gov.uk](mailto:kevin.lane@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Wards Affected

N/A

### Links to Corporate Plan and Policy Framework

N/A

### Lead Councillor

None

### Document Information

Appendix No	Title
Appendix 1	Total numbers of permanent and fixed term CDC employees
Appendix 2	Total numbers of permanent and fixed term SNC employees
Appendix 3	Details of truly vacant posts as at 23 February 2015.
Background Papers	
None	
Report Author	Janine Dean, HR Business Partner for Resources
Contact Information	01295 221733 <a href="mailto:janine.dean@cherwellandsouthnorthants.gov.uk">janine.dean@cherwellandsouthnorthants.gov.uk</a>

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of the Local Government Act 1972.

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## Pay grades and rates from 1 April 2014

Grade	Band	Salary
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Grade 1	a	£14,552.89
	b	£14,864.22
	c	£15,385.77

Grade 2	a	£15,385.77
	b	£15,907.32
	c	£16,428.87
	d	£16,950.42
	e	£17,471.97

Grade 3	a	£17,471.97
	b	£17,993.52
	c	£18,515.07
	d	£19,036.63
	e	£19,558.18

Grade 4	a	£19,558.18
	b	£20,079.73
	c	£20,601.28
	d	£21,122.84
	e	£21,644.38

Grade	Band	Salary
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Grade 5	a	£21,644.38
	b	£22,165.93
	c	£22,687.48
	d	£23,209.04
	e	£23,730.59

Grade 6	a	£23,730.59
	b	£24,773.69
	c	£25,816.80
	d	£26,599.12
	e	£27,642.22

Grade 7	a	£27,642.22
	b	£28,685.33
	c	£29,728.43
	d	£30,771.54
	e	£31,814.63

Grade 8	a	£31,814.63
	b	£32,857.74
	c	£33,900.84
	d	£34,943.95
	e	£35,987.04

Grade	Band	Salary
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Grade 9	a	£35,987.04
	b	£37,030.15
	c	£38,073.25
	d	£39,116.36
	e	£40,159.46

Grade 10	a	£40,159.46
	b	£41,202.56
	c	£42,245.66
	d	£43,288.77
	e	£44,381.87

Grade 11	a	£44,381.87
	b	£45,374.97
	c	£46,418.07
	d	£47,461.18
	e	£48,504.28

Apprentice		£8,396.98
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